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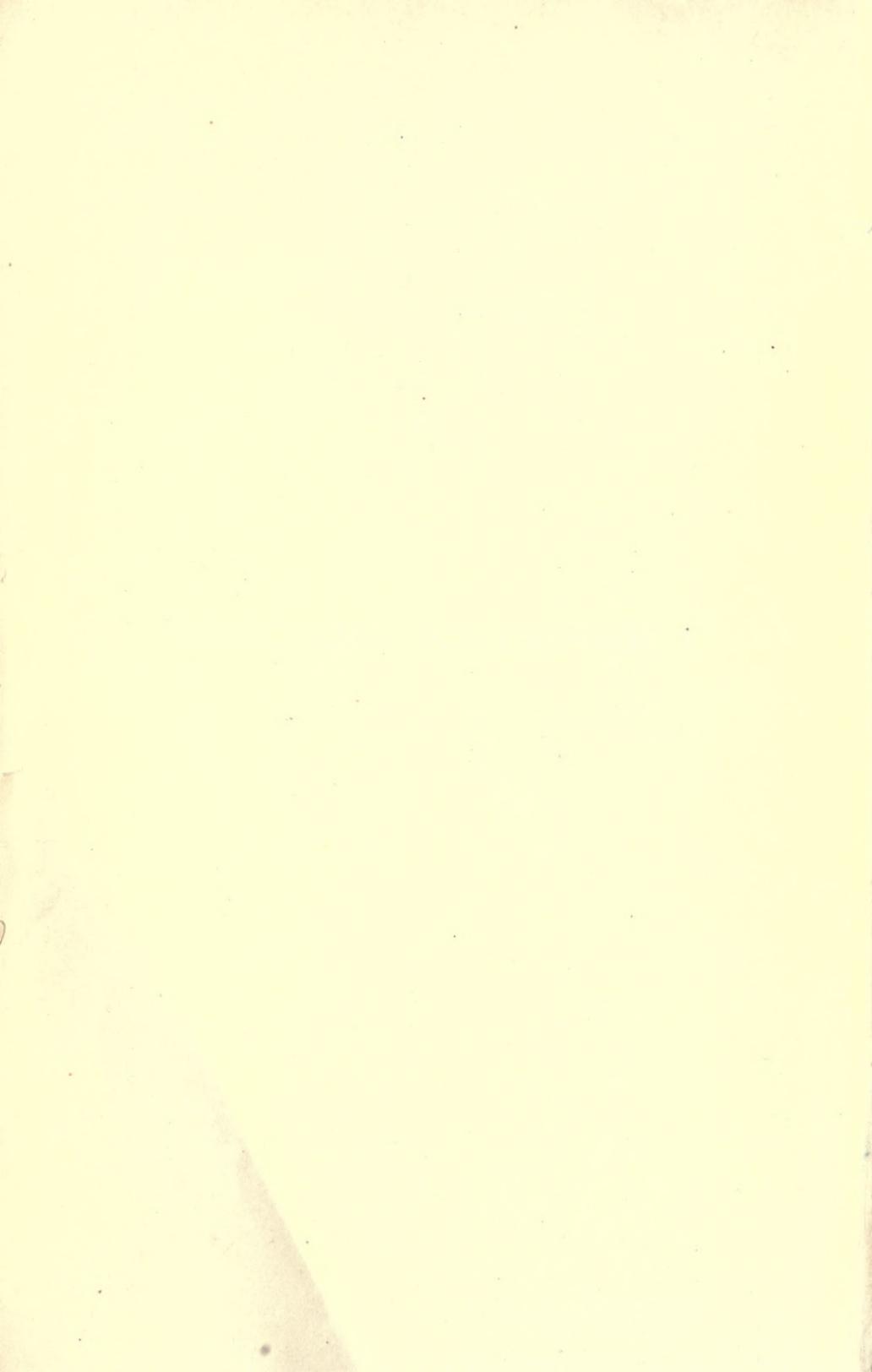


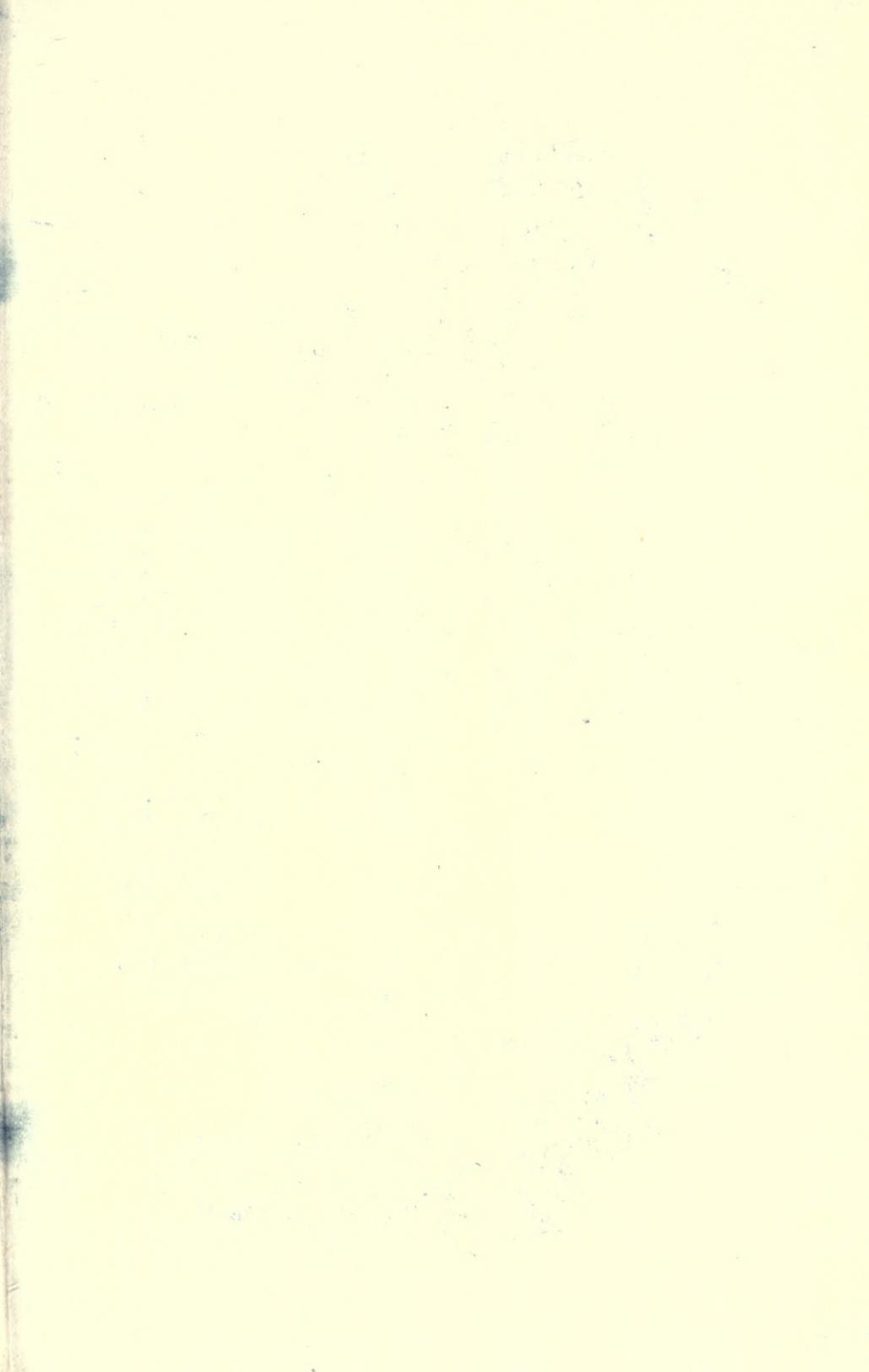






A HISTORY OF SCOTLAND







*Lucas de Heere Engraving.*

*James III.  
and his Son, afterwards James IV.  
From the painting in Holyrood Palace.*



THE  
L2691  
A HISTORY OF SCOTLAND

FROM

THE ROMAN OCCUPATION

BY

ANDREW LANG

four  
IN ~~TWO~~ VOLUMES

VOL. I.

WITH A FRONTISPIECE

WILLIAM BLACKWOOD AND SONS  
EDINBURGH AND LONDON  
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TO  
SIR HERBERT MAXWELL, BART.  
OF MONREITH.

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DEAR MAXWELL,

*In studying the records of our past, your name has come under my eyes many hundreds of times, since the days of MACCUS, ARCHIPIRATA, and never without pleasantly reminding me of you, and of hours among books, or by the banks of Test and Lea. You will oblige me by accepting this work, that, some day, may remind you of me.*

*Very sincerely yours,*

A. LANG.



## P R E F A C E.

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THIS volume is an attempt to examine the elements and forces which went to the making of the Scottish people, and to record the more important events which occurred between the Roman occupation and the death of Cardinal Beaton in 1546. His assassination did not absolutely ruin, but it greatly weakened, the old ecclesiastical policy of reliance on France and resistance to England. I have done my best, within my limits, to include sketches of social life and manners from a very early period. It may, perhaps, be objected that I have dwelt too long on certain more or less legendary features in these Lives of the first Christian teachers, which contribute so much to our scanty knowledge of society in the seventh and eighth centuries. But I may remark that what are called "miracles" in these ages occupied the human intelligence almost as much as science does among ourselves. To neglect this belief, and the occurrences with which it concerned itself, seemed superficial. The learned editor of Bede's works, Mr Plummer, appears to be of the same opinion, and has honoured me by referring to some notes of my own on this obscure topic.

Having more space at my disposal than Dr Hume Brown, in his recent and remarkably compendious and lucid 'History of Scotland to the Accession of Mary Stewart,' I have en-

deavoured to introduce as much as possible the element of personal character and adventure, when duly vouched for by contemporary chroniclers, or, what is better, by contemporary letters and documents. As is well known, many delightful anecdotes of Pitscottie, Hume of Godscroft, and other old authors must be abandoned, with the legends of Boece. But much more of actual and well-attested romance remains on evidence than can here find place. I am pleased to know that Dr Hume Brown shares with me the belief that the passions, caprices, humours, and adventures of our ancestors, no less than the almost impersonal movements and tendencies of forces and ideas, deserve their place in history.

In my notes will be found discussions of a few differences, mainly on points of chronology, between Dr Hume Brown and other writers and myself. I must not omit the opportunity of confessing my debt to Dr Hume Brown for reference to the Chronicles of Wavrin, which I, like Mr Hill Burton and Mr Tytler, had here overlooked. These chronicles, with some appended documents, illustrate the obscure period of 1461-1464.

Among what are called "general histories" I have made most use of the well-known works of Mr W. F. Skene, Mr Hill Burton, Mr Freeman, Mr E. W. Robertson, and Mr Tytler. The last-named gentleman, by his research in documents then difficult of access, though now open to all in the immense collections of printed State Papers and Club publications, made a new epoch in Scottish history. Documents not fully accessible to him (such as the 'Hamilton Papers' and parts of Mr Bain's valuable Calendars) are now *publici juris*: indeed, save for some lucky accident, we are unlikely to find much early MS. material beyond what is now edited or in editorial hands.

Where doubts occurred as to the accuracy of printed State Papers, the originals in the British Museum have been consulted for me by Miss Violet Simpson of St Hugh's, Oxford.

She and Mr Gerald Brenan obliged me by making extracts from Mr Bliss's Transcripts from Vatican MSS. in the Record Office. Some novel combinations of facts already extant in print have occurred to me, and are here presented for criticism. This is done with diffidence, as I myself discovered fallacies in a few tempting new combinations of my own.

An author who pleads excuses for his faults is in a sorry posture. I may remark, however, on the disabilities of one who, not living in the society of students and specialists in history,—for example, at our English universities,—is deprived of the chances of orally consulting these authorities. I have been permitted, however, to interrogate, mainly by correspondence, Professor York Powell; Mr W. H. Stevenson of Exeter College, Oxford; my friend Mr Charles Elton, Q.C.; Mr George Neilson, Procurator-Fiscal of Glasgow; Mr W. A. Craigie of Oriel College; Mr J. Horace Round; Mr Haverfield of Ch. Ch., Oxford; Mr A. H. Millar; and Professor F. W. Maitland. Principal Rhys, of Jesus College, generously read the early (but not the last) proofs of the pages which deal with very early Celtic affairs; and Mr Elton was good enough to read the remarks on Feudal Scotland, though neither my space nor my knowledge enables me to present what is worthy of his wide and minute learning. To the unwearied kindness of Dr Hay Fleming of St Andrews, and to his library, I owe much. Dr Hay Fleming, at my request, examined into, and detected, the error of all our historians (who have followed Buchanan) as to the protracted residence of the first Archbishop of St Andrews in Rome (1466-1473). The records in the Acts of Parliament, as Dr Hay Fleming first noticed, make Buchanan's theory impossible, though I learn from a MS. letter of Pope Paul II., in Mr Bliss's Transcripts, that our archbishop (then bishop) *did* visit Rome "at the time of his promotion" (1465).

In verifying dates and references I owe much to my friend

Miss Violet Simpson, and (in the period of the first Jameses) to Mr R. S. Rait of New College, Oxford, author of a recent work on Queen Mary (Nutt, 1899). But my errors be on my own head! No general history, perhaps, can ever be so written as to satisfy specialists in genealogy, ethnology, anthropology, law, sphragistic, archæology, heraldry, numismatics, philology, affairs ecclesiastical and military, and all the other themes involved in the narrative of the development of a nation. On the other hand, specialists will never combine to write a general history, and are apt, each within the fence of his special science, to disdain "the populariser." But it is not necessary here to enter into the dispute as to whether history is "science," or a branch of literature, or both.

"A History of Scotland," said the publisher of Dr Robertson's work in the last century, "is no very attractive title." That in the hands of a competent writer with the space of Hill Burton or Tytler at his disposal, and with the mass of recently printed State Papers and Letters to work upon, a history of Scotland might be made extremely attractive, I am convinced. Perhaps the foundation of Historical Chairs in Edinburgh and Glasgow Universities, and the active Historical Schools of Oxford and Cambridge, may encourage some Scottish scholar, still young and eager, to do justice to the romantic past of his people.

On certain points I cannot conceal from myself that in this book (as George Buchanan said of his own '*Rerum Scotticarum Historia*') I am likely "to displease many, and content few." For example, I have been reluctantly compelled to dilate on the many treacheries of the great House of Douglas, often so unworthy of the gallant and loyal companion of Bruce. Again, I have not concealed my opinions about some Reformers in Scotland. For the ancient Church I am no apologist: its faults in the fifteenth and sixteenth centuries are dealt with frankly. But in politics the ecclesiastical



leaders merely continued that old policy which, perhaps as much as the valour of Bruce and Douglas, had secured the independence of Scotland. The hour strikes when the best of policies is obsolete; but I think that we cannot in justice blame Cardinal Beaton and the other clerical advisers of James V., as Mr Froude does blame them, for their resistance to Henry VIII. Such unmeasured condemnation proves a lack of the historical sense. Again, however great our sympathy for the Scottish martyrs, men who died rather than pretend to believe what had ceased to be true for them,—martyrs at once of honour, faith, and freedom,—we are not to overlook the crimes of many politicians concerned in the new movement. To them the Master might have said, “Ye know not what spirit ye are of.” To conceal my opinion on these matters, in deference to tradition, would be to sin in such sort as the outspoken Knox never sinned; and perhaps my openness of speech may be commended by his example. Our modern freedom of thought and belief is the inestimable heritage of the Reformation, but it is a heritage which neither Reformer nor Covenanter intended to bequeath.

I trust that neither here nor in what is to follow shall I be thought to hold lightly the Presbyterian form of faith in which I was educated. But if one thing was especially remarkable in that doctrine, as I learned it in childhood, it was tolerance. Now, as Mr Hallam writes, “Tolerance in religion . . . was scarcely considered as practicable, much less as a matter of right, during the period of the Reformation. . . . Persecution is the deadly original sin of the reformed Churches; that which cools every honest man’s zeal for their cause, in proportion as his reading becomes more extensive. . . . In men hardly escaped from a similar peril [of persecution], in men who had nothing to plead but the right of private judgment, in men who had defied the prescriptive authority of past ages and of established power, the crime of persecution assumes a far deeper dye, and is capable of far less extenu-

ation than in a Roman inquisitor.”<sup>1</sup> Here I would add, “granting the honest conviction of the inquisitor,” which, I fear, we can scarcely assume in politicians like Cardinal Beaton or Archbishop Hamilton.

Perhaps I should say that, in cases where I have referred to the masterly prefaces of such collections as the Exchequer Rolls, Calendars, or Treasurers’ Accounts, without adding references to the pages in the actual documents, I have, if I mistake not, always verified the citations, and found them correct.

For permission to use the three Maps of Scotland in early times, I have to thank my friend David Douglas, Esq., publisher of Mr Skene’s ‘Celtic Scotland.’ The chart of Flodden I owe to the courtesy of Cadwallader Bates, Esq. of Langley Castle, Northumberland; it is extracted from his excellent account of the battle in ‘Archæologia Æliana.’ Mr W. W. Robertson, of H.M. Office of Works, has kindly granted permission to reproduce, in the frontispiece, the authentic portrait of James III., formerly at Hampton Court, and now at Holyrood.

I may ask leave to add here a few corrections and discussions of points discovered to be erroneous or doubtful. Thus:—

P. 20. Since the impression, Mr Round has published the work referred to in the final note of p. 20. Its name is ‘The Commune of London,’ and it may be consulted both for the original sense of old English place-names and for a criticism of the battle of Bannockburn. The vast numbers attributed by Scottish writers to the army of Edward II. seem to be notably reduced.

P. 131, line 4 from foot of page. “The Bishop of Chester.” The reference, of course, is to Dr Stubbs, now Bishop of Oxford.

P. 201, line 9 from foot of page. For “1305” read “1304.”

<sup>1</sup> Constitutional History of England, chapter ii. pp. 80, 81. 1870.

P. 214, first paragraph. "In March, probably, of the year 1309." The dates are difficult, but Bruce's defeat of Lorne was more probably in the summer of 1309.

P. 223, line 14. "Ensenye" is a banner, and perhaps "banner-cry" is better than "battle-cry."

P. 235, line 4 from foot of page. For "1821" read "1818-1819."

P. 238, note 30. For "Joseph Tain" read "Joseph Train."

P. 265, line 9 from foot. "John of the Isles and *the* Earl of Ross"; delete "the."

P. 295, line 8. "Buchan had brought Douglas from Scotland in 1420." This is erroneous; see p. 293. It was the eldest son of Douglas who in 1420 accompanied Buchan to France.

P. 419, note 26. For "Douglas" read "Angus."

P. 446, line 9 from foot. For "later the Regent Moray" read "*not* the Regent Moray."

#### P. 412. THE ESCAPE OF JAMES V.

The precise date and method of James's escape from the tutelage of the Douglasses is only important as bearing on the authority of Pitscottie. He makes James fly from Falkland to Stirling, and his romantic tale has been accepted by historians.

In the text (p. 412) James is said to have ridden from *Edinburgh* to Stirling, where he was on May 30. This may seem too positively stated, and I offer the reasons for my theory. On May 27, Angus was at Edinburgh, and wrote to Sir C. Dacre, saying that James meant to lead an army to the Border, to put down malefactors, about June 22, and that he hoped for English aid. The same facts, says Angus, are stated at length "in the writing directed from my sovereign to his dearest uncle," Henry VIII. I infer that James was with, or in easy reach of, Angus on May 27. But, as appears from the charges against Lady

Glamis and Angus, James suspected, or thought fit to say that he suspected, them of raising forces nominally to serve but really to assail him, in the last week of May. He would, therefore, escape then if he could; and Mr Tytler dates his escape (prematurely) on May 22 or 23.

Now, in the 'Registrum Magni Sigilli' for 1524, 1525, 1526, 1527, 1528, we find but one charter dated from *Stirling* before May 9, 1528. They then occur on May 9, 10, 12, and 30, with others at Edinburgh. These dates may not prove James's presence at Stirling; but at least they prove that *something* had occurred which made Stirling a place where James gave or confirmed charters, or, at least, where the Seal was exercised. Now, in the previous years, back to 1523, I find only *one* such case.<sup>1</sup> On the other hand, *after* May 30, 1528, the dates from Stirling are of June 1, 3, 23, 26, while Edinburgh appears on June 27, July 3, 4, 5, 7, 8, 11, 12, 14, with Stirling on July 16, 17, 20, 24, 29, and constantly in August. Now we know that James was at Stirling on June 19 and on June 23, while he came with the queen to Edinburgh, with his supporters, on July 6, returning to Stirling on July 14. The Seal was being used at Edinburgh as early as June 27–July 5, whereas, if Dacre is right, James with the queen and his partisans did not go to Edinburgh from Stirling till July 6. On June 27 the Seal must have reached Edinburgh before the King.

Thus, though charters are often dated from Edinburgh, while James was there, and from Stirling, while he was *there*, the dating does not *prove* his presence. But I think that the sudden frequency of charters dated from Stirling, after a lapse of several years, shows some new change in the relations of Stirling to the king. It had been his mother's castle; while James was under Angus he had not used it as a place for dating charters till May 9, 10, 12, 30, 1528, after which it alternates with Edinburgh in June, July, and

<sup>1</sup> Reg. Mag. Sig., Oct. 13, 1525.

August. Now, what had happened as to Stirling? For one thing James was certainly there, out of Angus's power, at least as early as June 19.<sup>1</sup> On that date he informed Northumberland that his proposed visit to the Border (as in Angus's letter of May 27, and in his own letter to Henry) is postponed. Domestic disturbances have arisen—that is, the quarrel with the Douglasses—and James has ordered a convention of the great barons. It was to meet at Edinburgh on July 10,<sup>2</sup> and it warned the Douglasses away, and forbade communication to be held with them.

This was, of course, a revolutionary "change."

Now, there is an undated "credence" of Margaret, James's mother, to Walter Taite, to be shown "to the Lord Warden." This was probably sent to England in early July 1528. In *Letters and Papers, ut supra* (p. 1979), an abstract of it appears, but is so ill executed that I quote the original manuscript (Caligula, B. 7, vol. 73):—

The Credence given by the quene of Scotts to Wolter Taite her Servante and Messenger to shew to my lord Warden as he saith.

*Furst* that the Kynge of Scotts haith takyn the towne of Sterlyng frome the quene by the partyall Counsaill whiche was bequethed her in the testament of the late Kynge of Scotts her husband.

*Item* the quene maks instance and desire to my Lorde that ther be noo cause shewed of the Inglisshe borders to provok any warre against the Kynge of Scotts and her. And they shall in lyk maner doo for the border of Scotland that noo defaulte shalbe founde in Scotland to the contrary.

*Item.* the quene of Scotts desyres my said lorde that he woll cause her letters to be conveyed to her derest broder the Kynge of England and to hast the annsware of the same by her Servante Walter Tait and he to further her maters.

*Item.* Howe the Kinge of Scotts Rode en secret and quyett maner frome Edynburgh to Starling with the number of v. or vj. horses and ther come Erls and lordis to hym of the state of Scotland thot vsed not the courte sith the tyme thot the Erle of Lymoges

<sup>1</sup> L. and P., vol. iv. Part ii. p. 1927.

<sup>2</sup> James to Henry, *op. cit.*, p. 1933, Stirling, June 23.

was slayne videlicet the Erle of Aren called the Lord Hamelton Therle of Eglinton lord Montgomery Therle of Murrey Therle of Argile Lord of Evyndall lorde Syncler the Lord Mansfeld and the shryve of Ayer, and other dyverse lordes that vsyd not y<sup>e</sup> courte.

*Item. by this forsaid aperance in the countrey* it is supposed that ther wolbe a change in the Courte of Scotland.

I venture to hold that in this "credence" Margaret is describing that secret ride of James by which he escaped from Angus. It is in consequence of *this* ride that Margaret anticipates "a change in the Courte." But believers in Pitscottie are free to argue that Margaret is speaking of another royal ride, not that by which James emancipated himself: that she omits a notable ride, and dilates on a ride not otherwise known. I prefer to take her words in the most obvious sense, and I prefer her record to Pitscottie's anecdote.

As to the dates, I am apt to conjecture that those in the Register of the Great Seal, from Stirling on May 9, 10, 12, were used when James was "taking" Stirling Castle,—by arrangement with his mother. That he was there after an interval at Edinburgh, when charters are dated "Stirling" on May 30, and June 1, 3, I think probable. If he believed in his own charges against Lady Glamis, he was likely to escape from the Douglasses by the end of May. But we have not documentary evidence, from a dated letter, that he was at Stirling before June 19.

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# A HISTORY OF SCOTLAND FROM THE ROMAN OCCUPATION.

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## CHAPTER I.

### THE ROMAN OCCUPATION.

To the wisdom which comes after the event the map of Scotland seems, in part, a prophecy of her history. If one race occupied the country, if another race, more powerful in arms and perhaps in force of character, invaded the land, the ancient owners would naturally find refuge among the glens of the central hills, and beside the deeply penetrating sea-lochs of the western coast, while the new-comers would settle in the Lowlands and on the fertile plains of the eastern shores.

So far the prophecy of the map was fulfilled. The Celts, and perhaps a race more ancient than the Celts, were pushed beyond the Grampians, and into the difficult recesses of Moydart, Morar, Knoydart, Argyll, Lochaber, Badenoch, and the Islands. Teutonic invaders and Norman adventurers occupied the East Coast, the comparatively accessible Border district, and the great straths of Tay, Forth, Clyde, and Tweed, lording it over the remnant of the Gael.

But the nature of the land revealed by the map could lead no observer to anticipate that the successful invaders, though of the same Germanic race and speech as those who dispossessed the Celts in England, would in Scotland form a kingdom separate from theirs, hostile to theirs, and only to be united with theirs after a

contest of six hundred years. Nothing in the topography of the country contains a prophecy of this separation of the Teutonic or English conquerors of southern Scotland into a separate Scottish nation. That severance of the English north and south of Tweed was the result of historical events, which made Scotland a nation partly Celtic, leaning on many occasions to alliance with the English south of Tweed; partly English, leaning ever, as against England, to alliance with the distant realm of France.

The record of the long resistance of the English of Scotland to England, of the long resistance of the Celts of Scotland to the English of Scotland, of the attempts at union, often defeated, much disputed, and finally successful, is the history of the country. On this history the Roman occupation, so potent in other lands, made scarcely a mark. A few camps and other material relics remain, but, by one of the many paradoxes of Scottish history, the Roman law came later to affect the law of a state on which the arms and civilisation of Rome had left hardly a trace, while Southern Britain, so long a regular Roman province, is singularly uninfluenced by Roman law. The absence of the material influence of Rome in Scotland is accounted for by the appearance of a people who came here after the Roman Eagles had fled, and who, though as English as the population of Lincolnshire or Yorkshire, were destined to be called by the name of certain Irish Celts—"Scots"—and practically to make the history of the country. They entered on domains which Celtic hordes had ravaged before their arrival, and thus Rome, except for her law and her form of Christianity, is hardly to be reckoned among the influences which created Scotland.

The Roman occupation of Scotland south of Forth and Clyde, and her excursions through the regions north of this line, are thus only important so far as Roman authors have left us accounts of the races whom they encountered. The country now called Scotland cannot be said to have any records in written history before the Roman occupation of Britain. Even during the centuries of Roman power our sources of intelligence are meagre. Ancient historians, biographers, and geographers, writing in Latin or Greek, were more concerned with the fortunes of the Roman arms, or with the exploits of individual generals, than with ethnological distinctions of local races, with topographical details, and with the manners of barbarous peoples. When the Romans depart, literature nearly

ceases ; and when literature begins again, its remains are scanty, fantastic, and obscure.

As to the races who inhabited Scotland before the Roman Eagles crossed Tweed or Tay, we have no evidence but that of tradition ; of archæology working among the tombs ; and of etymology dealing with old names of places or tribes. To discuss the race and language of the tribes who incised on the rocks the universal hieroglyphs of early man ; who used the polished neolithic weapons ; to found theories on the shapes of skulls unearched from barrows, is the province of another science, not of history. That Celtic tribes, at remote and unknown periods, settled in the north of our island, is certain. What earlier inhabitants they found already in possession, if they found any, is matter of dispute. As we shall see, it is believed by some scholars that these earlier races were, long after the Celtic invasions of Britain, still well represented in many parts of Scotland under the names of Picts and Caledonians ; were encountered by the Romans ; and were, later, absorbed by, and lost in the mass of, Celts ; adopting a Celtic language, and blending with the Gaelic-speaking tribes.

This people of Celts, the advanced-guard of the "Indo-European Aryans," was divided into two chief stems. First there came the speakers of Gaelic, still found in Ireland, the Isle of Man, and the Scottish Highlands. They call themselves *Gaidhel* (English *Gael*), which of old they wrote *Goidel*. The other Celtic stem consists of the people now extant in Brittany and Wales, and (in the earlier part of this history) still persistent in Cumbria. These are *Britons*, but science prefers their Welsh name, *Brythons*. They were akin to the Continental Gauls, as Cæsar saw, and are believed to have come to this island later than their fellow Celts, the Goidels, whom they drove west and north.

On this theory the Romans, when they arrived in our island, would find the southern part, especially the south and east coasts, tenanted by Brythons, Welsh-speaking kinsmen of the peoples of Gaul. Remoter parts of the country, especially in the west, would be the home of Goidels, Gaelic-speaking tribes. Intermingled with these, or even existing in separate communities in the North, would be, perhaps, men of an earlier unascertained race. The descendants of these men were, possibly, the tribes later unfavourably known to Romans and Britons as the Caledonians ; still later, as the Picts. It will be seen, however, that philologists are by no means of one

mind as to the hypothesis that the Caledonians or Picts were, in blood and speech, distinct from, and prior to, the Gaelic-speaking peoples.<sup>1</sup>

In 55 B.C. Julius Cæsar landed in southern Britain, and penetrated north of the Thames. He found a people dwelling (when security was needed) in huts circled with a ditch and rampart, and surrounded by bush. Near the coast they were agricultural; farther inland they were pastoral. They painted themselves blue (perhaps only to strike terror in war); we do not hear that they *tattooed* themselves. Their most important custom (if correctly reported) was *Polyandry*; ten or twelve men, generally brothers, or a father with his sons, had wives, it is said, in common. It has been suggested by Professor Rhys that Cæsar may have borrowed his report of this trait from "some Greek book of imaginary travels"; or that he misunderstood "the Joint-Family," now to be studied in India; or that he was thinking of a legend about Polyandry among the people (conceivably not Celtic) of the yet unexplored interior. The important fact for us is that we find Polyandry again attributed by classical writers, centuries later, to the tribes of Northern Scotland, and that the Pictish law of succession in the Royal Family is alleged to have been through females. Sons of a Royal Pictish *mother* succeeded each other on the throne, and, failing these, the succession went to sisters' sons. This points, of course, to an age when fathership was uncertain, as it would necessarily be under Polyandry. Now this custom of Polyandry is declared not to be "Aryan." This means that scholars, examining the words for relationships in "Aryan" languages, decide that the peoples who speak these languages had developed the present family system before their separation. If this view be correct, then neither the Picts, nor the Southern Britons described by Cæsar, if really polyandrous, were members of the "Aryan race," but were relics of some prior "non-Aryan" population.

It is probable that this philological opinion will have to be modified, and the common names for relations, in the Aryan languages, seem to need a new critical examination. Even in Greek, we find words which denote kinship reckoned on the mother's side, as it is by polyandrous races: such a word is *homogalaktês*, "Kindred in the same mother's milk."<sup>2</sup> At present it seems unsafe to regard a race as necessarily "non-Aryan" because its institutions offer traces of kinship through females. The evid-

ence, on the other hand, from customs, such as that of reckoning kin on the female side, is also not to be pressed too hard. Customs are apt to endure, especially in royal families, after the circumstances in which they arose have long ceased to exist. It is certain that the natives both of northern and southern Britain, when the Romans made their acquaintance, were in stages of culture which are not usually found associated with promiscuity or polyandry. This means that they had already reached a condition beyond the state of savagery—for example, their possession of horses and metals placed them above even barbarians, such as the Maoris of New Zealand.

The peoples of Southern Britain, whom Cæsar knew, used a gold coinage, had weapons of iron, and fought from chariots. In these respects, at least, they were on a level with, or above, the civilisation of Homer's heroes, who had no coinage. The Britons had kings, and, as in Homer, a just and rightful king was rewarded by luck in harvests, therefore in weather. Of their religion we speak later, when describing the conversion of Scotland.

For nearly a century after Cæsar, Rome left Britain alone. In A.D. 43, Claudius sent an army to the island. But, by A.D. 50, the Roman province, thus subdued, included no part of modern Scotland. The province was bounded by the Severn on the west, by the Humber on the north. Farther north the nearest frontier tribe, the Brigantes, occupied a territory which probably extended to the Firth of Forth. The Brigantes, inevitably, came to blows with Rome, and the Romans learned that, beyond *their* domains, lay a people called by them *Caledonii*. The natives were said to live on fish and milk. Later we are told that they ate no fish. Their king, men said, was not allowed to possess private property, or to marry. In this state of things the king would never be succeeded by a son, and the Pictish crown, in fact, did go through brothers, not sons. We need not conclude, as we have said, that these far northern peoples were still polyandrous, or promiscuous in the relations of the sexes; but survivals of such a condition, like female kinship, may have clung (as often occurs) to the royal house.

In 78 A.D. Julius Agricola, the father-in-law of Tacitus, who wrote his life, arrived as Governor of the Province of Britain. Its northern boundary was now probably the southern march of modern Scotland. Porches, baths, and an elegant conviviality, says Tacitus,

with temples and schools, were introduced with marvellous expedition.<sup>3</sup> In 80 A.D. Agricola crossed the Border, ravaging "new nations," as far as the estuary of the "Taus" or "Tanaus." The modern name is uncertain. In 81 A.D. Agricola pushed his conquests across the watershed between the Solway Firth and the Clyde. In this and the following years (81-82) Agricola garrisoned the new frontier between the Firths of Forth and Clyde.<sup>4</sup> The north of the country, beyond the rampart of what we now style the Grampian range,<sup>5</sup> was then unknown to Agricola. Fife-shire too was practically unknown. Agricola himself explored the west during his fifth summer of command, and beheld the blue distant shore of Ireland. He had with him an exiled Irish chief, from whose sanguine talk probably he gathered that a legion and a few auxiliary bands could conquer his country.<sup>6</sup> Agricola subdued "unknown tribes" (*ignotas gentes*), and fortified "that part of Britain which looks towards Ireland" (*copiis instruxit*).

In the following year, his sixth, Agricola subjected to Rome the communities (*civitates*) beyond Forth, because a general rising of the north was anticipated; he also explored the havens with his fleet. His expeditions by sea and land often brought his mariners and soldiers together, "gleefully recounting their exploits and adventures by wood and wave." Prisoners averred that the natives were terrified by the fleet which laid open the secrets of the sea, and cut off their last refuge. But it scarcely seems probable that the natives were great seafaring experts, and they had places of safety enough inland, from "the skirts of Cairntable" to the gorges of Lochaber and Glencœ. The tribes mustered, attacked certain forts of the Romans, and made timid counsellors advise retreat. Mr Skene, whose theories are now sceptically regarded, conceives that Agricola's advanced forts west of Tay were the objects of this assault, and that his headquarters were at Grassy Walls in Strath Tay. He did not fall back on the line of Forth and Clyde; but leaving the forts to hold their own, he advanced with his army in three divisions. He marched parallel with Tay into the flat country north of the river, now left open by the native attack on his western camps. He established a camp at Cupar Angus, another, rather to the south-east, at Lintrose, and a third in the south-west, to command the passage of the Tay. The enemy, abandoning their western expedition, attacked the Ninth Legion in the second camp by night, but Agricola hurried from a



place near Cupar Angus and took the natives between two fires. They were dispersed into the woods and marshes, and Agricola went into winter quarters. Tacitus's account of these movements<sup>7</sup> proves that the natives were not mere brave unskilled savages. They had excellent information; their scheme of a diversion was well conceived. Finding that they could neither amuse nor terrify Agricola, who pressed forwards (*incessit*), they returned with speed, and assailed his weakest division so eagerly (and that by a night surprise, on which savages do not usually venture), that they forced their way into the camp. Agricola was not far off, and, by sending his swiftest foot and horse, he made an attack on the rear of the natives already engaged in the Roman camp itself. They fought till daylight, and then drew off to inaccessible fastnesses. This is no mere savage warfare. In 84, Agricola made a naval diversion on the east coast and marched inland.

We must, of course, put the cultivated lands and trim fenced woods of Scotland out of our minds when we think of Agricola's marches. Only the mountain forms remain as he beheld them. The rivers must, in those days, have been of greater volume than now, flowing through swampy undrained country, overgrown with "bush," thickets of birch, alder, and hazel, scarce penetrable hiding-places of the foe. Cultivation, where not wholly neglected, would be found chiefly in the straths. Deer, wolves, and the wild cat abounded. A land of forest, hill, and quagmire was the scene of Agricola's operations. The tribes, after their check in Forfarshire, sent their women and children into places of security, the chiefs armed their forces, and united in sacrifices at great gatherings. In spring, when Agricola sent his fleet to carry terror northward, he himself marched to the "Mons Graupius" of Tacitus. The place is disputed: Mr Skene believes that Agricola occupied, beneath the Hill of Blair, the isthmus at the meeting of Isla and Tay. Here he protected himself by a *vallum*, now called *Cleaven Dyke*; the tribes (as usual), "took the hill of him," and held Buzzard Dykes on a slope of Blair Hill.<sup>8</sup> But the tribes had not the opportunity to charge down-hill. A plain severed them from the Roman *vallum*; and on the level, disciplined troops were their masters. Tacitus reckons the Highland force at 30,000; even the old men had come in, he says, as long afterwards they and the boys gathered round the royal standard at Glenfinnan. Their leader, Calgacus, addressed them, and Agricola harangued his forces. The High-

lander's speech, in Tacitus, contains words prophetic of a later day, and a more brutal conqueror, *solitudinem faciunt, pacem appellant*. The speech is, of course, the composition of the Roman historian; but its patriotic appeal and invocation of liberty have often animated the descendants of his country's enemies. Agricola (like Mackay long after) had "Dutch" forces (*Batavorum cohortes*), which he placed in the centre, with cavalry on the wings; his Roman legions were in the second line, in front of the *vallum*. The Highlanders arrayed their first line on the level ground; their supports occupied the heights. The chariots and horsemen scoured the plain. To avoid being outflanked, Agricola now extended his front; he himself dismounted and stood by his colours. The battle began with a discharge of arrows and other missiles, in which the Highlanders seem to have had some superiority. Agricola therefore ordered his Batavian and other foreign forces to charge. In the mellay the claymore and target (*ingentes gladii, breves cetræ*), and the swashing blows of the Highlanders, were less successful than the point delivered by the Batavians. Against spears, as against bayonets, the broadsword might have held its own, but the short Roman sword came within the guard of the two-handed claymore. The Roman lines then charged up the slopes; the Highland chariots swooped down, and apparently were broken by the Roman cavalry,<sup>9</sup> who, in turn, were impeded by difficult ground. Meanwhile the Highland supports, descending from the hill, attacked the legions in the rear, or were about doing so, when they were assailed by fresh Roman cavalry from the wings. They fled, and were pursued: some ran, some rushed unarmed on certain death. At the fringe of wood they rallied, formed, and repelled the pursuers; but Agricola sent cavalry into the more open bush, dismounted men into the thickets, and broke up the enemy. Tacitus reckons the Highland loss at 10,000; the Roman at 360.<sup>10</sup> Had Calgacus fallen or been taken we should have heard of it, and it is improbable that the Highlanders, drawing off in fair order, and under cover of woods, suffered so severely as Tacitus declares. They burned their huts, their retreat was unknown and not explored: Agricola retired into winter quarters, probably behind Forth and Clyde. His fleet was bidden to circumnavigate the island. Agricola was presently recalled by Domitian, and his attack on the north remained fruitless. The north was unsubdued.

Tacitus has a few ethnological remarks on the natives of Britain.<sup>11</sup>

Not much can be known, he says, in the case of Barbarians as to whether the people are aborigines or invaders. To the Caledonians, on whom Agricola had been warring, he assigns flaming hair, and mighty limbs, which he regards as possible proofs of German origin. He implies that the small communities (*civitates*) were rarely and with difficulty induced to unite in a common cause. Of promiscuity or polyandry he says not a word. He talks of "wives and children" in a manner inconsistent with a theory of promiscuous hordes. Ptolemy assigns "towns" (*πόλεις*) to the natives of the south and east, but no traces exist except of the Roman stations on the sites where towns appear to be indicated—for example, at Birrenswark, recently excavated. The Dumnonii, a considerable people, stretched from Clyde to Tay, and appear to have had a centre near Carstairs, another near Ardoch camp, and a third at Loch Orr in West Fife.<sup>12</sup> There are still remains of native ramparts at Burghead; but nothing is known of native towns in the region of the Highlands, which, about 1740, Forbes of Culloden could still describe as townless. Concerning the nature and extent of these ancient "towns" we are ignorant.

Rome had still to make her most imposing mark on British soil—the wall and vallum, with the towers, gates, and altars of the legions.<sup>13</sup> It was in 120 that Hadrian erected the famous Roman wall from Tyne to Solway. Obviously the wall was needed. About 139 the Brigantes broke its bounds, were subdued by Lollius Urbicus,<sup>14</sup> and were bridled by an earthen rampart, "the wall of Antoninus Pius," erected between the Firths of Forth and Clyde. In 181 (?) the tribes burst through the new dyke between Forth and Clyde, slew the Roman commander, and overran part of the province. They were punished by a general whom Commodus despatched to the scene, but they had tasted blood, and had learned where plunder could be obtained.

In 208, under Severus, the tribes again broke out. Dio Cassius, a contemporary, tells us that there were now two chief "nations" among the Northern people—the Caledonii and the Mæatæ; the Mæatæ near the Wall, south of Forth, the Caledonii behind them, north of Forth, according to Mr Haverfield's map, but doubt prevails. Mr E. W. Robertson recognises, in this duality, the Celtic principle of "division." We have Caledones and Mæatæ; Dicaledones and Vecturiones;<sup>15</sup> later, Northern and Southern Picts. To return to Dio Cassius, both of these confederacies, Mæatæ and

Caledonii, are said by him to have dwelt in "waterless mountains," a singular statement. They had neither forts nor cities; they did not till the soil; they were pastoral and hunters. Though the fishing was splendid, they never ate fish. Naked and unshod, they had wives in common. They were great thieves, "looted most liberally," and fought from chariots, their horses being small but swift; they themselves were very fleet, and they were steady in combat. Their dwellings Dio calls *scenæ* (*σκηναί*), probably wattled huts. Their arms were targe, dirk, and short spear, with a rattling bronze ball at the handle. A man would hide for days in a bog, with only his head above; they had a mysterious food, of which a portion no bigger than a bean would support life for long. Herodian says they were naked, with collars and belly-pieces of iron. They tattooed themselves with designs representing beasts (tribal marks?).

These are not very consistent descriptions. A people in the stage of using iron, and driving chariots, has commonly passed beyond promiscuity of women, and absence of agriculture. The nakedness was probably but that of Montrose's Irish, or of Highlanders throwing off their plaids, and charging in their smocks. The remark that the people are now in two "nations" appears, if correct, to imply a system more united and centralised than that of tribes, something more akin to the Iroquois League. To subdue these foes, Severus is said to have made military roads (210) through the forests of the Forth to the meeting of Almond and Tay, and so into Forfarshire, where is the great camp called Battledykes.<sup>16</sup> Thence the Roman ways,<sup>17</sup> and fortified camps, extended to the Moray Firth. Dio reckons the Roman casualties in this expedition at 50,000, caused less by the sword than by disease and climate. After reaching "the extreme North" (Burghead, probably), and observing the parallax and length of the days and nights, Severus, quite outworn, was carried south in a litter. His reward, perhaps, was the security of the province as far as the Tay. He seems to have strengthened the wall between Forth and Clyde, but the North revolted after his return to York, where he died in 211. Then comes a period of silence.

Britain was soon in much the same condition as the empire itself, hardly to be saved from the northern barbarians. The Teutonic tribes, Saxons and others, began to make incursions by sea; and Britain accepted the sway of Carausius, who, in 287, took the title of Augustus, and ruled the whole province. He was suc-

ceeded by Allectus, and now, under Constantius Chlorus (306), we begin to hear of the Picts, "the Caledonians and other Picts."<sup>18</sup> A hundred and fifty years after Severus marched to the Moray Firth, the province was invaded by "Picts and Scots" (360). The Picts ravaged as far as the wall of Hadrian (between Tyne and Solway), while the Scots harried the west coast. The Picts are also mentioned<sup>19</sup> as being in two nations, the *Dicaledonæ* and *Vecturiones* or *Verturiones*. The latter word, in Goidelic (Gaelic), "yields the well-known name of the Brythons of the kingdom of Fortrenn"—between Forth and Tay.<sup>20</sup>

The question now arises, who were the Picts, and who were the Scots? The old theories of the Teutonic origin of the Picts may be dismissed, and we may as well leave out of view the discussions concerning "Pechts' houses," with the notion that a dwarfish race—"the Pechts"—have become the fairies of legend.<sup>21</sup> The "Pechts" of folk-lore, who are credited with great works, down to the building of Glasgow Cathedral, answer merely to the Cyclopes, the mythical builders of Tiryns and Mycenæ. The name Pecht or Pict hung in the popular memory, and any mysterious erection, or unintelligible relic of prehistoric times, was explained as a work of Pechts or of fairies. Myths unattached crystallised round the name, and the same story is told in Scotland of the last Pecht, and in modern Greece of the fabulous *Drakos*. Casting all folk-lore aside, we briefly state the hypothesis of Mr Skene.

The Picts, allowing for casual mixtures of other races, were simply Goidel, Gaelic-speaking<sup>22</sup> or Gaelic-Welsh-speaking Celts, ancestors in some degree of the present Highlanders. Under the new name, Picts, they were but the old unsubdued enemies of Rome beyond the wall, the foes of Agricola and Severus. Just as Allemanni, Franci, and Saxones were new Roman names for aggregates of Teutonic tribes previously known by other appellations, so "Picti" was a new collective name for the barbaric tribes of Northern Britain. To "Picti" the Romans would assign the sense of "painted" or "tattooed," but Pict is probably in origin an ancient word, not derived from the Latin *Pictus*. The Southern Picts were a trifle more civilised than those of the North, and, in Galloway, were more or less converted by St Ninian, about 397. The names of the earliest Pictish kings in the list are "purely Irish or Gaelic" (which is not admitted by Professor Rhys), and Gaelic are the place

names of the regions which the Picts inhabited. In short, the Picts, south or north, were mainly Gaelic Highlanders, in Mr Skene's opinion.

As to the Scots, their language, too, he thinks, was Erse or Gaelic. The name, "Scoti," designated natives of Ireland; but the Northern Irish (Scoti), of Ulster, had among them Picts too, under another title—that is, men of the same branch of the Celtic race as the Highlanders, who spoke a dialect of the same Celtic language, and, in Ireland, were called by the same name, *Cruithnig*. The Scots were Picts who came from ancient *Scotia* (Ireland), into the region of modern *Scotland*. In 1753, James Mòr Macgregor found, or pretended to have found, exiled Macgregors in Ireland, who were ready, at a word from Prince Charles, to invade Argyll under his banner. That expedition, had it been successfully made, would have much resembled, on this theory, the colonising of Kintyre and Islay by "Scots" from Ulster. In this settlement (about 500 A.D.) the Scots from Ireland were called Dalriada (from the Irish district whence they came?). They and their Dalriadic kingdom in Scotland will have to be noticed later: meanwhile, about 360, the Picts (Celts), with the Scots (men of the same race settled in Ireland), were ravaging the Roman province of Britain.<sup>23</sup> This, briefly stated, is the opinion of Mr Skene.

A more recent Celtic scholar, Professor Rhys, Principal of Jesus College, has hitherto upheld the theory that the Picts were members, not of the Celtic, but of some non-Aryan race. What people, if any, now represents that race—Iberian, Ivernian, Basque, Finnish, Ligurian, or what not—Mr Rhys would not profess to decide. His ideas rest partly on the evidence of institutions, such as the much-discussed Pictish form of the family; partly on the characteristic forms of personal names of individual Picts; <sup>24</sup> partly on the existence of a few inscriptions in the Ogam character, which, so far, have not been construed as Celtic, or as any other Aryan language, in Mr Rhys's opinion. The arguments have a tendency to combine, as when Mr Rhys remarks that, in early Gaelic, we find proper names of individuals constructed on a principle which we do not meet among other Aryan peoples. These proper names designate their bearer as "servant of" this or that animal or saint, dogs being often the chosen animal, both in Ireland and Scotland. The usage is familiar among Semitic races, but nobody thinks that Picts or Scots are Semites. Here, then, is a non-Aryan personal

name-system, which again, in Mr Rhys's theory, may be derived from an institution not found with certainty among Aryans—that is, Totemism. This institution is widely diffused among savages; each stock of kindred claims descent from, or legendary connection with, and more or less reveres, its peculiar sacred plant or animal.<sup>25</sup> Thus the singular names, “servant of the dog,” and so on, occurring in Gaelic, point, in Mr Rhys's theory, to a non-Aryan race, “Pictish,” Celticised, indeed, in speech, but retaining in these personal names survivals of institutions not certainly discovered among Aryans. Again, Totemism is, as a general rule, associated with the system of tracing kinship through the mother, not the father, and is not reckoned an “Aryan” institution.

To this it must be replied that such names as Mr Rhys relies on, the names of *individual men*, Flying Cloud, or Running Wolf, among Totemistic savages, like the Red Indians, have no bearing on Totemism. A brave called “Sitting Bull” may, or may not, belong to a Totemistic kindred; but, even if he does, his Totem, or kin-crest and revered object, is not indicated by his own proper name. He is Sitting Bull of the Wolf, Crab, or Frog, or other Totem name. To raise a presumption in favour of Totemism among Scots or Picts, we must first discover these peoples to have been divided into stocks of kindred which bear, *as stocks*, names of animals, plants, and the like. Indications of such stocks, Mr Rhys thinks, may be found among the Dalriad Scots, divided into Cinel Gabran, Cinel Loarn, and Cinel Angus, of which the two former meant “Little Goat” (?) and “Fox.”<sup>26</sup> However, among Greeks and other Aryan races, no less than in Scotland and Ireland, there occur features which may be explained, conjecturally, as survivals of Totemism. Thus Totemism, if proved to have existed in Scotland, would not necessarily indicate non-Aryanism in the Picts or Scots, unless there are no Aryans anywhere.

The account given by Tacitus, also, in the ‘Germania,’ of the important relationship of uncles, and of sisters’ sons, closely resembles what we are told about the Pictish family system. Yet the Germans, if anybody is, are Aryans.<sup>27</sup> Once more, numbers of names of Anglic (English) kindreds and settlements in England have been derived from plants and animals, and have, so far, a slight Totemistic air. But the English were Aryans, if any one ever was. Thus, granting animal names of *individual men* among Picts and Scots, these do not indicate a Totemistic origin, and, if

they did, prove nothing as to whether Picts and Scots were or were not "Aryans." On the other hand, the *formulae* on which Pictish and Scottish names were constructed—"a slave of" so-and-so—may be very unlike what Aryans used elsewhere. They resemble, as has been said, Semitic usage, "Obededom"—"servant of Edom," and so forth. But Jews were not Picts or Ivernians! The usage is probably an early one, and, if found among the most remote and backward dwellers in this island, decides nothing on either side as to their race, Aryan or non-Aryan.

Leaving proper names (which, so far, prove nothing), Mr Rhys examines the vague pseudo-historical legends of Irish, Scottish, and Pictish origins. His argument is too complex and too full of hypothetical etymologies for analysis here. He supposes the distinction between Picts (Cruithni) and Scots (Goidel?) to be one of language and religion. In Mr Rhys's view, ancient Ireland was inhabited by Goidels, and also, in the north, by Cruithni, members of an earlier race. The Dalriad Scots who, from Ireland, invaded Scotland about 500 A.D., were Cruithni by ancient descent, but had been Goidelised or Celticised, and were also Christians before they left northern Ireland for Kintyre, while the Picts among whom they settled in Kintyre "may have been still using their native Pictish or Ivernian (non-Aryan) speech," and were Pagans. Both Picts and Scots "were closely kindred communities of Cruithni" . . . the Scots were Cruithni who had adopted the Celtic language of the Aryan conqueror (Goidel) in Ireland; they were a people, in fact, that gloried in being Goidels, and endeavoured to forget their Cruithnic origin.

Here Mr Rhys and Mr Skene partly coincide. Scots and Picts are, from of old, akin; the Scots spoke Gaelic. But Mr Rhys thinks that they had learned it, being non-Aryan, from Celtic conquerors in Ireland, and that the Picts, when the Scots arrived in Kintyre, still spoke a non-Aryan language. Mr Skene thinks that the Scots spoke Gaelic, and were akin to the Picts, but that Gaelic was the natural language of both peoples, both being Aryans and Celts.

As to the name "Pict," Mr Rhys does not derive it from the Latin *Picti*, "painted fellows," nor does he think that the Scottish *Pecht*, or Norse *Pet*, or Welsh *Peith* is derived from the Roman word *Pictus*. Indeed he doubts the evidence that the Picts were ever painted or tattooed. On the whole, Mr Rhys decides that the Picts were not Celts, and, from remains of what is supposed to be



their language as found inscribed in Ogam characters on stones, he once tended to regard the Picts as akin to the Basques.<sup>28</sup> But in this theory he does not persist. His strongest evidence for the non-Aryan character of the Picts is the existence of a few inscriptions of which the Ogam characters can be deciphered, but which yield no sense in any known Aryan tongue.<sup>29</sup> Mr Rhys finds in the Aberdonian and Moray "f" for "wh" ("Fa fuppit the fite felpie?") a relic of non-Aryan Pictish pronunciation. On the other hand, Mr Skene wrote that every circumstance "tends to show that the Picts, who inhabited the northern and western regions of Scotland, as well as Galloway and the districts in Ireland, belonged to the Gaelic race, and spoke a Gaelic dialect." The Southern Picts, too, south of the Grampians, "were probably originally of the same Gaelic race," with a British (Brython) element. Certainly when Gildas (560) calls the Picts "a set of bloody freebooters with more hair on their thieves' faces than clothes to cover their nakedness," we do seem to recognise a view of the Highlanders long popular in the Lowlands.

Here the question of the race and speech of the Picts and Scots must be left to the judgment or taste of the reader. Mr Stokes regards their language as a kind of Celtic akin rather to Welsh than, as in Mr Skene's theory, to Gaelic. The arguments, especially those of Mr Rhys, can receive very scanty justice in a brief summary.<sup>30</sup> But we should add that, while St Columba, an Irishman, could converse with the Pictish king, in his native Gaelic (unless the king knew Latin), he needed an interpreter in talk with remote and rural Picts, at least when construing the Bible to them. This may mean that their language was not Gaelic, like St Columba's, or may merely show that they talked a difficult *patois* of that speech, or even that St Columba did not feel strong in the Latin of the Vulgate.<sup>31</sup> The whole question, Aryan or non-Aryan, is philological and ethnological, not historical, and is only important because it has been so much discussed. Aryan or not, the Picts were clearly much on a level of culture with the Goidels of Ireland. Their arms, mode of fighting (except for the chariots), and wattled huts (such as "Cluny's Cage") survived in the Highlands till the Forty-five, allowing for the introduction of fire-arms. The habits of Caterans and the "breeklessness" also endured.

To return to the history of events. In 364, the barbaric invaders attacked the Romanised south. The people, if they had

baths, porticoes, temples, schools, and elegant conviviality, must have suffered things unspeakable from this Highland host.<sup>32</sup> To them were added "the heathen of the Northern Sea," the Saxons, and the Attacotti, a tribe of the Northern invaders. These were later enrolled in Highland regiments, by the Romans, and employed in foreign service.<sup>33</sup> St Jerome says that he saw Attacotti eat human flesh in Gaul, which is probably due to a hallucination of memory, though, of course, a people much more civilised, the Aztecs, often ate human flesh in a ritual ceremony. To the rescue of the province, attacked from south, west, and north, the Emperor sent Theodosius the elder (368). With the Picts were the Attacotti, "a most warlike people," the wandering Scoti, Franci, and Saxones; these make up the tale of enemies. The Romans marched against the foes, who were driving a huge *creagh* of cattle and prisoners. They dispersed the plunderers, restored most of the booty, and re-established stations along the line of Forth and Clyde. The poet Claudian confirms this, and adds that Ierne (Ireland, Erin) "lamented whole heaps of her slaughtered Scots," the Irish invaders of the province.

Forty years after the victories of Theodosius, the Romans were obliged to abandon Britain. In 396-400, Stilicho sent a legion which restored to the province the lands south of Forth. Revolts recurred in 406. In 410, Britain saw the last of the Roman legions. The eagles never again repassed the Channel. The Roman occupation had, no doubt, affected Scotland "between the walls,"—between Forth and Solway. It had also helped to consolidate the unconquered North against a powerful enemy, and had taught the Highlanders to combine. The occupation, however, has left few material traces. Not even a tessellated pavement of a villa remains in Scotland, as far as is known. Probably the Roman houses discovered at Musselburgh, in the reign of Queen Elizabeth, had such pavements, but they have perished. Stations abide, and traces of roads, broken pottery, altars, coins, gems impressed on the wax of mediæval seals, and a few other objects of art. The famous "Arthur's Oon" on the Carron in Stirlingshire, a dome of hewn stone, was destroyed, in the last century, by an intelligent laird, who wanted the stones for a mill-dam.<sup>34</sup> Boece says that it had a tessellated pavement, and he may, for once, have spoken truth. As to roads, Mr Burton writes, "The peasant will speak of finding his way from Ardoch to Perth without coming off the old road," the Roman

way. But Scotland is not like France, where the temple (*Maison Carrée*) of Nimes, the amphitheatres of Arles, Nimes, and Orange, with the beautiful aqueduct, the Pont de Garde, have marked the soil with traces ineffaceable of the Masters of the World.

Scepticism, which has taken the place of credulity among antiquarians, has begun to attack the old theory of Roman remains in Scotland. Mr Hill Burton thought the belief justified that "there are more known and recognised Roman camps in Scotland than in all the rest of the world." Mr Burton was, on many points, an incredulous archæologist, but here he seems to have been capable of exaggeration. Who "recognised" the Roman camps, and on what grounds? Dr Christison suggests that there was a tendency "to attribute as many remains as possible to the Romans," and to think that "all rectangular entrenchments must be Roman." In that case the very large rectangular work at Danesfort, above the Lake of Killarney, would be Roman, though on Irish soil the Eagles never alighted. It was General Roy who designated as Roman all old rectangular works near Roman, or supposed Roman, roads, if the structural character of the entrances seemed to support the attribution. But, as to these so-called Roman roads, Dr Christison "does not know that recognisable Roman work has ever been found on them." The straightness of their course appears to be the chief argument for their Roman origin. What is needed, for proof, is successful excavation. This has been conducted, with affirmative results, at Birrens, Ardoch, Newstead, Tappuck, Inveresk, and Cramond; while Dr Christison may be said to give seventeen other ancient works "the benefit of the doubt." It must be remembered that the plough, and other agencies, have levelled much that was of more marked character when General Roy was writing; that the modern Scot has freely used every kind of ancient structure as a quarry; and that very little has been done by way of excavation. On the whole, however, of all countries once in Roman occupation, Scotland possesses, perhaps, the rarest traces of the imperial people.

For practical purposes, Scotland is hardly more affected by the Roman occupation than Ireland, which the Romans never occupied at all. A Scot gains, through Roman writers, some obscure glimpses of the ancient inhabitants of his country. But even from the tradition that Rome failed to conquer the Highlands, some advantages in the way of indomitable pride have been drawn. It

will naturally occur to the reader that, if the peoples of the northern part of the island were mainly non-Aryan, the popular science about "the Celtic element in our literature" is a waste of words. For the peculiar so-called "Celtic element" in our character and poetry may not be Celtic at all, but Pictish, whatever Pictish may be, and we might as wisely talk of a Cruithnian as of a Celtic "Renaissance." In fact, the marked peculiarity and charm of Celtic poetry exist as strongly in the literature of Finland, and are apparently the result, not of race, but of an isolated life, in lonely forests or hills, a life lived by a dispossessed and unsuccessful people.<sup>35</sup> In the same way, as Mr E. W. Robertson showed, "Celtic institutions" are only archaic institutions of wide diffusion, preserved among the intricate recesses of the townless North and West, after they had evolved into other forms in the civilised South and East. Whoever and whatever the Picts may have been, if not Celts in speech they became Celticised, and were blended with that people which, through almost all Scottish history, reckoned itself as "the auld enemy of Scotland."<sup>36</sup> The true makers of Scotland, the English settlers between Forth and Tweed, had not yet come on the stage when the Romans withdrew.<sup>37</sup>

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#### NOTES TO CHAPTER I.

<sup>1</sup> Early writers make the Celts fair-haired. The modern Highlanders have a large proportion of dark men; indeed "Roy" and "Dhu," "red" and "black," are equally common nicknames. The dark complexions may be due to a pre-Celtic people, but this is uncertain.

<sup>2</sup> The works of Bachofen, Westermarck, Howitt, Lewis Morgan, and of Mr J. F. M'Lennan, may be consulted; and there are papers on the subject in the author's 'Custom and Myth,' and 'Essays on the Politics of Aristotle.' The question of the necessary priority of reckoning kin through women is raised anew in Spencer and Gillen's 'Natives of Central Australia,' p. 36 note (1899).

<sup>3</sup> Tacitus, *Agricola*, 21.

<sup>4</sup> Clyde, Clota; Forth, Bodotria. The natives were now secluded, "as it were in another island" (*Agricola*, 23).

<sup>5</sup> The name "Grampian" is modern, not native, but derived from Tacitus's mention of a Mons Grampius or Graupius.

<sup>6</sup> *Agricola*, 24.

<sup>7</sup> *Ibid.*, 25, 26.

<sup>8</sup> The scene of this great battle is the subject of debate. Stuart, in 'Caledonia Romana,' follows Chalmers, and places the natives on the heights to the north-west of Ardoch Moor. Mr Skene recognises no mountain there which answers to Mons Graupius, Grampius, or Granpius. Several other sites have been sug-

gested; it is a question for Monkbarrow, but Mr Skene, following the Statistical Account of the parish of Bendochy (1797), makes out a good case for his theory. It is to be remarked that Dr David Christison, in his 'Early Fortifications in Scotland,' p. 102, reduces the number of *ascertained* Roman sites to seven. These are the *vallum* between Forth and Clyde; "settlements" at Newstead, Tappuck, Inveresk, and Cramond, with the stations of Birrens and Ardoch. "The evidence of continued occupation is very scanty." It must be noted that though Mr Skene is, on the whole, followed here, the entire question is much disputed. Thus Sir James Ramsay, who has abundant local knowledge, varies in detail from Mr Skene ('Foundations of England,' i. 71-76, 1894). He makes the Highlanders tryst at Dunkeld, and fight on the Redgole Braes, near Delvine, not "between Meikleour and Blairgowrie." Mr Hume Brown abandons the attempt to fix the field of battle or the line of march ('History of Scotland,' p. 3, 1899). Mr Haverfield ('Historical Atlas,' xv., Oxford, 1896) marks no point north of Forth except the camp at Ardoch, and does not allude to the later expedition of Severus to Aberdeenshire. Cf. Appendix A.

<sup>9</sup> The description is far from clear (Agricola, 36), and texts vary.

<sup>10</sup> The term "Highlanders" is here only topographical, and implies no theory of race.

<sup>11</sup> Agricola, 11.

<sup>12</sup> This is disputed.

<sup>13</sup> Possibly the wall was later, about 210, and Hadrian's work was merely a *vallum*. Ramsay, i. 82-84; 'Edinburgh Review,' April 1899.

<sup>14</sup> Lollius is just mentioned in a line of a writer of whom nothing is known, but his authorship of some memoirs—Julius Capitolinus—and he is the LOL. VR. of an inscribed slab from this "wall of Antoninus."

<sup>15</sup> Professor Rhys reads *Verturiones* = *Fortrenn* in later history.

<sup>16</sup> The only *Battledykes* alluded to by Dr Christison is in Lanarkshire.

<sup>17</sup> Dr Christison is again very sceptical about "Roman roads," *op. cit.*, p. 63. Mr Pelham and Mr Haverfield (Roman Britain in the 'New Clarendon Press Atlas') are not more favourable to Severus. Sir James Ramsay traces the route, by camps, to Wells of Ythan.

<sup>18</sup> Eumenius.

<sup>19</sup> Ammianus Marcellinus, xxvii. 8.

<sup>20</sup> Rhys.

<sup>21</sup> The curious may consult the works of Mr David MacRitchie. The idea had presented itself to Scott and others.

<sup>22</sup> Skene, 'Celtic Scotland,' i. 194-212, iii. 17.

<sup>23</sup> This view is practically that of Thomas Innes (1729), a Jacobite priest and the first really critical writer on these themes.

<sup>24</sup> See Elton, 'Origins of English History,' 165.

<sup>25</sup> The discovery of the wide diffusion of this institution is due to the late Mr J. F. McLennan. See also Mr J. G. Frazer's 'Totemism.'

<sup>26</sup> Elton, *op. cit.*, pp. 298-301.

<sup>27</sup> "Sororum filii idem apud avunculum qui apud patrem honor." Some even think the relation of uncle and sister's son closer and more sacred than that of son and father. Heritage goes, however, to sons: failing these to brothers, uncles on the father's, and uncles on the mother's side—Germania, 20. On such delicate points the evidence of Tacitus, whose Germans may have been mixed with more backward races, is not very strong, it may be urged.

<sup>28</sup> The Ogam characters in Ireland, Wales, and Scotland are formed by arrangements of straight or slanting strokes on or across the angle of a rectangular stone. See especially Dr Hyde's 'Literary History of Ireland,' ch. xi. (1899).

<sup>29</sup> On this point see Professor Zimmer, "Das Mutterrecht der Picten," in 'Zeit-

schrift der Savigny-Stiftung für Rechtsgeschichte.' See also Mr Rhys, in 'Royal Commission's Report on Land in Wales': "The Welsh of the present day are, on the whole, not Aryan."

<sup>30</sup> Rhys's Celtic Britain, Rhind Lectures, and Proceedings of the Society of Scottish Antiquaries (1891-1892).

<sup>31</sup> Robertson, Scotland under her Early Kings, ii. 381.

<sup>32</sup> Of this luxury not so much as a tessellated pavement has been discovered.

<sup>33</sup> The policy of Forbes of Culloden was thus anticipated! The reference of St Jerome to cannibalism is 'Adv. Jovinianum,' Lib. 2.

<sup>34</sup> Birrens-wark, "Blatum Bulgium," lately excavated, a very strong camp in Dumfriesshire, was handled in the same fashion.

<sup>35</sup> Of all poetry, that of the Australian natives is most akin to the Celtic—

"We shall spear Borrah on the morillas,  
And Dinewan shall fall when we throw.  
But Eerin will hunt with us no longer,  
Never again will Eerin eat of our hunting.  
Hunt shall we often, and oft shall we find,  
But the widow of Eerin will kindle no fires for his coming."

See the dirges in Mrs Parker's 'More Australian Legendary Tales.'

<sup>36</sup> The Lord of the Isles to Henry VIII., on July 28, 1545. Tytler, ii. 241 (History of Scotland, edition 1873).

<sup>37</sup> See Appendix A.

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It is to be remarked, as to the statement on p. 13 *supra*, about names of English settlements derived from plants and beasts, that Mr J. Horace Round, in a forthcoming work, makes this opinion seem dubious—place-names having been corrupted out of their original forms. This confutes my opinion in 'Custom and Myth,' p. 205.

## CHAPTER II.

## AFTER THE ROMANS.

NIGHT follows the flying Eagles, concealing the distracted provinces and deserted subjects of Rome. It is "an axe age, a spear age, a wolf age, a war age," a confusion of races, and a twilight of time. The scanty glimmer which reaches us comes from Christian sources, and, though we know something of post-Roman Scotland before it was, for the most part, converted, the best method seems to be to sketch the old heathen religion, and the arrival of the new, before describing the kingdoms which, before the conversion, arose north of Humber. Concerning Caledonian religion, Tacitus only tells us that the natives, in tribal gatherings prelude to war, offered sacrifices, to what hero or god he does not say. The fact, if correctly reported, attests a higher stage of culture than that of the lowest savagery; for neither the ancestral ghosts nor the supreme beings of such peoples as the Australians, Andamanese, or Bushmen are served with sacrifice. There is likely, in fact, to be very little sacrifice among races who have not yet domesticated animals. Human sacrifices, again, can hardly be offered to gods before victims are slain on the graves of kings, and kings are unknown to low savages. In more advanced culture it is to the gods of Polytheism, rather than to a Supreme Being, that sacrifice is generally presented. As to the higher religious conceptions which may have prevailed among the Caledonians, we have no direct knowledge. Missionaries like St Columba had no interest in the comparative science of religion, and therefore leave to us no evidence. We cannot tell whether the Picts, like the Iroquois, Hurons, Bakuain, and some Fijians, as described by missionaries and travellers, "ignorantly worshipped" that God whom Columba more explicitly "declared to them." Ethnological research has proved

that, among very backward races, there exists a rudely monotheistic or "monolatrous" creed, which is only discovered by Europeans familiar with the language, and initiated into the most secret mysteries of the religion. Concerning this possible aspect of Caledonian faith, we are without information.

We do know that among the Picts, sacred beings, polytheistic, or on their way towards differentiation into polytheism, were adored. Some of them were called the *Sidhe*, and a glimpse of their nature is probably to be found in a curious and charming passage of the Book of Armagh, compiled about 807, and containing two older narratives of perhaps 670,—these again, doubtless, being derived from tradition, written or oral.<sup>1</sup> St Patricius, we learn, was with his attendants one morning, at a fountain near Cruachan in Roscommon. To this fountain, Ethne the Fair, and Fedelm the Ruddy, daughters of the King of Connaught, came to bathe. Seeing Patricius and his company, the girls asked in a Homeric manner, "Whether they were men of the Sidhe, or of the gods?"<sup>2</sup> Patricius replied, "It were better for you to confess to our true God, than to inquire concerning our race." Ethne the Fair then inquired, and her question seems to show the native conception of the gods, "Has your god sons and daughters, gold and silver? Is he ever-living? Is he beautiful? Did many foster his son? Are his daughters dear and beauteous to men? Is he in heaven or earth? In the sea? in rivers? in mountainous places? in valleys? . . ." Such, then, must have been the gods of these Celts, fathers of sons also divine, as in Australian and Andamanese belief, dwellers in sky and sea, in hills and rivers, gods and goddesses beautiful and dear to men.<sup>3</sup>

We so seldom catch a glimpse of real human life in this shadowy age, and the glimpse permitted to us here is so beautiful, that we may study it for a moment. Patricius and his companions, clothed in white garments, are sitting by the well, in the morning light, when Ethne and Fedelm approach. Even so the daughters of Celeus, the Eleusinian king, meet the sorrowing Demeter sitting by the roadside as they pass to the well. "Whence are ye, and whence have ye come?" the girls ask Patricius. "Are ye of the elves or of the gods?" They go on to inquire concerning his God; he answers, they are baptised, and desire to behold Christ face to face.

"Ye cannot see Christ unless ye first taste of death, and unless



ye receive His Body and His Blood." And the girls answered, "Give us the Sacrifice, that we may be able to see the Spouse." Then they received the Sacrifice, and fell asleep in death; and Patrick put them under one mantle on one bed. . . .

Their brief and beautiful life ends in an innocent and peaceful death, as that of Cleobis and Biton, which the Greeks deemed the happiest of all. Such is the legend from the heroic Celtic ages.<sup>4</sup>

We are inevitably reminded by those *Sidhe* of the Irish and Scottish fairies, with their lovely fairy queen, who beguiled True Thomas under Eildon tree. The fairies, in fact, are, in one of their aspects, the ancient *Sidhe*, dispossessed, indeed, but still haunting mountainous places, springs, and the wild sea-banks, like Venus in the hill of Hørsel.<sup>5</sup> Another relic of the Scoto-Irish paganism may be marked in the "Taboos" or sacred prohibitions of the Irish kings. There were five things that the father of Ethne the Fair, the King of Connaught, might not be concerned with:—

"To form a treaty concerning Cruachan on Samhain's day;  
To contend with the rider of a grey horse  
At Ath Gallta, between two posts;  
A meeting of women at Seaghais at all;  
To sit on the sepulchre of the wife of Maiue;  
In a speckled cloak let him not go  
To the heath of Luchaid in Dal Chais."

The speckled cloak would be of tartan.

These are clearly pre-Christian Taboos, like those of the Roman Flamen Dialis or of African kings to-day.<sup>6</sup> It is curious to meet tartan, "speckled cloaks," in Ireland, so long ago, and to hear of "Cruachan," the slogan of the Campbells, Dalriadic Scots. Curious, too, it is to learn that the *Sidhe* "used to tempt the people in human form, and showed them secrets and places of happiness, where they should be immortal,"—in Fairyland, the Australian *Bullimah*, or land of flowers and rest. So says an old Irish Christian tract.<sup>7</sup> The Gods were propitiated by the *Druid*, against whom St Patricius appeals in a hymn. The Druids (nom. sing. *Druí*) were a mixture of priest and medicine-man, like the Maori *Tohunga*.<sup>8</sup> St Patricius in Ireland, like an English Bishop in New Zealand, was once challenged to work competitive miracles by the *Druí* of King Laogaire, who by magic covered the plain with snow; but St Patrick made the snow vanish, "without rain, clouds, or wind." In Scotland the *Druí*, like the native Matabele sorcerers, made the warriors invulnerable,

or healed them magically. Such were the actual *Druids*,—they were *Tohungas*, medicine-men. Judging by the analogy of similar medicine-men in various races, they may have exercised a good deal of political authority.

This, in faint outline, was the not unalluring or unpoetical religion from which the ancestors of the Celtic inhabitants of Scotland were, to some extent, converted. But readers of 'The Secret Commonwealth of Elves, Fauns, and Fairies,' by the Rev. Robert Kirk of Aberfoyle (1691), will find that a very learned minister, and translator of the Psalms into Gaelic, still believed in the *Sidhe* as actual and not unfriendly beings.<sup>9</sup> This opinion is far from being extinct among the Irish peasantry, and, two generations ago, was extant in the Highlands. Conversions are never complete.

After this glance at Irish Paganism we describe the process of conversion. There are three periods. 1. Before the Roman withdrawal. 2. The time of isolation, when the Church in Britain was cut off from that on the Continent. 3. The renewal of intercourse with Continental Christendom in the middle of the seventh century.

After the conversion of the Empire, the Church in the Roman province of Britain "acknowledged Rome as its head, and it presented no features of difference from the Roman Church in the other western provinces."<sup>10</sup> At the close of this period (*circ.* 397), St Ninian, as has been already said, founded the *Candida Casa*, the church of white stone, dedicated to St Martin, at Whithern, among the Galloway Picts. He was a native of the Roman province of Britain, he had visited Rome, and, according to Bede, his teaching reached the Southern or Cismontane Picts, as far north as the Grampians.<sup>11</sup> A few miles from Whithern, in the side of a steep rock rising out of the sea, is a narrow cleft through which you pass into what is locally styled St Ninian's Cave. Hither the saint is said to have retired from Whithern for prayer and contemplation. The rubbish above the paved floor of the cave was lately excavated, Celtic crosses were found incised on the rocky walls, and it is probable that the tradition of St Ninian's cave is not erroneous.

Another set of monuments of early Galloway Christianity exist at Kirkmadrine in Wigtownshire. On these stone pillars is found the Christian monogram, surrounded by a circle, and attached to the upper limb of the cross. There is also a Latin epitaph on two

priests. "The forms of the incised letters of the inscriptions, and the peculiar symbol that combines the sacred monogram with the penal cross, which is well known to students of Christian archæology, and is supposed to have been introduced about the time of Constantine, are most certainly of a totally different type from the familiar Celtic crosses and Celtic inscriptions so numerous in Ireland and the Highlands of Scotland, where Irish influence afterwards prevailed."<sup>12</sup> It does not seem credulous to regard these monuments as witnesses to Christianity in Scotland, during, or very shortly after, the Roman occupation. They are interesting relics of the Church of St Ninian. Another Latin inscription from Whithern, probably of the fifth century, has been published by Mr Rhys ('Academy,' Sept. 3, 1891).

Antiquaries, especially in Scotland, have so often beguiled themselves by a knack of building card-castles of conjectures, and have been so often deceived by ingenious hoaxes, that a kind of despairing scepticism was recently fashionable. Thus Mr Hill Burton admits that the Kirkmadrine monogram, and the Latin and lettering of the inscription, are peculiar to "the early Christianity of Italy and Gaul." But he is so deeply distrustful that he will only accept the confirmation which these relics yield to Bede's account of St Ninian, "if the testimony of the fragments is strengthened from other sources."<sup>13</sup> No longer ago than 1873 Mr Burton wrote, "In the meantime the Ogham character, and its representations on sculptured stones, can hardly be admitted within the pale of ascertained facts." He spoke of "some scratchings on stones which have been set down as inscriptions in the Ogham or Ogam character." There is now no more doubt about the existence and legibility of Ogam than of cuneiform, or, for that matter, of the ordinary Roman characters. It is pleasant to record any triumphs over the facile despair of antiquarian pessimism.

The period of isolation is, necessarily, obscure, and has therefore been a battlefield of ecclesiastical controversy. When once ruled on the Presbyterian model, after the Reformation, the Scots, or some of their historians, were anxious to prove that they had been primitive Presbyterians in the beginnings. This could not be true in St Ninian's case, for, according to Bede, our best authority, Ninian was regularly trained at Rome. But, under the year 431, it is written, in the 'Chronica' of Prosper of Aquitaine, a contemporary, "Palladius is ordained by Pope Celestine, and sent as

first bishop to the *Scots*, believing in Christ." By *Scots*, of course, *Irish* are here intended. But a legend of the arrival and labours of Palladius in Scotland came into existence, and bore controversial fruit in its season. At Fordun, in Kincardine, was a church dedicated to St Palladius; there was a holy well, "Paldy's well," and a holiday, "Paldy's fair." Now John of Fordun, the well-known chronicler, writing at the close of the fourteenth century, mentioned his local saint's mission from Pope Celestine. Fordun probably regarded the Scoti (Irish) to whom Palladius was sent as Scots of Scotland. He added, "Before the coming of Palladius the Scots used to have as teachers of the faith and ministers of the sacraments only Presbyters or monks, following the rite of the early Church." Now, in Fordun's theory, which was framed to serve his arguments in favour of Scottish antiquity and independence, the Scots of Ireland had colonised Scotland centuries before Christ, and had been converted in 203 A.D. But, if they had never a bishop before Palladius (431), what kind of Church had they between 203 and 431? Fordun, says Mr Skene, "is driven to the conclusion that it must have been a Church governed by Presbyters or monks only. Hector Boece (*flor.* 1526) gave the name of Culdees to the clergy of this supposed early Church, and thus arose the belief that there had been an early Church of Presbyterian Culdees." The Culdees, of course, were a much later set of men, nor were they Presbyterians. Again, Palladius, whatever his adventures may have been, was not sent to Scotland, but to Ireland. His relics may have been brought to his kirk at Fordun from Ireland, as the relics of St Andrew were brought to Kilrymont in Fife. In any case, out of these confusions of the Age of Isolation arose the legend of primitive Presbyterian Culdees in Scotland.<sup>14</sup>

Now comes the period of St Patricius (*circa.* 373-463). It is advisable to call him by his real name, for "St Patrick" almost inevitably suggests an Irishman, and Patricius was none. St Patricius was probably not a myth, though, in the phrase of Thucydides, he has "won his way to the mythical."<sup>15</sup> Accepting as genuine his 'Confessions' or Memoirs, and his Epistle to Coroticus, Patricius was the son of a member of the council of a town in the Roman province of Britain.<sup>16</sup> When a lad of sixteen he was taken prisoner in a great foray of Irish, like that which was broken up by Theodosius the Elder. As a slave in Ireland he kept sheep for six

years, then escaped, and, after residing for a few years in Britain, was ordered in a vision to return to Ireland and preach the Gospel. After some thirty years he was consecrated bishop (a point of extreme obscurity, like everything connected with Patricius), won souls, and ordained clerics. In a later document (Irish) we hear that *all* these clerics, 350 in number, were bishops.<sup>17</sup> To the 350 bishops Angus the Culdee adds 300 presbyters. The same author gives a list of 153 groups of seven bishops apiece, making 1071 bishops in all. The English reader is apt to think here of the celebrated shout of a Celtic hero, "which was heard for three days," and to suspect a Celtic hyperbole; but Mr Skene appears to admit this multitude of bishops as a local peculiarity of the church of St Patricius, intended to suit local conditions of tribal society.<sup>18</sup>

The Irish Christianity of St Patrick was later to overrun Scotland, but the time had not yet come. Among the Picts south of the Grampians, any Church that may have existed at this time (say 450) was a very shadowy survival of St Ninian's foundation. There are, as we saw, a few faint traces of Christianity among the Southern Picts of the fifth century, but very few. More authentic Christianity was that of the Irish Scots, or Dalriads, who settled in Kintyre, bringing their faith with them, as it seems, into a region still heathen.

In the part of the province of Britain south of Forth and Clyde, the old Church of Rome would persist: it maintained relations with the Church of St Patricius in Ireland. North of the Grampians the Picts still remained pagans, and pagans were, of course, soon after this time the English between Forth and Humber. The day was to arrive for their conversion by emissaries from the Irish Church, settled by St Columba in Iona and the North.

But before speaking of the introduction of that Church by St Columba, it is necessary to describe the new political divisions of Scotland after the Roman withdrawal. It is chiefly from Christian sources that we know what we do about these divisions of the deserted Roman provinces into kingdoms held by different races. Therefore it has seemed better first to sketch the rise of the Irish Church briefly, the Church which lent its light to Scotland, with the Irish St Columba, about 563-585. On what kind of country, how organised, did that light dawn? The region historically known as Scotland was then divided into four kingdoms, of which the two

southernmost overlapped the region which is now England. The wars of Brython, Scot, Pict, and English (invaders from Schleswig) had resulted for the time in an adjustment of territory thus: the whole of the north and west of the island, from Cape Wrath to the mouth of the salt-water Loch Leven, between Appin and Lochaber, was Pictish. A straight line drawn from Loch Leven, due east to the range of mountains called Drumalban, marks the south-western frontier of Pictland, which then marched on the east side of Drumalban, including Athol, Stirlingshire, and Fife, and was bounded to the south by the Firth of Forth. Eastward all was Pictish north of the Firth. South from Loch Leven to the extremity of Kintyre, and including Bute, Arran, Islay, and Jura, was the kingdom of the immigrant Dalriadic Scots from Ireland. This kingdom, from the mouth of Clyde, including Dumbarton, marched on its east side with the Brython realm of Strathclyde, which included Renfrewshire, Ayrshire, Lanarkshire, Peebles, Dumfriesshire, and Cumberland and Westmoreland as far as the Derwent. The people were mainly Brythons, and akin to the Welsh of Wales. St Kentigern is the best known of their shadowy saints, and was the Patron of Glasgow. On the west, the forest of Etrick severed these Brythons from the English, whose kingdom of Bernicia bordered Strathclyde on the south and east, and extended north as far as Haddington. In a kind of *enclave*, where Edinburgh now stands, and up the south coast of the Firth of Forth, was a mixed population of English and Brythons, and the region was much contested. Galloway is said to have been Pictish.<sup>19</sup> Here are four kingdoms, Pictland (Pictish), Dalriada (Irish), Strathclyde (Brython), and Bernicia, with the twin southern kingdom, Deira (English). The most northern, Pictland, was traditionally divided into seven provinces, answering to Fife, Athol, the Mearns or Angus, the region from Tay to Forth (Fortrenn), Caithness, and two others, of which Moray must have been one. The Pictish king, when St Columba came, dwelt far to the north, near Inverness. Later, we find his headquarters in Forfarshire.

A peculiarity of the Pictish kingdom, which produced curious political results, was that the sceptre never passed from father to son. Failing brothers, the succession went to the son of a sister. No king, in the Pictish genealogies, is ever the son of his predecessor. Mr Skene suggests that kings were chosen from one family, clan, or tribe (it is difficult to hit on the correct name

for the sort of kinship intended), or perhaps from one such kinship among the ultramontane, and another among the cis-montane, Picts. It would also appear that the women of this kindred were not allowed to marry the men thereof, according to the archaic law of exogamy. To understand this, let us suppose, for the sake of illustrating the arrangement, that the Picts were once Totemists. The people would then be divided, say, into kindreds of the Dog, the Deer, the Salmon, the Wild Cat, no man being allowed by the law of exogamy to marry a woman of the kin of his own kin-name and animal Totem. If then one such kindred, like the kindred of the Sun in Peru, acquired a recognised rank as that from which alone kings might come, and if that kin were the Dogs, in each case the king would have to be a son of a woman of the Dogs, and of a non-royal father, a Deer, Salmon, Wild Cat, or the like. On the king's death, a brother of his would succeed, or, failing brothers, a nephew, a *sister's* son. Thus kings would always be sons of non-royal fathers. If, as happened at least twice, the father of a king was no Pict at all, but a foreigner, British, English, or a Scot, and if he was powerful enough to override the law and get the succession secured to his son, then, foreign as this king would be, his son and successor would still represent the royal Pictish kin in the right way, namely, on the spindle side. As will be seen later, something of this kind appears finally to have occurred, and to have amalgamated Picts and Scots.<sup>20</sup>

The Picts, before the coming of St Columba, were pagans. The Scots, in their Dalriadic kingdom of Kintyre and Argyll, were Irish, and probably Christians. Under Fergus MacErc, they had crossed from Ireland at the end of the fifth century, but here their early fortunes are obscure. Four generations later the great-grandson of Fergus, Aidan, was practically the real founder of the Dalriadic kingdom, having been established by St Columba, much as Samuel established Saul.

As to the southern kingdoms of Strathclyde and Bernicia, with Deira, their boundaries shifted with the wars between the Romanised Brythons holding their ground in the west, and the pagan English invaders of the east. These wars were waged in 420-550, and later. If we follow Mr Skene, a Brython commander, Arthur, after whom Arthur's Seat, and the famous Roman edifice, "Arthur's Oon," are named, fought in the Lennox, around Edinburgh (then called Mynynd Agned), and in Lothian. However well this more or less

historical and unmythical Arthur battled, an English leader, Ida, about 547, built the fortress now called Bamborough, and founded an English kingdom, which stretched from the Humber as far north into what is now Scotland as the arms of his successors could extend and maintain it. Their chief opponents were their western neighbours, the Brythons of Strathclyde. The reader will, of course, remark that of the four kingdoms, Dalriadic Irish, Pictish, British of Strathclyde, and English of Bernicia, the two latter realms extended south far beyond the line of modern Scotland. This fact had remarkable consequences in later Scottish history. Otherwise the existence of these four kingdoms mainly interests us as showing the nature of the races—Pictish, Irish, British, and English—who were, then, the inhabitants of various parts of Scotland, leaving, doubtless, their strain of blood in the population. A Dumfries, Ayr, Renfrew, Lanark, or Peebles man, as a dweller in Strathclyde, has some chance of remote British (Brython) ancestors in his pedigree; a Selkirk, Roxburgh, Berwickshire, or Lothian man is probably for the most part of English blood; an Argyllshire man is or may be descended from an Irish-Scot or Dalriad; the northern shires are partly Pictish, as also is Galloway, always allowing for the perpetual mixture of races in really historical and in prehistoric times.

Having now defined the ethnological divisions of early Scotland, we must glance at the method of its conversion. The Dalriad kingdom, as has been said, was Irish, the rulers were tributary to their Irish kin across the sea, and, after the time of Patricius, they were Christians. In 560 they were severely defeated by Brude, King of the Picts, and their king fell in battle. Their domains were now narrowed, and their royal house was tottering. This defeat of Irishmen settled in Kintyre, by Picts, probably gave St Columba (b. 521?) a motive for attempting to relieve his Dalriadic and Christian kindred in Kintyre, by converting their Pictish and pagan conquerors. A well-known tradition reports that Columba, himself of royal Irish blood and Dalriadic kinship, was excommunicated first and then exiled (though his admirers dispute this), for involving his country in a bloody war about a question of copyright.<sup>21</sup> Excommunicated for a time he may have been; but no sentence of exile prevented him, after he settled in Scotland, from visiting his Irish monasteries when he chose. Love of proselytising adventure, interest in his Dalriadic kindred, and possibly turmoil at home, must have com-



bined to urge Columba forth on his momentous travels. In 563-565 he founded his missionary settlement in the isle of Iona, which he seems to have obtained from a Dalriadic king, or in some other way. For two years Columba was settling his monastery, and converting the local Picts of Lochaber, Morar, Appin, Mamore, and Ardnamurchan. In 565 he made his way, perhaps up Loch Sheil, and across country to the long line of lakes, and so to the palace of Brude, King of the Picts, on the Ness. It is not needful to regard Columba's reported contest with the local miracle-workers of Brude (the *Druid*) as copied from Moses' strife with the magicians of Pharaoh. We have seen that a modern missionary bishop may be challenged to a war of miracles by a Maori *Tohunga*. The Huron *jossakeeds* performed miracles with which the Jesuits could not compete. St Columba could! He outdid the *Druid*, converted Brude (or, at least, made him friendly), and in 574 began to reap the political fruits which occasionally reward missionary enterprise. The Dalriad king had died, a successor was needed, and Columba declared that by crystal-gazing in a "book of glass" he had read the name of Aidan as the king's successor.<sup>22</sup> Having thus made Aidan king of the Dalriadic region, Columba went to an Irish national gathering at Drumceat, where his diplomacy won for the Dalriads in Scotland exemption from tribute to Ireland, but not from military service. Brude, the Pictish monarch, probably was gained over to recognise Aidan as a brother king. Aidan now warred successfully against men apparently of Pictish blood in the country between the Stirlingshire Carron and the Pentlands, and won, in that region, the battle of Chirchind. Far away, in Iona, St Columba beheld the battle.<sup>23</sup>

While Christianity was winning the northern Picts under Columba, it appears to have had some successes in the Brython kingdom of Strathclyde or Cumbria. In 573, a saint of Strathclyde, St Kentigern, the patron of Glasgow, was recalled from exile in Wales by Rhydderch Hael, a victorious Cumbrian king who had been baptised in Ireland. The non-Christian Cumbrians appear to have combined what of Celtic religion had survived with a predilection for Woden, the god of their heathen English neighbours. After reconverting the Cumbrians, especially those around Dumfries, Kentigern undertook some missionary work in Aberdeenshire. About 584 he is said to have met St Columba. His death was attended with peculiar circumstances,—indeed his whole career is involved in

mythology. But he does seem to have formed a link between the Church in Wales, the Church in Strathclyde, and the Irish Church founded by Columba among the Picts.<sup>24</sup>

Unfortunately for the Celtic missionaries and their prince, Æthelfrith, the Destroyer, "a man like Saul of Israel, except that he was ignorant of holy religion"<sup>25</sup> (in which Aidan was instructed by St Columba), was now reigning over Deira, whence he drove Eadwine, the rightful prince. Aidan, the Argyll Irish Scot, marched against Æthelfrith with a huge army. They met at Dawstanerig, between Liddesdale and the passes into North Tyne, and the Nine Stane Rig, with its nine stones, marks the place where Æthelfrith and the pagan ancestors of the Lowland Scots utterly routed Aidan and the forces of the Christians of Argyll (603). From that day till Bede's own time (731), no king of Picts or Scots showed his face in war against the Englishmen between Forth and Humber.<sup>26</sup> The reader will remember Surtees's forged ballad about the scene of Aidan's defeat:—

"They shot him dead at the *Ninestane Rig*."

Three years later Aidan died. Æthelfrith now (613?) routed the Brythons at Chester, and so severed the Welsh from their kindred in Cumbria, or Strathclyde. In 617 Æthelfrith fell in battle with his English neighbours of East Anglia. His sons were expelled; the eldest, Eanfrid, married a Pictish princess, and was father by her of Talorcan, a Pictish king, while the second, Oswald, was baptised in Iona. Meanwhile Eadwine, rightful prince of Deira, who now held by conquest the throne of Æthelfrith, and reigned over the English from Forth to Trent, was also converted by Paulinus (627), and, as "Bretwalda," held a vague far-reaching sway over both Celts and his own countrymen. He has left his mark in Eadwinsburh (Edinburgh), won from the Brythons, and the modern capital of Scotland has exchanged the name of Mynyd Agned for an English title. Eadwinsburh was the commanding strength of "Lothene," "Laodonia," the Lothians: thus ancient and thus deeply rooted is the Englishry of the East Lowland Scots. This, at least, is the current derivation of Edinburgh, but a recent writer makes the fact doubtful.<sup>27</sup>

But fortune turns her wheel. In 633 the Christian Eadwine fell in battle at Haethfield,<sup>28</sup> in Yorkshire, where he was defeated by an unholy alliance of Cadwalla, the "Christian" king of the

Kymry (Welsh and Cumbrians), with Penda, the still heathen king of Mercia. In a year of ruin, the son of Æthelfrith succeeded to Eadwine, but was murdered, it is said, by Cadwalla. His brother Oswald had been converted, as we saw, at Iona, and now came south, to receive his own, with an army of English Lowlanders. Inspired by a vision of St Columba, he defeated the murderer of his brother at a place near Hexham, and near the Roman Wall (634). Oswald now restored Christianity, and brought teachers to England from among his old friends at Iona. Aidan, a priest of Iona, introduced the Columban or Irish rite, with the Irish tonsure, and peculiar way of reckoning Easter-tide. But in 642 the indomitable heathen Penda defeated and slew Oswald in Shropshire. He was succeeded by his brother, Oswiu, who suffered painful things from Penda, till, in 655 (654?), Oswiu routed and slew Penda, perhaps at the Fechtin' Ford in Stirlingshire, but this is very dubious, a site near Leeds being preferable.<sup>29</sup>

The civilisation of Scotland depended, and has always depended, on the predominance of the English element over the Celtic. The victory of Oswiu practically secured this predominance for a generation. For thirty years the English, from Forth to Humber, were the masters of the Welsh Celts of the kingdom of Strathclyde, now cut off from their brethren of Wales, of the Irish Celts—the Scots of Argyll—and of the Picts up to the Grampian range at least, whose king, Talorcan, at the moment was a Pict only on the mother's side, and was English by male ancestry, being son of Eanfred, brother of Oswiu.

All these successes of Oswiu were presently vexed by disturbing and virulent questions of minor religious regulations. These quarrels were burning just when St Cuthbert entered into religion at Melrose (651). This, therefore (654), is the moment to glance at the quarrels that still echo feebly in controversies about the primitive complexion of Scottish Christianity as exhibited in "Presbyterian" Culdees. We have said that the civilisation of Scotland has always depended on the predominance of the English over the Celtic element—to take an extreme instance, of Bailie Nicol Jarvie over Rob Roy. To this it may be fairly replied that Scotland owed Christianity itself, with all its civilising influences, to the Celtic element. This argument cannot honestly be refuted by a discourse on the precise nature of the relations between Christianity and civilisation. Setting everything else aside,

Christianity, wherever it came, brought with it books and letters into regions whose inhabitants had never seen pen and ink. Christianity also tended to bring back that connection with the western world which the Romans had introduced, and which was broken by the Roman withdrawal. These boons the Christian Celts undeniably gave to the heathen English of south-eastern Scotland. But with that singular fatality which has dogged the Celtic races, their form of Christianity, however pure in doctrine, varied, in certain ceremonial trifles of the most essential importance, from the Christianity of the western Church—the European Church. Thus the Celtic Church was, practically, at this date, cut off from uniting with Rome, and from the civilisation which the western Church kept alive; while this unity, with its attendant advantages, had to be restored by the English element.

What, then, was that form of Christianity,—what kind of Church did Celts offer to heathen Englishmen in Scotland and England? It was marked by peculiarities, partly common to the age, partly resulting from its environment—the tribal society of Ireland. Thus it was, as in contemporary Gaul, *Monastic*, for the Irish Christians had combined, for union and strength, into so many sets of monasteries, each monastery being a kind of fortified village, or *kraal*, of wattled huts.<sup>30</sup> No doubt the *σκηναί* of the northern Picts, described by Dio Cassius, were not tents, but wattled structures like these. The necessities of early Christian life in Ireland, then, produced a monastic Church on this pattern, a Church of fortified populous missionary stations, which Columba spread abroad among northern and southern Picts. Thus the Church now presented for the acceptance of the heathen English, from Forth to Trent, was *Monastic*. Again, the long period of isolation from Rome and the Continent had permitted strange usages to grow up in, or early usages to survive in, the Scoto-Irish Church. Their nature appears from the adventure of Saint Columbanus (not Columba, of course), who, in 590, led twelve Irish monks into Gaul and Burgundy. They were clad in white tunics, covered by coarse woollen cloaks, undyed. Their tonsure, unlike that of Rome, was in front, “from ear to ear.”<sup>31</sup> They said, in a rather Protestant spirit, that they “accepted nothing outside the Evangelical and Apostolical doctrine.” And, most important discrepancy, they calculated the falling of Easter on a method of their own (a method elsewhere obsolete), which sometimes caused a difference of a whole month between their Easter

and that of the Church. When questioned on this point, Columbanus answered by practically denying that the Pope's jurisdiction extended beyond the limits of the Roman Empire, or applied to himself, an Irishman in Gaul.<sup>32</sup>

Trivial as these differences seem, they were reckoned essential. In the country of the newly converted English of Bernicia, Oswiu was keeping Easter at one date, the Scoto-Irish date, while his queen, a lady from Kent, was keeping it at another, the Roman or universal date. An old Scottish song declares—

“ That all the world shall see  
There's nane right but we,  
The men of the auld Scottish nation.”

This appears to have been the spirit of the Irish Church for a while as regarded the question of Easter. “Rome errs, Jerusalem errs, Alexandria errs, Antioch errs: all the world errs; only the Scoti and Britones are in the right.”<sup>33</sup> This posture of affairs could not last, and, in 664, a Synod held near Whitby, where St Hilda lived, decided in favour of the Roman Easter and tonsure, moved thereto by the eloquence of St Wilfrid. Colman, the Bishop of the Iona or Scoto-Irish school, therefore left Lindisfarne for the North. But the Picts of the North under King Nectan, who had been converted by Columba and his disciples, conformed, in 710, to the Roman rule already adopted by the English in 664, if not by Strathclyde. The Columban monks who resisted were driven beyond the limits of the Pictish kingdom into Dalriada (717), though the circumstance is disputed, the evidence of Bede being set against that of an Irish annalist, Tighernac.<sup>34</sup>

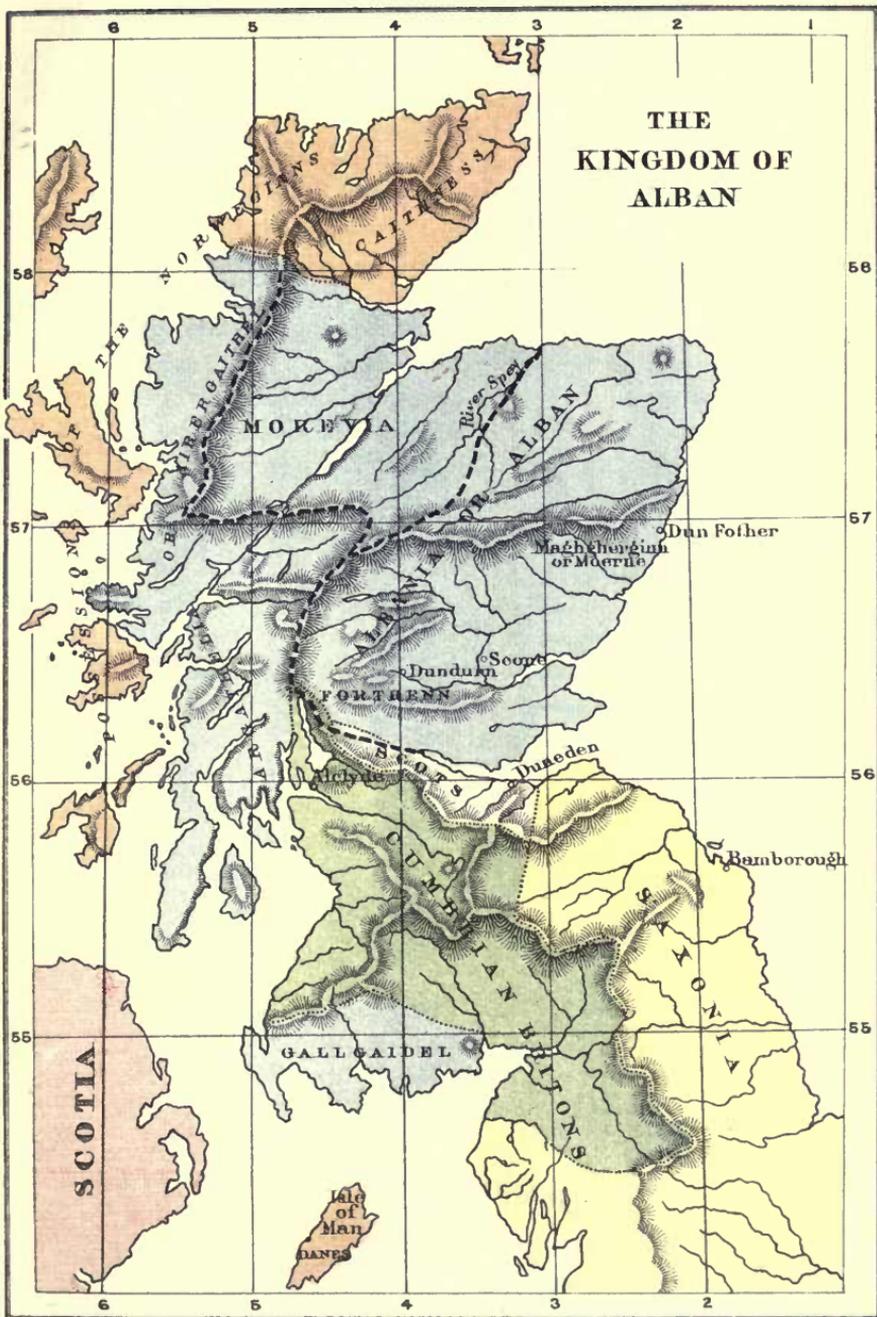
Thus, if Celts brought to heathen English the Columban Christianity, Christian English led the way, before the Celts, in the return to unity with the western Church. The poetic eloquence and miracle-working faith of the Celts made them excellent propagandists; organisation had to come from the English under continental discipline. The Church of the tribe yielded to the Church of the empire.

While the English dwellers in what was to be Scotland had their sorrows with Penda at this date, and were embracing Christianity, the Picts, Dalriads, and Britons were fighting confusedly. History at this time is like the moors and straths, on which you occasionally meet a tumulus surrounded by a circle of stones, and hear, in the

Gaelic place-name, the faint echo of a forgotten battle. It is certain that, in 684, Egfrith, Oswiu's son, harried Ireland, perhaps to prevent the Irish from aiding the Dalriadic Scots. In 685 he attacked "the beastly Picts," as a contemporary writer calls them. He was defeated and slain at Nectan's Mere, in Dunnichen, a parish of Forfarshire, and the English supremacy over the Picts was utterly lost. Up to the date of this battle an English bishoprick had its seat at Abercorn on the Frith of Forth. The bishop, Trumwin, was obliged to retire to Whitby, and the limits of the bishoprick shrank to the Pentlands.

The Picts and Dalriadic Scots now fell to a kind of quadrangular duel among themselves, being at war with each other, while factions combated within each race. Nectan's acceptance of the rule of Rome, followed, as some hold, by the expulsion of the Columban monks into Dalriada (717), may have added religious fervour to these secular animosities. The ebbs and flows of fortune in these far-off wars are difficult to follow. They ended in "the undisputed ascendancy of the Pict, Angus MacFergus" (730). He was counted as an ally by the English kings of Mercia and Northumbria, and in his conquests over the Dalriad Scots (Irish of Argyll) and the Britons of Strathclyde "may be traced apparently the germs of the future kingdom of Scotland."<sup>35</sup> Angus died in 761, his consolidated realm fell to pieces, and it is useless to clog the memory with the names of Drust and Bile, Brude and Aed. The brief chronicles usually give to each year "*Jugulatio* of" So-and-so. These monarchs *jugulated* each other, till, in 839, the Northmen, who burned Iona in 802—the ecclesiastical centre was removed later to Dunkeld—ravaged Northern Ireland, crossed to Scotland, and routed the men of Fortrenn.

This left a door open for Kenneth MacAlpine of Kintyre, who first mastered Dalriada, and two years later (844-860)<sup>36</sup> became king of the Picts, after a series of victories over them. This Kenneth was a Scot by his father's side, but apparently a Pict by his maternal ancestry. Thus, from a Pictish point of view, Kenneth was a Pict: from a Dalriad-Scottish point of view, he was a Scot, and "national susceptibilities" were conciliated by his accession. The Scots could say, "Here we Scots are lords of Pictland"; the Picts could say, "Here we have a genuine Pict of the old sort for king." But as civilised mankind does reckon descent and nationality by the father's, not, in the Pictish fashion,







by the mother's side, Kenneth, though perhaps a Pict among Picts, was a Scot "to all Europe." Hence his kingdom came later to be called Scotland, with all the territory later won as far south as Tweed. And thus the Scots, originally Irish, have given their name to a country whereof, perhaps, the greatest part of the natives are as English by blood as they are by speech.<sup>37</sup>

The capital of Kenneth was Forteviot, not Scone, where the Stone of Scone (perhaps an old Christian altar-stone) was the seat occupied by the monarch at his accession. It is probably *not* the stone of Tara, though the Fenians tried to steal it from Westminster on that score! Authentic evidence, in any case, of *coronation* comes much later.<sup>38</sup> The accession of Kenneth MacAlpine opens a new, and singularly difficult and intricate, period in the history of Scotland. The circumstances of his own rise to the united sovereignty are obscure. The little Irish kingdom of Dalriada had, apparently, grown weaker and weaker, yet Kenneth MacAlpine is, by paternal lineage, a Scot of Dalriada, and he becomes king of Picts. The following years, perplexed by battles with the invading Northmen, show a gradual movement of royal and ecclesiastical power towards the comparatively fertile and level lands of the east. St Andrews, for example, becomes the ecclesiastical metropolis. But here we may pause, having seen how Scotland was Christianised, and even brought partially, by no means wholly, into conformity with Rome. To complete the process of reconciliation with Rome was reserved for the energy of the English Saint Margaret, more than two centuries after the accession of Kenneth MacAlpine.

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#### NOTES TO CHAPTER II.

<sup>1</sup> Mr Plummer doubts if there was any St Patrick. Zimmer believes that the documents cited are "not *earlier* than the first half of the ninth century,"—Kelt. Beitr., iii. 77, 78. Mr Charles Plummer's *Bædæ Op.*, ii. 25.

<sup>2</sup> Here the ladies distinguish between the Sidhe and the gods. 'Tripartite Life,' i. 101. See Appendix B.

<sup>3</sup> See an interesting account of Irish gods in Elton, *op. cit.*, pp. 286-296; and Hyde, 'A Literary History of Ireland,' chaps. viii.-x. Also Mr Nutt's 'Voyage of Bran.'

<sup>4</sup> 'Tripartite Life,' Whitley Stokes, i. 102, 103.

<sup>5</sup> An Irish antiquary, writing from Cork, remarks that the Queen of Faery may still be met between rock and sea. Mr Alfred Nutt's first Presidential Address

to the Folk-Lore Society (1897) may be consulted on the divine descent of the fairies.

<sup>6</sup> *Leabhar na g-Ceart*, or the Book of Rights, p. 21. Dublin Celtic Society, 1847. Edited by John O'Donovan.

<sup>7</sup> O'Curry's Lectures, ii. 198. Skene, ii. 110.

<sup>8</sup> Bishop Selwyn once tried to convert a Maori chief, who said, "Can you do anything?" meaning work any miracle. The Bishop, as reported, said that our religion only professed to work miracles in the heart. "Bah!" said the chief, "I don't ask you to compete with me, who am of the blood of the gods. But my *Tohunga* (family chaplain) will meet you. Can you turn this faded leaf green again?" The Bishop repeated his remark. The *Tohunga* then tossed the sere leaf in the air. *It came down green*, and the chief remained wedded to his idols. —Information from Mr Tregear, F.G.S.

<sup>9</sup> The general theory of *Sidhe* and *Druadh* is Mr Skene's (ii. 108-120). The fairy survival, the parallels in Maori magic, and the Taboos, are added by the author.

<sup>10</sup> Skene, ii. 2. The point is controverted.

<sup>11</sup> Bede, bk. iii. ch. 4. C. Plummer's ed., i. 133.

<sup>12</sup> Dowden, *The Celtic Church in Scotland*, 14, 15.

<sup>13</sup> Burton, i. 153; cf. p. 42 and p. 68.

<sup>14</sup> Skene, ii. 26-31. 'Tripartite Life of St Patrick,' Whitley Stokes, *Rolls Series*, pp. 272, 332, 419. The precise facts are disguised by various traditions and modern conjectures. See 'Tripartite Life,' i. cxli.

<sup>15</sup> The sources of evidence for the real existence of Patricius are presented in Dr J. Heron's 'Celtic Church in Ireland,' chapter iii.

<sup>16</sup> Or in Boulogne, or at Dumbarton.

<sup>17</sup> This Celtic statement reminds us of the "four-and-twenty men, with five-and-thirty pipers," who accompanied a celebrated chief on a fatal expedition. It has, however, a meaning that dates from the days of "many bishops, few presbyters."

<sup>18</sup> Skene, ii. 25, 26.

<sup>19</sup> *Lives of St Ninian and St Kentigern*, 220. A. P. Forbes, 1874.

<sup>20</sup> Skene, i. 234, 235. If this Totemistic arrangement ever existed, it must have been long before Columba's arrival. The law of exogamy, and reckoning by the female side, however, still endured. Cf. Bede, *Gesta Anglorum*, i. 8-25, with *Chron. Picts and Scots*, pp. 40, 45, 126, and *List of Pictish Kings*. Robertson, ii., Appendix A. Zimmer rightly explains Bede's error (*Leabhar Nan Gleann*, p. 32).

<sup>21</sup> Columba had copied a Psalter from a MS. of another saint, who claimed it on the ruling that "the calf follows the cow." See Reeves, *Adamnan*, p. xxxvi.

<sup>22</sup> The story may have been true; printed or written words *are* read by crystal-gazers, and the suggestion of Aidan's name doubtless floated up from Columba's subconscious self. To him and his flock this would seem a miracle; to sceptical historians, a pious fraud: the facts need have been neither fraudulent nor miraculous, though the angel who brought the glass book may be a mythical accretion.

<sup>23</sup> From a passage in Adamnan's account, it has been thought that he saw the battle in the sky, as Miss Campbell of Ederein, in 1757, near Inverary, beheld that of Ticonderoga. But Columba was apparently under a roof when he had the experience. The miracles in Adamnan are curious, and will, later, be compared with the miracles of the English St Cuthbert. They may be analysed thus: (1) Copies of Biblical miracles, such as raising the dead, and turning

water into wine. (2) Fairy tales or *Märchen*, attracted into the cycle of Columba. Such is the story of a stake which would kill deer, but not tame animals or mankind, and of the misfortunes which befell the Lochaber man to whom Columba gave it. (3) Visions of angels. (4) Affairs of telepathy, clairvoyance, and second-sight. Adamnan's Latin is odd, but Dr Reeves's translation—"he 'did not deny but that by some divine intuition, and through a wonderful expansion of his inner soul, he beheld the whole world, . . . as in the ray of the sun"—is sufficiently accurate. Adamnan, practically anticipating Hegel's theory of such things, says, after St Paul, *qui adhæret Domino unus spiritus est*. (5) Physical miracles. The saint shines in a marvellous light. Objects are brought to him from a distance (technically styled *apports*). (6) Normally possible occurrences, regarded as miraculous. (7) Miracles of healing, due to "suggestion" (?). The interesting point is to notice that, in the stress of the Reformation and of the Covenanting excitement, precisely the same sorts of miracles, except (1), (2), and perhaps (3), are reported about Protestant preachers, and supplied the supernatural basis of their influence over their Presbyterian flocks. For Columba, see Dr Reeves's edition of Adamnan, in 'Historians of Scotland,' volume vi. The social life of his followers is described later in this work.

<sup>24</sup> Skene, ii. 179-199. The Lives of Kentigern are very late, but by studying Celtic sources and dedications of churches, Mr Skene has rescued some grains of fact from the mass of legend.

<sup>25</sup> Bede, Bk. i. xxxiv.

<sup>26</sup> Battle of Degastane or Dawstane.

<sup>27</sup> Miller, 'Pro. Soc. Ant. Scot.,' xxiii. 323-332 (1889).

<sup>28</sup> Now Hatfield.

<sup>29</sup> Compare Skene, i. 255, 256, with Freeman, Norman Conquest, i. 36. Sir James Ramsay places the field "on the banks of the Winwæd, now the Ayr." For Oswald's and Oswin's claims north of Forth, see Freeman, N. C., i. 547.

<sup>30</sup> Such a hut was Cluny's famous cage on Ben Alder, his place of refuge after Culloden, and Scott's friend, Glengarry, had a shooting-lodge of the same kind.

<sup>31</sup> But see an essay by Dr Dowden in 'Pro. Soc. Ant. Scot.,' 1895-96, p. 325.

<sup>32</sup> Columbanus to Boniface IV. Migne, Patrologia, xxxvii., coll. 275-282. Skene, ii. 7.

<sup>33</sup> Cumman. ad Segien., A.D. 634. Councils, Hadden and Stubbs, vol. ii. part i. period ii. p. 108; vol. ii. part ii. period iv. p. 293.

<sup>34</sup> Cf. Hume Brown, History of Scotland, i. 25. Bede, Hist. Eccles., v. 22. Skene, i. 316; ii. 177. Chron. Picts and Scots, pp. 8, 74.

<sup>35</sup> Robertson, Scotland under her Early Kings, i. 13.

<sup>36</sup> Cf. Skene, i. 308, note. Chron. Picts and Scots, p. 209.

<sup>37</sup> Mr Skene thinks that Kenneth may have been leader of broken Dalriad Scots in Galloway, who took advantage of the Pictish weakness under attacks of Northmen, i. 319.

<sup>38</sup> People who see in every sacred stone a grave-pillar which has developed into a fetich or a god, may observe that this example is an oblong block of red sandstone, 26 inches long, 16 broad, and 10 deep. The Irish missionaries were apt to carry about such stones wherever they celebrated the Eucharist. This portable slab may have been such an altar or table. Skene, i. 282. Of course an Irish missionary *may* have rescued for Christianity an earlier heathen sacred stone, but all this is idle guess-work. St Cuthbert's portable altar, now at Durham, was of wood, and this seems to have been usual. The Pictish rites appear to have been "very curious and disgusting"—heathen, in fact—and survived till they horrified David I. Robertson, i. 36, note; Elton, *op. cit.*, p. 176.

## CHAPTER III.

## THE DYNASTY OF KENNETH MACALPINE.

THROUGH all these dim centuries, which scarcely had a recorded history, and, for all that, were not happy, the blind tendency of things was towards the making of Scotland. The process was full of difficulty, owing to the national differences, Scoto-Picts, English, and Northman, in the elements. Which of these three factors, if any, was to dominate the others? The advantage might, in the days of Kenneth MacAlpine, have seemed to be on the side of the Scots, who were the most homogeneous people, and had something most nearly resembling a central and established power. But the Northmen, too, were homogeneous, and probably, on the whole, were the best armed and disciplined. The Northmen, however, were mere invaders, far from their base, and were apt to engage in rivalry with each other, all of them being, in a later phrase, "gentlemen adventurers." But the institutions of the Picto-Scots, also, seemed to have been developed out of the very love of distracted counsels and centrifugal tendencies, all making against their chance of uniting Scotland, as must now be shown.

We have seen already that the Pictish kingdom was traditionally divided into seven provinces, or principalities, from Caithness to Fife. "Nothing whatever is known of them;" but, long afterwards, as late as the reign of Edward I., we meet the "Seven Earls of Scotland," who assert a right to elect a king, when the succession is disputed. That alleged right seems to be an echo of a tradition, according to which the rulers of the old seven Pictish provinces elected the King of Picts.<sup>1</sup> It will be shown in the following chapter, when we deal with social life in Early Scotland, that each province was (or at least may fairly be envisaged as) a *Mor Tuath*, or Great Tribe, composed—on what precise principle is not clearly

known—of several *Tuath*, or tribes. Each of these tribes had a *Ri*, or King; each *Mor Tuath*, or province, had over it a King of higher grade, and, possibly, the Seven Kings of the *Mor Tuath*, or provinces, had an elective voice when circumstances brought into doubt the succession to the sceptre of the *Ardrigh*, the “Head-King” of Pictland in general, the sceptre at this date held by Kenneth MacAlpine.

There is no worse form of political rule than that of elective monarchies, witness Poland. Kings, in Pictland, doubtless were theoretically elective, just as in the Germanic constitutions; but they were elective out of a given family or kinship. When a King of Scots died, then the question arose, which *brother* of his was to succeed him? Mr Robertson supposes that this matter would be fought over by the foster-fathers of each brother,—all the foster-fathers being jealous for the interest of their own *dalt*, or fosterling.<sup>2</sup> Precedency of the eldest brother, however, in time became the rule, with exceptions, and so far the anarchic tendencies were mitigated. Beside the new king, when he was consecrated, whether by heathen rites (which were very singular and repulsive) or by those of the Church, stood his *Tanist*, or heir-apparent of the crown, who “seems to have been nominated on the same occasion.”<sup>3</sup> By this ingenious arrangement, every new king had beside him, from the first, a grown-up crown prince. History tells us how rarely, whether among the Incas of Peru or in the House of Hanover, a king and a crown prince have been able to keep the peace between themselves. It might be convenient to have an already acknowledged successor, who should step in without dispute when the Scottish king was murdered (as usually happened), but it was by no means so convenient for the king to have a rival monarch waiting for his succession and thwarting his policy. This posture of affairs will be found fruitful in disturbance, though, on the other hand, the abolition of Tanistry, in later days, as frequently led to wars of disputed succession.

The authority of the Pictish king (*Ardrigh*, chief king) over the *Ri*, *reguli* or minor kings of provinces (*Mortuath*), depended on the *Ardrigh*’s own strength of will and arm. Much later than Kenneth MacAlpine we shall see kings who could not hold their own against their *reguli*, or *Ri Mortuath*. For Kenneth and his dynasty the chief things necessary were to keep firm hold of the centre of the country, from Spey to Forth; to resist the Northmen; to put down

rivals in the province of Moray ; to form alliances with Strathclyde ; to hold Dalriada, mainly against Northmen ; and to raid the English of Lothian, thus gradually acquiring ascendancy in that southern region, but bequeathing to Scotland (as the result of an alleged infeudation of Lothian to the Scottish king) the secular English claims to overlordship of the whole northern realm. There were many vicissitudes of fortune. At times Dalriada, including Argyll, Kintyre, and the southern Isles, was won by the Scandinavian invaders. The Orkneys, Caithness, and Sutherland, too, stooped to Viking earls ; even Moray was often imperilled, either at the Northmen's hands or at those of a rival branch of Kenneth's line. But, in spite of all, the line of Kenneth kept a grip of central Scotland, and even in course of time obtained, in ways not clearly understood, domination over Strathclyde, or Cumbria, and English Lothian. The troubles of a divided England, wasted by the Danish host, made possible this success, and finally a dynasty, founded in Pictland by a Scot, and rent asunder by the jealousies necessarily aroused by the curious system of succession, consolidated Scotland, only to hand it over to a dynasty half English in blood and wholly Anglo-Norman in creed, language, sentiment, and education.

Such was the unlooked-for result of the toils which awaited the line of Kenneth. Making his way to the Pictish throne, as a result of these Viking successes which appeared likely to turn Scotland into a Scandinavian appanage, Kenneth enjoyed the advantage, that before him, as we saw, a Pictish monarch, Angus Macfergus (*ob.* 761), had been powerful enough to consolidate the Pictish provinces into a union closer than had previously existed. To this nucleus of uneasy realm the Scot, Kenneth MacAlpine, succeeded, reigning from 844 to 860. Brythons of Strathclyde and Northmen ravaged Kenneth's realm, but Kenneth in turn raided English Lothian as far south as Dunbar. Iona being exposed to repeated attacks by the "heathen of the Northern sea," the bones of St Columba had been removed by Constantine Macfergus (789-820) to Dunkeld.<sup>4</sup> The church there, too, was soon ruined by the enemy, but Kenneth rebuilt it as a shrine for the relics of the great Irish saint. Kenneth's daughter married the Brython prince of Strathclyde, with important results. Kenneth was followed by his brother Donald (died 863), and Donald was succeeded by Kenneth's son Constantine<sup>5</sup> (863-877). At this time the Vikings, distracted at home, had secured a hold upon Ireland, Orkney, and Shetland ; they seized

Caithness and Sutherland as far south as the Kyle, where Oykel and Shin reach the sea, and even added to these territories Ross and Moray.<sup>6</sup> There seemed to be no reason why the Northmen should not make a new Norse kingdom of Scotland, but the defeat and death of their leader Thorstein (attributed by them to the perfidy of Constantine's men) prevented that result (875).<sup>7</sup> In 877, however, Constantine died in resisting a Norse attack on Fife. He is rumoured to have been tortured to death in a cave near Crail. Constantine was succeeded by his brother Hugh (Aed or Aodh), who was defeated and slain by Cyric (St Cyr), commonly and uneuphoni-ously called Grig. What Cyric had to do with the succession is not too clear. As Tanist, Donald, son of Constantine, son of Kenneth MacAlpine, should have succeeded. By old Pictish law the successor should have been Eocha, son of Kenneth's daughter, who married the Brython king of Strathclyde. Both Eocha and Donald were young, and Cyric either became king *de facto*, as tutor of Eocha, the claimant under old Pictish law, or he voluntarily associated Eocha with him in the government of the southern part of the realm. Cyric, in Mr Skene's view, was of British or Brython birth, St Cyr, his patron, having several churches in Wales, and at least one in Devonshire. Mr Robertson, on the other hand, regards this intrusion of Cyric as an example of the standing rivalry between Northern Picts (Cyric) and Southern Picts (Aodh). This rivalry lasted for centuries, and even when a half-English dynasty held the throne—descendants of St Margaret and Malcolm Canmore—there was usually a Northern Pretender to raise his standard.

Cyric, in any case, reigned from 878 to 896. He is said to have freed the Scottish Church from Pictish servitudes, whatever this may exactly mean (probably release of Church lands from the services imposed on lay lands); he was also a benefactor of St Andrews, so that it soon became, in place of Dunkeld, the chief seat of Scottish ecclesiastical power. Eocha died in 889, and his place was taken, according to the law of Tanistry, by Donald, son of Constantine, son of Kenneth MacAlpine. Henceforth the kings are "Kings of Alban," with Scone for royal seat.

The Northmen were defeated on the Tay, and Cyric, in 896, slept with his fathers. Donald died, probably was "jugulated" at Forres in 900; the North was ever unlucky to kings of the Southern branch, but the place of Donald's fate is uncertain. Next came in the son of Aodh, son of Kenneth MacAlpine, named Constantine II.

By a kind of miracle, in that age, he survived to within seven years of his Jubilee, reigning till 943 (942?). He began by defeating the Vikings, and, about 906, he and Cellach (Fothadh?), Bishop of St Andrews, vowed, at Scone, to protect the laws and liberties of the Church. Cellach here appears as "Bishop of Alban," implying primacy over all the realm.

Mr Skene has shown, with great learning and ingenuity, how, as Patron Saint of Scotland, St Andrew succeeded his brother St Peter, whom the Pictish king, Nectan (710), had appointed to protect the kingdom. The relics (part of an arm, and other bones) of St Andrew were probably brought to Hexham by Bishop Acca (709-731). Acca, being expelled from England, went and joined the Picts. St Andrews (Kilrymont, "cell of the king's cliff") was founded in 731-761, and the relics of St Andrew, which give the name to the city, probably came there from, or through, Acca, the expelled Bishop of Hexham, who would carry those sacred objects with him, when he fled from Hexham into Pictland. The relics were the making of a town for which, apart from its possession of these treasures, and at an early period of a saint in a cave, with the consequent gatherings of holy men, there seems then no obvious *raison d'être*.<sup>8</sup>

Constantine's brother, Donald, now (908) became king of the Brythons of Strathclyde. War still occurred, on occasion, between the two countries. The affairs of the Northmen, and of England, are presently mixed with Scottish history in such a way as to furnish a theme for quarrel to historians, and perhaps the earliest genuine occasion for dispute about the later English claims to supremacy in Scotland. The problem appears thus: In 918 Regnwald, a Viking leader sailing from Wexford, seized the north-east of England. The Northumbrian chiefs (English) fled for aid to Constantine of Scotland, whose forces accompanied theirs to a great battle near Corbridge on Tyne. The Northmen were victorious, though the Scots seem to have suffered but slightly, and the conquering Regnwald did not occupy new territory north of Tyne. Regnwald died in 921, being succeeded, in what was now Danish Northumbria, by his brother Sitric, to whose son Constantine later gave his daughter.

Now comes a point of supreme importance. While we have been neglecting the affairs of the English domain between Forth and Humber, the English kingdom of Wessex had swallowed Deira,



and at this date Eadward the elder, successor of Alfred the Great, was "immediate sovereign of all England south of Humber" (Freeman).<sup>9</sup> Now appears in the English Chronicle (F.) the statement, "924. In this year was Eadward king chosen to father and to lord of the Scots king [Constantine II.] and of the Scots, and of Regnold [Regnwald] king, and of all Northumbrians, and eke of the Strath Clyde Wealas king, and of all Strath Clyde Wealas." This is the famous *Commendation* of Scotland to England, almost the first step in a quarrel for English supremacy lasting nearly seven centuries. Mr Freeman puts the matter thus, "From this time to the fourteenth century" (*Bannockburn*), "the Vassalage of Scotland was an essential part of the public law of the Isle of Britain." By this alleged act of 924, Scotland, we think, was exactly as much the English king's domain as England, by John's Commendation (1213), was the Pope's domain,—which does not imply very much. On this act of 924 rested, ultimately, the claims of Edward I. in 1291, and even the pretensions of Henry VIII. down to 1547.

But was there really any "Commendation" of Scotland to England in 924? Did such a thing actually occur? It is recorded "in the honest English of the Winchester Chronicle," says Mr Freeman; *not* in a ballad, or a mere Scandinavian saga, or a Latin charter, or, oddly enough, in the Chronicle of Picts and Scots. But the honest English chronicler makes Regnwald of Northumbria "commend" himself and his kingdom. Now unluckily, in 924, Regnwald, the Northman king of Danish Northumbria, had already "gone to Odin." He, then, could not possibly take Eadward "to lord" in 924, and if the "honest English Chronicle" is wrong about him, it need not be right about the submission of Constantine and of Scotland. The words of the Winchester Chronicle are, "He [Eadward] went thence into Peac-lond to Badecan-well [Bakewell in Derbyshire], and commanded a *burh* to be built nigh thereunto, and manned. And then chose him to father and lord the king of Scots, and the whole nation of the Scots, and Ragnald [Regnwald], and Eadulf's son, and all those who dwell in Northumbria, as well English as Danes and Northmen, and others. And also the king of the Strath Clyde Wealh, and all the Strath Clyde Wealh." To this statement of the Chronicler, Mr Robertson replies that such submissions were always made on the Marches, whereas Bakewell is nowhere near the Marches.<sup>10</sup> Mr Freeman says, in answer, that

the Chronicle does not aver that the submission was made at Bake-well. The reader may choose his own interpretation of the English text which has been cited.

Mr Robertson next argues that the Northumbrian Northmen did not, in fact, submit to England at all, before the reign of Eadward's son, Æthelstan. Mr Freeman answers that Æthelstan became *king* of Northumbria, whereas Edward, though he received the Com-mendation, was only overlord. Mr Robertson's authority for Regn-wald's death three years before he submitted to Edward (as the Chronicle avers) "is the Irish Annals, at this period most accurate and trustworthy authorities in all connected with the Hy Ivar family,"—Regnwald's House. Mr Freeman replies that the Regnwald whom the Irish Annals kill was, probably, in a familiar phrase, "another person of the same name." Finally, even if wrong about Regnwald, the English Chronicle is right about Scotland. There the quarrel stands.<sup>11</sup> Mr Skene, it may be added, points out, as Mr Freeman also notes, that Florence of Worcester (*ob.* 1118) saw and corrected the anachronism of the Chronicle, as to Regnwald's doing submission years after his decease,<sup>12</sup> and therefore Florence dates the Com-mendation in 921, before Regnwald died. Mr Skene, however, does not think Mr Freeman victorious over Mr Robertson's objections. True or false, the record of this so-called Commendation of Scotland, in the English Chronicle, had most important consequences, as one base of the claims (mainly mythical) of Edward I.

Eadward died and was succeeded by his son, Æthelstan. Again do historians, English and Scottish, differ as to what now occurred in regard to the relations between Scotland and England. Mr Freeman says, "In Æthelstan's second year [926], all the vassal princes, Welsh and Scottish, and a solitary Northumbrian chief who still retained some sort of dependent royalty, renewed their homage. It is expressly mentioned that they renounced all 'idolatry.'" Now the Chronicle asserts the abandonment of idolatry—by four Christian princes, including the Scottish king!<sup>13</sup>

The son of Sitric, the brother of Regnwald, Olaf, married a daughter of Constantine, and it seems probable that this Dano-Scottish connection aroused the suspicions of Æthelstan. He marched northward and ravaged Fortrenn, the Scottish province between Forth and Tay, while his fleet vexed the coasts as far as Caithness. Three years later (937) the Northmen failed in a supreme effort to recover Northumbria from Æthelstan by aid of

Scotland, and of the Brythons of Strathclyde. Mr Freeman rebukes the Scottish Christians who "did not scruple to league themselves with the heathen barbarians." But the saga of Egil Skallagrim represents Æthelstan himself as allied with other heathen barbarians, wandering vikings, including the unawakened Egil himself. The saga, of course, insists on the prowess of its heroes; the famous old English ballad of the battle of Brunanburh gives the palm to the English. The Brito-Scoto-Northman combination was certainly defeated after very severe fighting. The scene may have been Bourne in Lincolnshire (Ramsay). Constantine lost a son, and Æthelstan mourned two brothers. The Northmen from Ireland fled home in their ships, and Constantine withdrew beyond the Forth (937).

Northumbrian affairs continued to be perturbed by Northmen till 954, when the land was settled under an earl holding of England. But, ten or eleven years earlier (943), Constantine had withdrawn from the world, and become abbot in the monastery of St Andrews. Says St Berchan—

"God did him call  
To the monastery on the brink of the waves,  
In the house of the apostle he came to death;  
Undefined was the pilgrim."<sup>14</sup>

This retreat of a crowned king to a cell in St Andrews perhaps took place shortly after the appearance of the much-disputed *Cele De* or Culdees in Scotland. These Culdees were "originally a college of secular clergy who lived together," and had a common table, ministering to the services of the great church of the place. We shall hear later of their supersession by Augustinian canons. Their rule, as time went on, became far from strict, and Constantine was probably no priest but a *lay* prior at St Andrews.

Among the events of his long reign, the establishment of his brother on the throne of the Britons of Strathclyde was not the least important, as Scotland was to assimilate the northern part, at least, of that realm under Malcolm II. Yet more important are the claims of English overlordship, later founded (where they do not rest on mere mythology) on certain alleged events of the reign of Constantine II. We have been content to summarise the opinions on this quarrelsome topic of those two champions, Mr Freeman and Mr Robertson.

Constantine was succeeded by Malcolm I., son of Donald II.

In his reign we again find a bone of contention between modern historians, Scottish and English. The obscure history of this period is always read with an eye to the later claims of Edward I., and the Scottish reply. Mr Freeman states his case thus: "The kingdom of Strath Clyde" (Brython) "was conquered and abolished" (by Eadmund, brother and successor of Æthelstan), "and the greater part of it, Cumberland, Galloway, and other districts, were granted by Eadmund to Malcolm on the usual tenure of faithful service in war. This principality remained for a long time the appanage of the heirs-apparent of the Scottish crown. . . . It is probably the earliest instance [945] in Britain of a fief in the strictest sense, as opposed to a case of commendation."<sup>15</sup> Now the exact words of the English Chronicle are that Eadmund handed over Cumberland to Malcolm, on the ground that the Scottish king should be his *midwyrhta*, "fellow-worker," by sea and land. The arrangement was renewed under Eadmund's successor, Eadred. This covenant, however, is represented by twelfth century Anglo-Norman writers thus—"fellow-worker" is rendered *fidelis* (one who gives fealty), and, as Mr Robertson urges, what was really in origin but a recompense for alliance against the Northmen, during Malcolm's life, came later to be regarded as the bestowal of a *fief* on a vassal, the Scottish king, *and his successors*. Now Simeon of Durham, long after the event (1060-1130), writes that, in 1092, Malcolm III. held Cumberland, "not legally, but by conquest." How could that be, if Malcolm (on Mr Freeman's theory) only succeeded regularly to an old fief held from England?

Rather unluckily for Scotland, the English view of Cumberland (for more can scarcely be meant) as a fief granted by England to the Scottish kings is nowhere so explicitly stated as long afterwards, in the fourteenth century, by Fordun, the patriotic Scottish historian. His object was to make out that Scottish homage, when paid at all to England, was paid for this fief, Cumberland, which was held by the Scottish heir-apparent, or Tanist (successor), rather than by the actual King of Scotland. Thus Fordun, unawares, in attempting to serve his own argument, chimes in with Mr Freeman. Really, had Fordun known it, his patriotic argument would have been better served by regarding Cumberland as a gift for alliance only, during the lifetime of Malcolm I. This is Mr Robertson's view. "The grant lapsed upon the death of Malcolm, and was never renewed." He even supposes that, when Malcolm

died (954), his successor, Indulf, invaded Lothian, and took Edinburgh, just because the grant of Cumberland was *not* renewed by England.<sup>16</sup>

It would appear that of the kingdom of Strathclyde, originally Brython, and originally stretching from Dumbarton to the Derwent, the southern portion, what we now call Cumberland, was by this time roughly Anglicised. A few Brythons may, however, have held their own in the mountain fastnesses. The northern part, the actual Strathclyde, was under the kinsman of the Scottish kings; but the southern part, modern Cumberland, was probably but ill subdued by England,—was, practically, anarchic: no man's land.<sup>17</sup> In this condition it would be a *point d'appui* for Northmen Vikings from Ireland, and to keep them out would be Eadmund's motive for handing Cumberland over to Malcolm as his ally (945). In fact, on this showing, the grant of Cumberland was an English sop to Malcolm, to keep him from the allurements of a Viking alliance. This is the best statement of the Scottish case as against the view of post-Conquest Anglo-Norman writers, who render what we translate "ally" by *fidelis*, or vassal, thus making that a hereditary fief, implying vassalage, which was really a temporary "consideration." Mr Skene, however, does not take this patriotic view, but makes little question that Malcolm held Cumberland "by fealty to England."<sup>18</sup>

On Eadmund's death the arrangement regarding Cumberland was, we learn, continued between Malcolm and Eadred, the English king. But in 949, the Northman son-in-law of the recluse Constantine made a last effort to recover Northumbria from Eadred for the Vikings. The undefiled pilgrim, Constantine, heard the echoes of war above the sound of the wash of the waves on the rocks of St Andrews. He forgot the obligations to Eadred, he changed the abbot's frock for the byrnie, crossed the Border, and ravaged England to the Tees.<sup>19</sup> Constantine died in 952. Olaf was expelled from Northumbria, and established a Norse dominion of thirty years' duration over Ireland.<sup>20</sup> Malcolm I., Constantine's son, died in 954, slain near Forres, probably in the secular struggle of Northern and Southern Picts. He was succeeded by Indulf, son of Constantine II. (954-962), who appears not to have been continued in the sway of Cumberland, but to have recouped himself by seizing the English stronghold of Edinburgh.<sup>21</sup> Indulf fell in fight against the Vikings, or, as others say, in peace, at St Andrews.<sup>22</sup>

The Scottish crown was ever a thing of contest between the senior branch, that of Constantine I., and the junior, that of Aodh, both sons of Kenneth MacAlpine. Duff, son of Malcolm I., had to fight Colin, son of Indulf; he was slain at Forres, unless that is a late fiction (967). Colin died a violent death of one kind or another in 971, and Kenneth II., son of Malcolm I., succeeded, whether peacefully or not is uncertain. He ravaged Cumberland, and the north of Scotland was perturbed by wars of the Northmen, during which Kenneth seized the Mormaor of Angus, and brought that province directly under his own hand, putting to death the native prince. The feud thus provoked ended, as we shall see, in his own assassination in 995, at Fettercairn.

Kenneth supplies the usual *casus belli* between English and Scottish historians. He was contemporary with Eadgar of England, and the dispute rages as to whether Kenneth was Eadgar's vassal. Mr Freeman writes, "There seems no reason to doubt the historic truth of the tale of that famous pageant in which the Emperor of Britain (Eadgar) was rowed on the Dee by eight vassal kings." Now, the English Chronicle says that Eadgar met *six* kings at Chester on the Dee, where they renewed their homage to him. Some two hundred years later, Florence of Worcester raises the *six* kings to *eight*, among whom he names Kenneth of Scotland, Malcolm of Cumberland, Maccus of the Isles, and five Welsh princes. Florence first tells the story of the royal eight-oar.<sup>23</sup>

This kind of late evidence, Florence's testimony, would not be reckoned very good in most sorts of researches. Mr Robertson, arguing for Scotland, remarks that Florence was ill-advised in *naming* the kings. There could have been no "King of the Cumbrians." The King of Strathclyde, at that date, was not Malcolm, but Donald, son of Eogan. Of the Welsh princes named, one was dead, and another is unknown.<sup>24</sup>

Another difficulty arises. Scotland certainly did, at some time, in some way, get hold of Lothian, an English territory. How was this effected? Mr Freeman asks. "Was the cession of that part of Northumbria" (Lothian) "a grant from Eadgar to his faithful vassal Kenneth"—who stroked the apocryphal eight on the Dee? "Or was the district wrung by Malcolm" (1005-34) "from the fears of Eadwulf Cutel, or won by force of arms after the battle of Carham in 1018?"<sup>25</sup>

Now, while Lothian certainly passed from English to Scottish

hands, about this period, no writer who lived at or near the time says anything about the transference. Mr Skene arranges the English statements thus—"Simeon of Durham" (or rather whoever wrote the tract *De Northynbrorum Comitibus*, attributed to Simeon),<sup>26</sup> makes Eadgar appoint Oslac and Eadulf earls over Northumbria. They, with the bishop of Durham, bring Kenneth to Eadgar, Kenneth does homage, Eadgar grants him Lothian, and sends him home with honour. Nearly a century later John of Wallingford, Abbot of St Albans, tells how Kenneth came to London to see Eadgar, much as the Queen of Sheba came to Solomon, with the Earls Oslac and Eadulf, and the Bishop of Durham. Kenneth pleasantly suggested to Eadgar that Lothian was a hereditary possession of Scottish kings, and should be his. Eadgar referred the question to his Council: what follows is mutilated in the work of John of Wallingford, but we gather that the Council thought Lothian remote and unprofitable, that Kenneth did homage for it, that he promised to leave to the Lothian people (English, of course) their old customs, language, and name (English), "and thus was settled the old dispute about Lothian."

Now a writer of about 1090, if not Simeon of Durham, makes Lothian a cession to the Scots through the cowardice of the Earl of Northumbria, Eadulf Cudel,<sup>27</sup> as late as the days of Canute, and this pusillanimous Eadulf of fact has been turned by the other Simeon, and by John of Wallingford, into the mythical Eadulf who leads Kenneth to do homage for Lothian to Eadgar.<sup>28</sup> The truth is, that Kenneth I., Constantine, Cyric, Indulf, and Kenneth II., had all often invaded Northumbria, of which Lothian was the northern part. But the story of a cession of Lothian to Kenneth II., as a fief, is a late Anglo-Norman Chronicle-fable, invented to disguise what really occurred. Malcolm, in Canute's reign, *took* Lothian from Eadulf, and the tale of Kenneth's homage for Lothian is a myth devised to conceal the facts. Thus obscure is that supremely important event—the addition of Lothian with its English blood to the Celtic kingdom of Scotland.

The North of Scotland, in Kenneth's reign, was harried by Northmen, who, though at war among themselves, held most of the land beyond Spey. Kenneth himself, in 995, was assassinated, it is said, at Fettercairn in Kincardineshire. He had been asserting the much-disputed Royal power in that region, and late credulous

writers, like Fordun and Boece, tell a curious tale of a murder-machine, and a woman's revenge for the slain Mormaor of Angus.

The truth is, that there ought to be *two* histories of Scotland: one legendary and picturesque; one doggedly clinging to contemporary evidence. The former would be as interesting as Herodotus, for, down to 1750, the narrators had a marvellous art of embroidering the dull tissue of facts with the golden threads of romance, and the rubies and sapphires of fairy-land. This legendary Scottish history is, in one sense, the true history, for it is true to the ideal, and it is the only version that men remember. But our path is marked out, and it shuns the charmed woods and enchanted castles of Fordun, Boece, Buchanan, Blind Harry, Hume of Godscroft, Lindsay of Pitscottie, and the other authors who wrote delightfully concerning what should have been, but was not. And surely the image of brass, with the golden apple, which (in the old fairy-tale histories) slew Kenneth II. at Fettercairn, never was, except in fairy-tale!

Kenneth was succeeded by Colin's son, Constantine III., who, in two years, died while resisting Kenneth Macduff, Kenneth III., who, again, fell in 1005, probably in a war of succession. The death of Constantine III. extinguishes the line of the House of MacAodh MacKenneth, the younger branch, through Hugh or Aodh, of the dynasty. The elder branch, the House of Constantine MacKenneth, now split into the usual Celtic division, the factions being headed by the grandsons of Malcolm I. (943-954). Kenneth III. was succeeded by his cousin Malcolm II. (1005-1034). His earliest exploit, an invasion of Northumbria, ended in a defeat before Durham (1006). Soon after the Viking, Jarl Sigurd, defeated the Mormaor of Moray. Malcolm then married his own daughter to Sigurd. The Jarl died, and Malcolm made his son (Malcolm's grandson) Earl of Sutherland. Some years followed unmarked by great events; but, in 1018, Malcolm again invaded Northumbria, and won a great battle at Carham on Tweed. It was *now* that Eadulf Cudel really ceded Lothian (the region north of Tweed) to Malcolm (1018). The English speech and laws persisted there, the germs of the Scotland of history. The speech and laws of England, thus introduced into the kingdom of Scotland, leavened the whole lump, and the process of de-Celtisation began.

It is an important circumstance that the king of the Strathclyde Brythons fought by Malcolm's side at Carham. This prince died



in the following year, and the next *rex Cumbrorum* we hear of is Duncan, grandson of the victor of Carham, who later became King of Alban. But Eadulf Cudel, who had yielded Lothian to Malcolm, was only the "man" of King Canute—himself a very unyielding character. In 1031 Canute marched north, and Malcolm met him somewhere. The English Chronicle records that Malcolm became "the man of Canute" ("for all he had," says Mr Freeman), "but he this held for but a little time." Another version adds that with Malcolm came in two other kings—Maelbeth and Jehmarc. Of "Maelbaethe" there is much more to tell; but at the time when the honest Chronicle calls him a king, he was not yet even Mormaor of Moray! <sup>29</sup>

Malcolm was murdered in Angus, at Glamis, in 1034: he is accused of having procured the death of his natural successor (on the Pictish system), thereby leaving the crown to Duncan, his own grandson by his eldest daughter, Bethoc, wife of Crinan of the House of Athol, lay Abbot of Dunkeld. This accession of Duncan was the first example of inheritance of the Scottish throne in the direct line. The heir-apparent, whom Malcolm is accused of putting out of the way, was an unnamed son of Boedhe, and grandson of Kenneth III.<sup>30</sup> The crime of destroying Boedhe's son left a curse behind it. Boedhe had, in addition to the slain son, a daughter, Gruoch, who married into the family of the Mormaors of Murray, carrying her claims with her. Her husband, the Mormaor of Moray, was slain in a family quarrel, but left a son by Gruoch, named Lulach, an infant, who thus represented the line of Kenneth Macduff. Gruoch next married Macbeth (Maelbeth), who had succeeded to the Mormaorship of Moray. As guardian and representative of his stepson, Lulach, Macbeth stood for the child's claims on the Scottish crown, now held by Duncan, son of Malcolm's daughter, Bethoc, by the head of the Athol family, Crinan, lay Abbot of Dunkeld. Thus the gracious Duncan, in the eyes of strict Pictish legitimists, was really a usurper. On the hitherto prevalent system of alternation, Lulach was the rightful king. Nothing had been gained by Malcolm's crime. There was merely a new division in the Royal line, Duncan representing the House of Athol, Lulach (and Macbeth) the House of Moray.

In these dynastic circumstances Duncan came into collision with the Northmen, and attempted to displace his cousin, Earl of Caithness and Sutherland, Thorfin, by appointing Madach in his place.

Madach failed in battle with the Northmen just about the moment when Duncan himself was being defeated in a raid into Northumbria. Attempting to help Madach in the North, Duncan was driven by the Northmen into Moray, while Madach was cut off and slain. His Viking foes then marched against Duncan, and defeated him. Soon afterwards Duncan was assassinated "by his general," Macbeth, Mormaor of Moray, and representative of Lulach, at Bothgowanan, "the Smith's Bothy."<sup>31</sup> All this, of course, is very unlike the immortal narrative of Macbeth and Duncan known to the world; known because Shakespeare adapted from Hollinshed the romance which Hollinshed borrowed from Boece. Duncan was really no aged sire, but a young man, "immaturæ ætatis."<sup>32</sup>

Macbeth could not expect always to avoid the feud of the children of Duncan, who were very young at the time of their father's murder. They represented the House of Athol; Macbeth, for Lulach, represented the House of Moray. Like Bruce, Macbeth, though an assassin, when once crowned was an 'excellent king, liberal to the poor, and perhaps went as a pilgrim to Rome. But "a crown is no light weight, especially when it is not one's own," as a son of Louis Philippe is said to have remarked to his father. Macbeth was to learn this truth by experience.

In 1052 some Norman favourites of Edward the Confessor were driven out of England and were harboured at Macbeth's Court. For this reason or another, in 1054, Siward, Earl of Northumbria, attacked Macbeth, perhaps in the interests of Duncan's son Malcolm, called Canmore. On July 27, 1054, Siward inflicted a defeat on Macbeth. But Macbeth was not dethroned by Siward, he reigned for four years longer, and the question arises, Was Siward's attack directed by Edward the Confessor in the interests of the son of Duncan? Mr Robertson regards this as a mere contention of "Anglo-Norman Chroniclers," to further "the subsequent feudal claims of the English kings." The contemporary Irish annalist assigns no such political cause to Siward's expedition, nor do the two MSS. of the English Chronicle, which describe the adventure of Siward. Mr Freeman rests on the later authority of Florence of Worcester, believes that Siward acted under orders of the English king, and rejects Mr Robertson's notion that Siward's march was directed against Macbeth to punish his reception of fugitive Normans. Their presence in the battle, on Macbeth's side, also rests only on Florence, whose authority is good, Mr Freeman thinks,

for the Confessor's interference in Scottish dynastic affairs, if good at all.

It seems probable that Florence's tale about the Confessor sending Siward to restore Malcolm and put down Macbeth (thus asserting English rights over the Scottish crown) is a mere myth. Forty years later William Rufus sent the Atheling to place Duncan on the throne of Donald Ban. Florence threw this historical fact back on the past thus—

THE CONFESSOR. }	SIWARD. }
Rufus. }	The Atheling. }
MACBETH. }	MALCOLM. }
Donald Ban. }	Duncan. }

The process is like that which, as we saw, thrusts back Eadulf from the reign of Malcolm II. to the reign of Kenneth II., and, in place of making Eadulf cede Lothian to Malcolm II., makes him lead Kenneth II. to do homage for it between the hands of Eadgar. The Anglo-Norman writers are rich in the mythopœic faculty, which serves the purposes of English claims over Scotland.

Whatever were Siward's reasons for attacking Macbeth, he certainly did not dethrone him, nor set the Scottish crown on the head of Malcolm. The usurper reigned three years after Siward's invasion, and then Malcolm, how supported we know not, defeated Macbeth, who fell at Lumphanan in Aberdeenshire. Lulach, his stepson, the representative of the House of Moray, feebly continued the struggle; but he died obscurely within a few months, leaving troublesome issue, and Malcolm was recognised as king. With his accession history struggles out of obscurity into the light, though not yet into perfect day.

Here we may close a chapter of difficult and debatable matter. We found Scotland a battle-field of Northmen, Brythons, Picts, Scots, and English. We saw a nominally Scottish, really a Scoto-Pictish dynasty, that of Kenneth MacAlpine, established at Scone. This dynasty held a large cantle of country (Scotia or Alban), from Spey to Forth; it had claims on northern provinces; it enjoyed rights of a mixed sort over Lothian and Cumbria, while Caithness and the west coast were mainly dominated by Scandinavians. The succession to the throne was, we have seen, a cause of intestine feuds, when Scottish, Pictish, or modern ideas of title were asserted

by various claimants. Meanwhile, the precise nature of English rights over the King of Scotia for Cumbria, Lothian, and "all that he had," was matter of dispute. But the Norman Conquest of England is drawing near, and with it the approach of the English tongue, English churchmanship, and fully developed feudalism in Scotland.

Throughout this chapter the difficulties of the theme have made it seem desirable to avoid picturesque details. The following pages offer a sketch of the condition of life in this long and confused term of years.

### DYNASTY OF KENNETH MACALPINE.

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#### KENNETH MACALPINE (843-859).

DONALD (859-863), brother of Kenneth.

CONSTANTINE (863-877), son of Kenneth.

AODH (877-878), brother of Constantine.

(CYRIC) (878-896). EOCHA (878-889), son of Kenneth's daughter, and of Cu of Strathclyde.

*House of Constantine—*

DONALD II. (889-900), son of Constantine.

*House of Aodh—*

CONSTANTINE II. (900-943), son of Aodh.

*House of Constantine—*

MALCOLM I. (943-954), son of Donald II.

*House of Aodh—*

INDULF (954-962), son of Constantine II.

*House of Constantine—*

DUFF (962-967), son of Malcolm I.

*House of Aodh—*

COLIN (967-971), son of Indulf.

*House of Constantine—*

KENNETH II. (971-995), son of Malcolm I.

*House of Aodh—*

CONSTANTINE III. (995-997), son of Colin (end of House of Aodh).

*House of Constantine—*

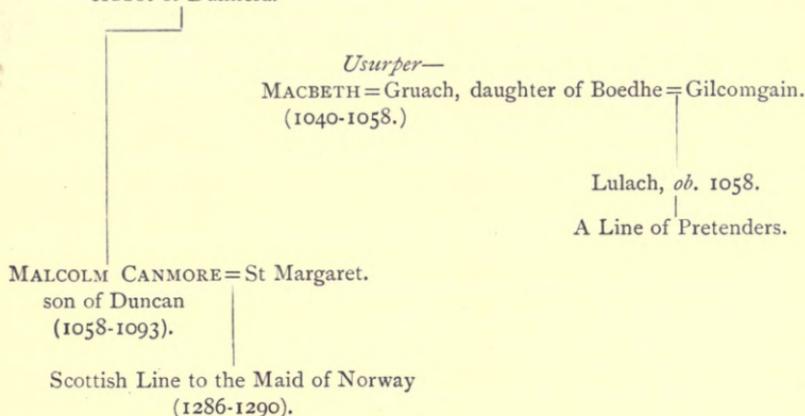
KENNETH III. (997-1005).

*House of Constantine—*

MALCOLM II. (1005-1034).

*Uncrowned—*

[*Innominato*, son of Boedhe, son of Kenneth III. ; murdered by Malcolm II.]  
 DUNCAN (1034-1040), son of Bethoc, daughter of Malcolm II., and of Crinan,  
 Abbot of Dunkeld.



## NOTES TO CHAPTER III.

- <sup>1</sup> Robertson, Scotland under her Early Kings, i. 33.
- <sup>2</sup> Fostorage was no more than any other early institution peculiar to the Celts. It only lasted longer in a backward people. Robertson, i. 35, note.
- <sup>3</sup> Robertson, i. 36.
- <sup>4</sup> Mr Hume Brown speaks of Constantine MacFergus as Constantine I. Mr Robertson gives that title to Constantine MacKenneth (863-877), which makes confusion. Moreover, Constantine MacFergus brought the relics to Dunkeld (Robertson, i. 22), whereas Kenneth MacAlpine did it according to Mr Hume Brown (p. 32). According to Mr Robertson, Kenneth only restored them to a new church at Dunkeld (i. 41), as I understand it.
- <sup>5</sup> Tanistry now succeeds the old succession through the female line.
- <sup>6</sup> Mr Robertson is followed here ; he relies on the 'Laxdaela Saga' and 'Ulster Annals,' with Landnamaboc, and Chronicle III., T. Innes, Appendix.
- <sup>7</sup> The Laxdaela and the Islands Landnamaboc differ, the former saying nothing of Thorstein's death. Skene, i. 326.
- <sup>8</sup> Skene, i. 277-279, 296-299 ; ii. 221 *et seq.*
- <sup>9</sup> N. C., i. 565-571. Robertson, ii. 394.
- <sup>10</sup> Robertson, ii. 394-397. <sup>11</sup> Robertson, i. 59-69 ; ii. 394-397.
- <sup>12</sup> Florence died in 1118. He *may* have followed a more accurate copy of the Chronicle. See O'Connor, Rerum Hibern. Scriptorum, iv. 255. Regnald died in 921. For Florence's similar date, cf. Florence (Thorpe), i. 129. For date 924, A.S. Chron., Rolls Series, i. 196. For perplexities, "Symeon of Durham" (R.S. ii. xxvi.)
- <sup>13</sup> See Appendix C.
- <sup>14</sup> St Berchan's verses are a history in the shape of prophecy after the events. St Berchan, Skene, ii. 327.

<sup>15</sup> Freeman, i. 62, 571-573.

<sup>16</sup> Robertson, i. 72, note, and ii. 399. Fordun, iv. 24.

<sup>17</sup> Robertson, i. 71, 72.

<sup>18</sup> Skene, i. 362. Sir James Ramsay thinks that the talk of a "cession" of Cumbria or Strathclyde to Scotland is "an idle boast of our chroniclers" (i. 297).

<sup>19</sup> Robertson, i. 73, and Note 2. Chron. Sax., *anno* 949. Mr Skene does not appear to believe in the story of the warlike abbot, nor in the St Andrews Culdees at this date.

<sup>20</sup> Till the battle of Tara, 980. Olaf died in Iona.

<sup>21</sup> Pictish Chronicle: "Oppidum Eden vacuatum est ac relictum est Scottis usque ad hodiernum diem."

<sup>22</sup> St Berchan.

<sup>23</sup> Freeman, i. 65. A.S. Chron., i. 225. Date, 972. Florence, i. 142. Date, 973.

<sup>24</sup> Robertson, ii. 387, 388. See Appendix C. <sup>25</sup> Freeman, i. 573.

<sup>26</sup> Simeon, in Rolls edition, ii. 382, 383.

<sup>27</sup> Simeon, Hist. Dun. (Rolls edition), i. 218, and editor's note, i. 215.

<sup>28</sup> Robertson, ii. 392.

<sup>29</sup> Robertson, ii. 400. A.S. Chron., i. 291.

<sup>30</sup> Annals of Ulster, 1033. There are difficulties about his genealogy and parentage. Skene, i. 399. Rer. Hib. Script., iv. 321.

<sup>31</sup> This abstract of the famous tale of the death of young Duncan, at the hands of Macbeth, is pieced together from the Norse account ('Orkneyinga Saga'), the statement of Marianus Scotus, almost a contemporary (born 1028), who dates Duncan's death in 1040, and the Irish annalist, Tighernach. Skene, i. 400-403; Robertson, i. 110-117; Chron. Picts and Scots; Registry of Priory of St Andrews, p. 114.

<sup>32</sup> Here comes in a puzzle of curious rather than constitutional interest. It illustrates the difficulty of using sagas as materials of history, and the dangers, in history, of anthropological speculation. Mr Skene says that the Norse sagas know nothing of *Macbeth*, and, for reasons of their own, disguise *Duncan* under the name of "Karl, or Kali Hundason" ("Son of the Dog," or "Son of Hundi"). Mr Rhys, on the other hand, says that the sagas "know nothing of *Duncan*." The Karl Hundason of the sagas is not Duncan, he holds, but Macbeth, "Beth" meaning "Hound," and Macbeth meaning "Son of the Dog" = "Hundason." The full name was "Mael Macbeth," shortened, now into "Maelbeth," now into "Macbeth." The "Karl" in "Karl Hundason" means *churl*, "a common man," and the Irish *mael* (Mael) means a servant. Literally, it is "a tonsured man," the tonsure being a mark of servitude. But *Beth* is not *Celtic* for a dog; the Celtic word is Con (modern MacCunn, "Dog's Son"). "Beth," it would therefore seem, is non-Celtic and non-Aryan, a Pictish word; and Macbeth, "Dog's Son," indicates a Pictish name, derived from the savage custom of deducing human descent from bestial ancestors, or Totems. Thus Macbeth is a Pictish, non-Aryan, King of Scotia (Rhys, Rhind Lectures, 'Proc. of Soc. of Ant. in Scotland,' ii. 263-351). Mr Robertson, like Mr Skene, identifies Karl Hundason with Duncan (Robertson, ii. 477-479). Mr Skene, not diverging into a doctrine of Picts and Totems, regards Hundason as Duncan's Norse nickname, meaning "Son of Hundi Jarl"—the Hound Earl—that is, Crinan, lay Abbot of Dunkeld! (Skene, i. 401). It seems extremely unlikely that, in 1040, Picts were still Totemists, or had hereditary family names, such as the Northmen rendered "Hundason," derived from Totemism.

## CHAPTER IV.

## EARLY CULTURE IN SCOTLAND.

HITHERTO we have been sketching the political and ethnological bases on which life in early Scotland rested. We have been occupied with the distribution of races and of territory, with the machinery of government as far as it is exhibited in dynasties and dynastic changes, and in arrangements for securing the succession, while dividing the authority, of ruling houses. The revolution from paganism to Christianity has also been described, with the peculiar monastic and ritual forms which the nascent Celtic Church evolved, or perhaps retained from an earlier model.

More interesting questions to most modern readers are concerned with the mode of daily life as it was lived by our predecessors, English, Celtic, or Scandinavian, in the island, between the departure of the Romans and the Norman Conquest. In so long an epoch, among three or four distinct races, there were, of course, many changes, and on several points our information is inevitably vague. Celtic annalists, who summed up the events of a year in three lines, noting comets, eclipses, battles, and murders of kings, had no room for social sketches. Knowledge must therefore be sought from various sources—from the etymology of place-names, from remains of art, from old laws; and we are often obliged to rely on the shadowy evidence of analogy. Our information also comes in part from the evidence of material objects found in the soil; in part from hints and anecdotes among the miracles of the lives of early saints. Again, while the written literature of early Scotland is so scanty, that of Ireland is copious, and we may fairly suppose that the settlers of the Dalriad kingdom were as like their Irish kindred in laws and manners as the first colonists of Ionia were like the Achæans of Greece, or as the pilgrims of the Mayflower were like the Puritans whom they left behind in England. In the same way, whatever

we learn from saintly legend, or epic narrative, or law, about the Northumbrian English of 600-1000 must hold good more or less for the English of the Northumbria north of Tweed. The Northmen, as we saw, between 800 and 1050 occupied large portions of Scotland. Though they were the most military race of the period, they were not invariably successful in their wars against their occasional allies, the Scottish subjects of the Kenneths and Constantines. The Picts of the kingdom must, therefore, have been not much less well equipped for battle than the Northmen. The Vikings would probably set the fashion, as it were, in arms, houses, and dress, for the upper classes of Scotland; and about the mode of life of the Vikings we have abundant information in the sagas and in sepulchres. Macbeth and Duncan, we may be sure, no more dressed in plaid and philabeg than in the perruques, and laced coats, and knee-breeches which adorned them on the stage of Garrick. In war they would wear helms and byrnies of mail, shield, spear, axe, and short sword; in peace, the mantle with its huge brooch, the kirtle, and the golden armet. Analogy, then, provides us with a certain amount of information concerning social life, even where exact evidence is wanting.

The earliest form of Scottish-Brython life in Scotland in the historical period (if it can be called historical) after the departure of the Romans and during the English Conquest of the South may be guessed at from the remains found in *crannoges*, or lake-dwellings,<sup>1</sup> and other obscure places of refuge. The crannoges were constructed, obviously for defensive purposes, in these small *lochans*, with deep weedy margins and muddy bottoms, in which the modern angler is apt to have disagreeable adventures. All around in that far-off age lay forests of giant oaks where to-day is pasturage, or heather, or even where the plough in drained land turns up the mortised beams, the basis of the ancient lake-fortress. Crannoges occur chiefly in Ayrshire, Aberdeenshire, Argyll, Fife, Galloway, Moray, Perthshire, Wigtownshire, and less frequently elsewhere. It appears that, where the bottom of the loch was rocky, islands of stone were piled up, probably crowned with stone defences, but this was doubtless a later development. Though future discoveries may alter the opinion, it certainly seems at present as if the Celtic parts of early Scotland were the more strongly marked by crannoges, and they are most common in the Scottish part of the Brython kingdom of Strathclyde.



The method of construction shows mechanical skill beyond that of savages. The problem was to build a solid structure on the shivering bottom of a boggy loch. For this purpose a basis of branches and brushwood was laid down, and above it a circular raft of trunks of trees. Above this again were masses of logs and layers of stones. Holes were made in the logs of this surface, into which upright piles of oak were driven, while at various levels mortised beams of oak were stretched between upright pile and pile. Above the water-line, when the substratum had risen so high, was laid a pavement of oak-beams, and mortised beams were clamped across the emerging tops of the uprights. The margin was caused to slope away by an arrangement of beams and stones. Then probably all was turfed over, and a palisade or fence surrounded the artificial island. An ingenious gangway of wood, "probably submerged," stretched to the shore.<sup>2</sup> The gangways in some cases are still permanently fixed, and, says Dr Munro, "we may fearlessly challenge modern science to produce better results under these, or indeed any, circumstances."

To the dwellings built on these artificial isles we may suppose the partially Romanised Celts to have fled from English or other invaders after the withdrawal of the Romans. If they were accustomed to "baths and porticoes and an elegant conviviality," the change to a damp islet in a swampy lake, begirt with oak-woods, must have been deplorable. That oak-forests were then vast, where now a tree is a rarity, is proved both by remains in the soil and by local names indicating vanished woodlands. But this silvan character had passed away in the later centuries, as is proved by entries in early Melrose charters, where privileges of wood-cutting are jealously guarded.<sup>3</sup>

The changes in Scottish soil, and, consequently, in Scottish life, since these remote ages, are well shown at Buston, between Stewarton and Kilmaurs. When Jan Blaeu produced his Atlas (1667, Dedication 1663), there was a loch at Buston. In living memory the loch had vanished, but there was a bog where it had been. Fifty years ago, a hillock called the Swan Knowe, from its congregation of wild swans, stood up in the midst of the bog. Thirteen cart-loads of mortised timber were removed, on one occasion, from the Knowe, whither the hereditary instinct of the wild swans called them through the centuries. Thus the Knowe was clearly an archaic structure, but local scepticism "minded the bigging o't," as a hut

erected by an old Earl of Eglinton for purposes of wild-duck shooting. Even local scepticism, however, yielded to the evidence of excavation, and the discovery of a canoe, a "dug-out" scooped from the trunk of an oak, but excellently fitted with ribs and planking. There were relics both of the stone and iron periods, finger-rings of gold, and a forged English coin of the sixth or seventh century. A large quartz crystal had probably been used, as by the Apaches, Peruvians, Malagassies, and Australians, for purposes of divination.<sup>4</sup>

Thus what is now fertile land was, when Columba came to Scotland, a black lochan, fringed with water-lily and water-weed, and begirt by the tangled deeps of an oak-forest, the whole secluding and sheltering a home of men.

As to the culture of the crannog dwellers, research yields fragments of the red Samian ware of Rome; bronze dishes, one inscribed with Roman letters, and adorned with a human head of Roman work; beads, not unlike the Aggrey beads found in the soil of Ashanti; bronze flint and iron weapons; a "cup and ring" marked stone; objects of bone, decorated in the style of spiral ornament which is prehistoric in essence; and quantities of remains of local Celtic handiwork. Dr Munro concludes that the crannoges were the citadels, in south-western Scotland, of Celts left to live as they could, exposed to attacks of the English on the east, the Scots from Ireland, and the Picts from the north. Similar relics of Roman luxury and barbaric handicraft are found in the Victoria Cave in Yorkshire, doubtless once the retreat of a Romano-British community, when the stately villas had gone up in fire before the Flame-bearer, or some similar invader. But probably crannoges were not *first* built in this, but in an earlier era.<sup>5</sup>

The unhappy fugitives, it might be supposed, would live mainly on trout and game, but the bones found prove that, on the mainland, they kept hogs which would batten on the mast and acorns of the forest; they were great amateurs of hazel-nuts; and the number of querns, or rude stone hand-mills for grinding grain, prove that they practised agriculture in the clearings. Such was the existence of Brythons, whose fathers had lolled in *loggias*, and gossiped in baths.<sup>6</sup>

But while small isolated communities of Romanised Celts lived thus, in regions threatened by English, Picts, and Scots, there are traces of defences on a larger scale by a united populace, a people

capable of combined effort for self-preservation. The antiquary who climbs from the right bank of Teviot, just above Branxholme, to Skelfhill, will find a grassy path cutting across the heather where the road makes a long detour. Taking this path, he will reach what looks like the deep green cleft of a burn, where no water is. Topping the hill and crossing the road, he will see various small knolls in a marshy flat below a steep hill. The cleft is the ditch called the Catrail, the knolls are the sites of ancient protecting forts. The Catrail (wherein Sir Walter Scott once had a bad fall from his horse) is traceable from the south-east corner of Peeblesshire, across Tweed near Sunderland Hall, up to the hills beside Ettrick, and so on into Roxburghshire to the Peel Hill on the south side of Liddesdale. The Catrail appears to be the frontier ditch of Strathclyde, which, as we saw, includes the shires of Dumfries and Ayr, great counties for crannoges.<sup>7</sup>

The struggle between Celts and English on the eastern fringe of Strathclyde, in the forest of Ettrick, is not attested merely by material remains, by crannoges and the Catrail. The angler, the farmer, and the grouse-shooter in the Forest are impressed by the singular medley of languages in the place-names. From the lofty table-land of Buccleuch, the eye falls on hills and streams, whose names are of Brython origin (Penchrise); are of English source, such as Ruberslaw, Skelfhill, and White Combe; and Gaelic, as Eildon. Looking down the valley from the Loch of the Lowes (Luce, "pike"), we have the English Crosscleugh burn on the right, and the Gaelic Douglas burn and Glengaber burn on the left. The dominant influence, however, in the local names is English. It is not easy, of course, to say how far this mingling of different languages in the place-names of a district implies intermingling of population. When, in some ninety years, the natives of Australia have been extirpated, native place-names will still survive, as Red Indian names also do among the "New Berlinopolisvilles" and "Troys" of the United States. In any case, all through Scotland, place-names tell of races once hostile and now interfused. In the North a name, as Altnahara, "burn of Harold," may yield the Gaelic designation of the settlement of a Northman. The Teutonic "laws," "howes," and "havens" stud the eastern coasts; the English "tuns," "hams," and "ings" attest the English tribal occupation; the sonorous Celtic names speak less of property than of poetical features in the landscape, as Ardnamurchan, "the point of the great sea," Ardtornish, "the cape of the

falling waters," whose white courses seam the perpendicular basaltic cliffs, above the Sound of Mull.

The soil, meanwhile, is marked by the ruined homes of the old inhabitants, from the crumbling shell of the Keep of the Island Lords, at Ardtornish, to the feudal strength of Hermitage in Liddesdale. But these, of course, are much later in date. The remains of the days following the Roman withdrawal are illustrated, as we saw, in Brython Strathclyde and Irish Dalriada, by crannoges.

In the north the stone *broch* is more common, and was useful, no doubt, both in intertribal war and in times of Northman invasion. A typical broch is that of Yarhouse, at the south end of the loch, six miles south of Wick. When examined, by Joseph Anderson (1867), its appearance was that of a conical grassy mound, 200 paces in circumference, and some 20 feet in height. It had been composed of a circular stone wall, 12 feet thick, enclosing an area of 30 feet in diameter. There had been a staircase, lighted by windows. The original floor was a foot deep in ashes mixed with refuse of food. Outside the wall, within an inclosure itself guarded by a ditch, were pens for cattle, and a covered way led to the central fortalice or broch itself.

There were relics of iron, bronze, and pottery, and remains of reindeer; there were combs, combs for weaving, querns, mortars, lamps, beads of glass and stone, and articles of silver and lead were discovered. The people of the brochs were pastoral, agricultural, and addicted to the chase. The architecture is "Celtic," as indicated by the circular form, the dry-built, mortarless, stone walls, and the beehive vaulting.

There exist, also, in a very dilapidated condition, hill forts, either of earth or stone, and the famous "vitrified forts" are simply stone forts which have been exposed to the action of fire. Such a fort remains at Loch na Nuagh, in Arisaig, whence Prince Charles embarked for France. It is not certain when, or for what purpose, if for any, the vitrification was produced.

In addition to all these kinds of places of strength there are the mysterious subterranean *earth houses*, found from Berwickshire to Sutherland, and also in Ireland. A long narrow winding gallery is entered by a very low and narrow opening. The chamber is merely a widening of the gallery. The people who used these "hiding beds" had pottery, bronze, lead, and iron. One earth house is close to the graves of its ancient occupants. These structures are prob-

ably of late pagan times, and good bronze work with enamels is found in connection with them. A piece of Roman stone-work with moulding and with bevelled slabs was found in an earth house at Newstead, in Roxburghshire.<sup>8</sup> It is known that the Northmen used subterranean hiding-places of a different construction ('Gisli the Outlaw,' Dasent, p. 72). Some have conjectured that the subterranean fairy-folk of old tales are a memory of earth house people. But fairies seem rather connected with that side of fairydom which is derived from myths of the kingdom of the dead and "the fairy-queen, Proserpina." No signs of Christianity have been found in the earth houses. On the whole, the culture indicated by the remains in most crannoges, brochs, and earth houses is much on a level, and represents roughly the condition of our fathers in the age immediately following the Roman occupation. Theirs was a rude life, and all their dwellings were constructed for purposes of defence or concealment. We find it difficult to suppose that the English conquerors ever skulked in earth houses or crannoges.<sup>9</sup>

Yet another class of defensive works has been alluded to as hill forts, such as those attached to the Catrail; while the "motes," or steep grassy mounds, raise fresh questions. A very fine example of a mote may be seen from the railway near Parton station, in Gallo-way, and close beside it is the kirk. Precisely the same collocation of mote and kirk is found at St John's Town of Dalry, where, according to the local version of the myth of Hesione, a dragon, of old, coiled his endless spirals about the mound. Another good mote is on the left hand of the railway as a traveller from the south approaches Hawick.

Looking at these motes, the amateur archæologist is very apt to think that they are sepulchral *tumuli* or "howes," where "lie the mighty bones of ancient men, old knights."

A mound above the sea, on the beautiful coast south of Ballantrae, in Ayrshire, especially resembles the howe which the ghost of Elpenor, in the *Odyssey*, asked Odysseus to raise for him, that his memory might live in the hearts of seafaring men as they sailed past the tomb. But Dr Christison, following Mr Clarke, argues that the motes were "*the* fortresses of England during the Saxon period, while in the tenth century they were *the* castles of France." He then cites a contemporary description of a mote in the eleventh century: "They heap up a mound of earth as high as they are able, and dig round it a broad, open, and deep ditch, and girdle the

whole upper edge of the mound, instead of a wall, with a barrier of wooden planks, stoutly fixed together, with many turrets set around. Within was constructed a house, or rather citadel. . . ."<sup>10</sup> Dr Christison adds, from the Bayeux Tapestry (commemorating the Norman Conquest), a design of a conical mound or mote crowned with a palisade, which contains a citadel. As on all this showing motes were used in France in the tenth and eleventh centuries, and by the Normans, it is not easy to understand why they should be regarded as "Saxon" fortresses, or why their remains should be rare "in the most Saxon parts"<sup>11</sup> of Scotland and common in Celtic Galloway. To these questions Mr Neilson suggests very persuasive answers.<sup>12</sup> The motes, in his opinion, in Scotland are mainly of Norman erection, and they are so common in Galloway, because the Normans who settled there in the reign of David I. and William the Lion found the Galloway Celts such difficult and dangerous neighbours, as indeed we show later. Mr Neilson, again, finds motes where we know that there were Norman settlements, such as "Bruce's Moat" at Annan. The motes are near "the mediæval towers which superseded them, and in a great number of cases they are directly connected with baronies founded by David I." Thus Mr Neilson "limits in effect the possible period of origin to the twelfth and thirteenth centuries." The motes are monuments, then, of the Normanising of Scotland. So understood, those "mounds of mystery" do not belong to the very remote period of which we are here treating. Could we see the motes in their prime, we should behold them crowned with palisades girding a wooden Norman citadel.<sup>13</sup>

As to the hill forts, Dr Christison would attribute the numerous examples in Argyll, Kintyre, and Lorne, with their gradual diminution eastwards, to the industry of the sons of Fergus MacErc, as they fixed their grip on Dalriada (*circ.* 500 A.D.) Forts of a larger kind are observed in the realm of the Northern Picts, from Aberdeen to Fife. Strathclyde, Dumfriesshire, Peeblesshire, and the Upper Ward of Lanark are thickly studded with forts, as are the Border counties, Lothians, Roxburgh, and Berwick. The scanty relics point to the same bare and troubled age, violent and squalid, as that of the crannoges, and both forts and crannoges may be homes of a Celtic harried by an English race.<sup>14</sup>

About the daily life of the heathen English in what is now Scotland, we can know but little. The poem of 'Beowulf,' a christianised

and moralised version of older heroic English songs, is full of the ancient spirit and the ancient beliefs, and may illustrate early English existence in Northumbria. Beowulf slays just such a roaring and ferocious water-beast as Columba found devouring men in the river Ness. He battles with dragons and monsters: the poem shows us a heroic society of warlike and adventurous kings, dwelling in halls, rich in gold, delighted with the songs of harpers—in brief, 'Beowulf' (Christian additions apart) is Homeric, and the civilisation described is like that familiar to us in the Iliad and Odyssey. Christianity did not destroy the delight of the previously heathen English in music and song.

Looking for descriptions of humbler English existence, from the history of Cædmon (680) we learn that he had been a layman till well advanced in years, and had strictly confined himself to prose. When present at supper-parties he used to leave the room when the harp came round to him in his turn, each man who received the harp being obliged to play and accompany himself with his voice. On one such occasion, when the dreaded harp made its round, Cædmon went forth and began to fodder the horses of the company; he then went to bed, and had a vision of one who bade him sing. He professed his inability; but, being again commanded to chant of the beginning of things, he, still in his sleep, composed a hymn, just as Coleridge composed "Kubla Khan." Like Coleridge, too, he remembered the song when he awoke, and, unlike Coleridge, added to the poem which "an uprush of subliminal faculty" had given him in his dream. He thereafter embraced the monastic life, and all his poetry was sacred.<sup>15</sup>

Cædmon is notable in this way: the ancient heathen English life had been just like that of the still heathen Northmen invaders. There is no difference, as far as mode of existence goes, between the warlike aristocratic manners in 'Beowulf' and those in the sagas—nay, Grettir the strong, the famous outlawed Viking, is credited with certain of Beowulf's most typical adventures. When the Northmen come, we find the English of Ruthwell, in Dumfriesshire, carving a song of Cædmon, in northern runes, on the celebrated Cross of Ruthwell, which is still extant, despite the Vandals of the Covenant, who commanded its destruction. Christianity in England north of Tweed, as in the whole realm of Northumbria, would find a people living much in the manner of the Northmen of the sagas. The rich landholders, owners of thralls, would have large houses built of

wood, with cubicles off the hall, and, perhaps, with upper chambers like that of Gunnar of Lithend. Of building in stone there was little or none. Benedict Biscop, about 674, got masons from Gaul, glass-makers, and other artisans, to build his church at Wearmouth "in the Roman fashion."<sup>16</sup> The English word for "to build" was *getimbrian*, "to timber." In the Life of St Kentigern we read that the Britons were equally incapable of masonry (in the Roman fashion), notoriously a "mystery" as well as an art. An early church at Lindisfarne was built "in the Irish way," of wood, thatched, the thatching covering the walls as well as the roof. Sometimes the wooden walls were lined outside, with lead, or even with skins, and probably the architecture of good houses was similar.<sup>17</sup>

At the same time (to desert the early English builders), mortar-built stone edifices in the Roman fashion were beyond the skill of the Celts. We have already seen that they could erect dry-built brochs and earth houses. In the West, at least, they also constructed not only timbered and wattled churches and cells, but dry-built, beehive-shaped churches and cells of stone; the outer fortification, *cashel*, being, in many cases, of stone also, while the *rath* was an outwork of earth, and a ditch, probably with a palisade. These fortifications were of heathen origin; the stone church, where it existed, was of Christian growth. Examples of the stone church or cell, in Celtic Scotland as distinct from Ireland, are rare, and are found on lonely isles, as on an islet in Loch Columcille, in Skye.<sup>18</sup> At Eilean na Naoimh, between Scarba and Mull, is a single rectangular cell, the church, twenty-one feet in length, of undressed mortarless stone, and with a square-headed doorway, with jambs inclining inwards. There are also remains of a double cell of the beehive type. The place may be Hinba, celebrated in Adamnan's Life of Columba. One may conjecture that the difficulty of procuring wood (which had to be ferried to Iona from Lorne) may have put the brethren on the expedient of using stone in Eilean na Naoimh.<sup>19</sup>

But this kind of Celtic stone-work was not what Benedict Biscop and St Wilfrid desired, when they sent to Gaul for masons and glass-workers.

The English wooden hall (Norse *Skali*) was probably more rudely luxurious than anything which Celtic chiefs then enjoyed. The roughness would strike us more than the luxury. With this



relative rudeness in life, there was barbaric art. The goldsmith's craft retained some traces of ancient Etruscan methods, as in Alfred's Jewel. We read in the sagas of golden gem-encrusted hilts of swords, sent by an English to a Northman king. Books were encased in the precious metals. St Cuthbert's pectoral cross, at Durham, is a pretty and simple piece of jeweller's work. There are many complaints of extravagance in dress. The Eyrbyggja Saga gives a curious sketch of a woman's "things," and of the eagerness with which other women asked leave to admire them. Hangings of beds were richly embroidered. Discoveries in Scandinavian graves "testify to the excessive richness of the ornamentation, and the costly nature of the materials of the dress of the period."<sup>20</sup> The Viking voyages were trading as well as piratical enterprises, and, as the Vikings found Scotland worth plundering, we must conclude that dress, weapons, jewellery, and furniture, in some parts of Scotland, were not beneath the level of the possessions of the Northmen.

What these possessions were, is indicated by the contents of Viking graves, whether in Scotland, or the Isles, or in Scandinavia. The "grave-goods" were so rich that these *howes* were often robbed, even in heathen times. The daring robber had to face the fury of the "barrow-dweller," the wonderfully able-bodied ghost of Scandinavian belief, in single combat. This barrow-dweller may have been a creation of fable, circulated to prevent the sacrilege of heathen grave-dwellers, or he may have been an outlaw, living in the tomb. Such stories as that of Grettir's battle with the barrow-wight for the short sword suggest the latter alternative.<sup>21</sup> Swords and brooches, with decoration in high relief, are the most typical relics of such burials. The warrior is laid "in howe," his hell-shoon tightly fastened, with his ship, arms, and horses, chess-men and dice, coat of mail and utensils of bronze, occasionally enamelled. The system of decoration is usually distinguishable from the Celtic, but the two styles have a tendency to influence each other. The gold rings are of thick plated wire, and, unlike most of those of Mycenæ, are *not* signet rings, indicating ignorance of sealed documents.

The objects here described are purely Scandinavian, or Scandiano-Celtic. But the level of aristocratic prosperity in the English part of what is now Scotland was probably not much, if at all, below that of the Northmen. It has left fewer traces, because Christians do not bury grave-goods. Remote from aristocratic

luxury, of course, was the life of English St Cuthbert (630-687), as a lad keeping his master's flocks on the braes of Leader. There he beheld, as is set forth later in another connection, a vision, and being already pious, and given to prayer, he determined to enter the monastery at Old Melrose. We are told how he rode to the door of the monastery, throwing his horse's reins and his lance to a gillie who stood by. Bosail, too (St Boswell), was at the gate, the famed provost of the monastery, and by Bosail Cuthbert was admitted. He left the monastery at several periods; but, returning, took for a time the office of the holy Bosail in Old Mailros, a place naturally strong, lapped round by a bend of Tweed, and fortified by a wall drawn across the neck of land.

The county people of Roxburghshire were still half heathen, and, in time of pestilence, fell back on enchantments and spells. Cuthbert would walk, or ride, to lonely villages on Tweed, Ail, Ettrick, Yarrow, and Gala,—the people always gladly flocking to hear the words of a preacher. He visited *tuns* "frightful to behold," says Bede, among "the rocky mountains," the *bosses verdâtres* of the Forest.<sup>22</sup> The people are described as very poor, and very barbarous, probably pastoral in their habits. Superstition was so great that Farne was believed to be haunted by demons, before Cuthbert settled on the isle (676). It may have been an old centre of pagan worship, and the elder gods may have been degraded to waste-dwelling demons. We have an odd story of a convert who died, recovered, gave an account of the next world, and prepared himself for it by standing waist-high in the "snaw-broo" of the wintry Tweed.<sup>23</sup>

The difference in temperament between the Celts and the English of early Scotland may be observed at this juncture, in a field usually neglected, the comparative study of miracles. While biographers of saints, and while chroniclers of events, omit most things that we wish to know, they give hundreds of pages to portents and marvels, which, at least, illustrate contemporary opinion. Those of St Columba have been analysed: they fall into the classes of (1) Biblical parallels; (2) fairy tales; (3) visions of angels; (4) stories of telepathy, clairvoyance, and second-sight;<sup>24</sup> (5) mediumistic marvels; (6) normal occurrences regarded as miraculous; (7) miracles of healing. Of these, cases of second-sight, clairvoyance, and premonition are the most numerous. The English Cuthbert is not distinguished for these experiences. He sees an angel. He

is miraculously fed (Biblical imitation). The animals obey him. He predicts the weather. He heals the sick. He gives to water the taste of wine. But only rare cases of telepathy or second-sight are recorded. As a lad, watching his flock at night on Leader braes, and continuing instant in prayer, he sees the darkness divided by a flame, descending angels, and a soul of singular lucidity returning to its celestial home. Cuthbert supposed that a holy bishop, or excellent man of the faithful, was being escorted heavenwards. "After a few days," or "that very morning," he heard of the death of St Aidan.<sup>25</sup> Meteors and summer lightning, and a mind upraised in contemplation, would cover a case in which the death-coincidence is not well authenticated.

We are thus left with but one example of the common Celtic second-sight in the English Cuthbert. Towards the end of his life he was dining with the Royal nun, Ælfede, when the colour of his face altered, and his eyes assumed the air usually observed in the second-sighted (*quasi attonitis contra morem oculis*). His knife fell from his hand, and Ælfede asked "what he saw, and why he dropped his knife?" "I cannot be always eating," he said, with a smile; "you must grant me a truce." But, being pressed, he admitted that he had seen a just soul pass in the hands of angels, from another nunnery of Ælfede. "To-morrow you shall tell me the name." Ælfede sent to inquire, and found that a shepherd of hers had broken his neck in a fall from a tree, "in that very hour" when St Cuthbert dropped his knife. As to evidence for these anecdotes, Bede was a younger contemporary of Cuthbert, whose Life he wrote. Adamnan was only in traditional touch with Columba, though he probably had manuscript materials. Round both saints, the Englishman of Tweedside and the Irishman, had crystallised legends derived from the Gospel. But, as Columba's friends jotted down cases of second-sight on tablets, awaiting the fulfilment, it is clear that supernormal experiences of this kind were common in Celtic, or were regarded as relatively common, and very rare in English life.

Such as Cuthbert's was monastic existence in the English part of modern Scotland. We read of it as simple, beneficent, laborious, but it had another side. Bede complains that the Folkland "is diverted from its proper purpose," the maintenance of "*comites* of secular persons,"—of a military chief's "tail"—under pretence of maintaining monasteries, which are a dis-

grace to their profession.<sup>26</sup> "What is disgraceful to say," cries Bede, "persons who have not the least claim to the monastic character . . . have got so many of the spots into their power, under the pretence of founding monasteries, that there is really now no room at all where the sons of nobles and veteran soldiers can receive a grant." Such regions are full of idle bachelors, false monks who even make love to nuns. The process was for some person of influence to get a parcel of *Folkland* converted into *bôc-land* for him, by "book" or charter, under the pretence that he meant to erect a monastery. He then peopled it with ne'er-do-wells of his family and friends, who enjoyed monastic privileges and exemptions, "instead of which, they wandered about the country" enjoying themselves. They could not be called on for military service, and heavenly service they entirely neglected. This must be set off against the labour and piety of Melrose and Lindisfarne.<sup>27</sup>

We now turn from English Scotland to the land of the Picts. Human life in the West of Early Scotland, among the pupils and successors of Columba, is best known to us from the Lives of saints. Columba's own life was written by Adamnan, who was the ninth Abbot of Iona, and was born in 626-7, while Columba died in 596 or 597. (Adamnan, *ob.* 704, in 77th year.)<sup>28</sup> In a record of prophecies, miracles, conversions, and telepathic experiences, a few traits of ordinary human existence occur. For example, it is interesting to know that Colca, a friend of Columba, kept a butler, and that the butler was noted to be a merry man, as he twirled the ladle around in the bowl. Columba's monastery had a garden, too, and an Irish gardener, a holy man. In the matter of food, contemporary robbers used to eat horse-flesh, though, perhaps, this was not, as later among the Northmen, necessarily "meat offered to idols." Copying manuscripts with the art of the Irish monasteries, so remarkably vouched for by the wonderfully intricate patterns of the Book of Kells, was a favourite pursuit.<sup>29</sup> As the saint sat at work one day in his little hut of planks, he heard a hail from across the Sound of Iona. "The man who is shouting," said he, "will upset my ink-horn," and, indeed, rushing up to kiss Columba, the stranger did spill the ink over Columba's robe. There were *clachans*, or small villages, among the Highlanders, and Columba foretold that one, near which he lay, would be burned in the night, which really happened. Cottages of wattle burn easily, and houses

were built with *virgarum fasciculi*, bunches of twigs. Friends, very properly, kept tablets, as we saw, on which they wrote down the saint's premonitions, so that there might be documentary evidence that they were actually made before the event. Colca, who kept a butler, used to make such records. Wealthy clerics rejoiced in horses, chariots,<sup>30</sup> and in ladies of pleasure, in spite of which their riches won the respect of the people. This, however, was in Ireland. The monastery valued its property in seals, and protected their young ones. Wells were worshipped, and Strathnaver can still tell a tale of such a survival. Men asked the saint for a favourable wind, as if he had been a Lapland witch. Angling was practised by way of netting, and the saint once miraculously remarked that the next cast would produce a very large salmon. This occurred on the Shiel, which, even in spate, is as clear as a chalk-stream: you can see your fish and cast over him. "The power of miracles here appears accompanied by prophetic foreknowledge," says Adamnan, who, perhaps, had never fished the Shiel.

The people of Lochaber were mainly addicted to robbery and the pastoral life, in which respects the Camerons were not much amended before the days of the good Lochiel.<sup>31</sup> Iona was not wooded, oak was brought from Lorne, but wild boars still infested the Isle of Skye, and the spears that slew them still kept the untrimmed bark. Aquatic animals, capable of killing a man, haunted the river Ness, roaring as they pursued their prey. Perhaps these were the water cows, which the Crofter Commission found still troublesome in the Highlands. The Picts enslaved such Scots as they could capture, and we hear of a Druid whose Irish slave Columba was anxious to release. The Druid would not listen to Columba, wherefore an angel broke the glass cup out of which he was drinking, and cut him very much. This statement is the more curious as, a century later, we find glass-workers being brought from Gaul,—“the art was wholly unknown to the Britons.”<sup>32</sup> Columba cured the Druid by a magic pebble, which floated on water. Indeed Columba, with his second-sight, his magic pebble, his gift of favourable winds, and so forth, was a christianised *Shaman*, or *Druí*, or *Jossakeed*, and all the better fitted to impress superstitious Highlanders. His hymns came to be regarded as incantations of magical virtue, his manuscripts as fetiches. When he laid his hand on the folded and bolted gates of King Brude's palace (or

stockade), the doors flew open of their own accord. Game was not then preserved, and nobody interfered with a Highland beggar to whom Columba gave a magical stake that killed deer, but not cattle. There were, of course, local medicine-men, *Druid*, one of whom milked a bull. Columba, however, was his master, for he turned the milk into blood. Ships (coracles of wicker?) were cased in leather, which was useful when they were attacked by annoying insects, as large as frogs. These bit, and "their sting was extremely painful." Long after Columba's death, when a drought afflicted the West Highlands, rain was made by monks who walked round Iona, flapping the tunic of Columba, while others read his books aloud, on a hill where angels had occasionally been seen to visit the holy man.

Such are the scanty glimpses of Christian social life in the West Highlands which we gain from the work of the good Adamnan. In him we see a spirit gentler and more easily entreated than the belligerent and thaumaturgic Columba. Adamnan was the author of a valuable book on the Holy Places of Palestine, setting down the facts which he gathered from the lips of a travelled Bishop of Gaul.

When in England he was asked, rudely enough, why he wore "the tonsure of Simon Magus," the Celtic tonsure, which went from ear to ear, unlike that of Rome.

"Know, dear brother," he replied, "that if I wear the tonsure of Simon, in conformity with the custom of my country, I detest the perfidy of Simon with my whole heart, and desire, as far as my weakness permits, to follow in the steps of the most blessed chief of the Apostles."

Adamnan was able to reform Celtic custom, at least to some extent: we rarely meet a reformer of his gentle and courteous temper. Most are sons of thunder. Nothing can be more touching than Adamnan's tale of how, as the aged Columba, now near his death, rested between the barn and the monastery, there came up to him that "willing servant of the brethren," the white pony which carried their milk-pails. "Knowing that its master was about to leave it,—like a human being it shed copious tears on the saint's bosom." Adamnan paints a life which, beside the sea straits of the West that wander deep into the cloven land among the bases of the hills, remained less altered than any other early form of human existence in this island, till the middle of the eighteenth century. Thus we know that the monastery possessed a mill on a

burn; but, about 1740, Lochiel found Lochaber still using the primitive querns of the crannoges. A simple, martial, pastoral people, full of fairy beliefs, and innocent acceptance of miracles, kind and hospitable where no blood-feud prevailed, or no ambitious chiefs despoiled their neighbours, and urged to war,—such were the converts of Columba on the braes of Lochaber, and such their descendants for long remained, not better housed nor more luxuriously nourished than the ancestral Picts had been.

The settlements of Columba, industrial and missionary stations, brought all the civilisation that such a people required. The order had “few bishops and many presbyters,” the abbots had more freedom and less responsibility than prelates. The monasteries were organised on the prevalent system of the kindred, and were full of “founder’s kin.” The members of the monastery were “soldiers of Christ,” and not always averse to secular fighting. Though there were “many presbyters,” these presbyters were always ordained by bishops. Humility, hospitality, and obedience were the special virtues: there was no idleness, all were engaged in writing, or in agriculture, and household duties. The brethren wore a *tunica*, or smock, of white, under a *cuculla*, or hood of the natural colour of the wool. Besides the huts, and the church, there was a smithy and a carpenter’s shop. A rampart and fosse (*rath*) surrounded the group of buildings; the byres, mill, kiln, and granary were outside the fosse. In Iona the fosse was to prove no protection against the heathen Northmen, who robbed and burned Iona, being met with a constancy in martyrdom as great as their own ferocious indifference to death and pain.

Concerning the art which flourished under the monastic Church of Ireland and Scotland, we have ample information. Several of the books on which the brethren expended so much time and delicate care survive in Irish and Continental libraries. To the monks idleness appeared, indeed, the opportunity of Satan, and in caligraphy they found an occupation favourable to purity of thought. Other art has its own temptations, representing as it does the beauty of nature, and of the vile human body. The Celtic Christian representations of the figure, whether in manuscripts or, more frequently, on stones, are mere savage things, with scarcely more of drawing than a Red Indian grave-post or medicine-chant displays, and with infinitely less merit than the wall-paintings in caves, executed by the Bushmen. These rude careless drawings of the figure, however,

illustrate the dress, manners, and weapons of the age, and to them we shall return. The art of the monasteries found an abstract and unhaunted field, in the delicate interweaving of patterns, interlaced curves, rosettes, frets, and spirals, with grotesquely convoluted animal forms. Already, in the twelfth century, these manuscripts gained the enthusiastic admiration of Giraldus Cambrensis. "The more frequently I behold it, the more diligently I examine it, the more numerous are the beauties I discover." "Such subtlety," he exclaims, "such fine and closely wrought lines, twisted and interwoven in such intricate knots, and adorned with such fresh and brilliant colours."<sup>33</sup> Any one who studies the original MSS. or the reproductions in modern books, will find many patterns with which he is familiar in the Mycenæan art of the ceiling at Orchomenos, or on the blade of a dagger from Mycenæ. Models of Mycenæan art must be at least 2000 years earlier than the date when Eastern or pre-historic influences are echoed in Christian Celtic manuscripts. The motives are repeated on Roman mosaic pavements in England, and meander, fret, and key patterns occur in the decoration even of Peru and Anahuac. The diffusion, or the separate development, of these motives is the topic of learned inquiry. The Celts did not invent them, but combined them with delicate ingenuity, and carried to the highest pitch this abstract and unemotional art. It is dying when it begins to admit actual representation of natural foliage. Like everything which is really a style, that which the Celtic Church borrowed from Celtic paganism permeated the whole field of artistic activity, and is found in metal work and carving on stone. The bells, later treasured in costly shrines, are as plain as the shrines are magnificent. Whoever has seen a common Swiss cattle-bell, has seen the bells of the Celtic saints. The shrines are of bronze, covered with gold, silver, and precious stones, all wrought with the familiar patterns. The crosier of St Fillan repeats the same motives, and proves, by the effigy of the saint in relief, that want of skill did not cause the rudeness in designing the figure. As late as the reign of James III., this crosier was a talisman to protect its guardian in the search for stolen cattle. The relics, the MSS. in their *cumdachs* or jewelled golden cases, were, in fact, fetiches, and were borne into battle. We constantly observe that Christianity was a mere change of dogma; that magic and fetichism endured, with changed fetiches. For, indeed, the world was not then, and is not now, really converted.<sup>34</sup>



The same principles of ornament, the same firm and delicate workmanship, show themselves in the Celtic brooches and other personal ornaments. Found at hazard by ignorant people, they are apt to be melted down at once, if not thrown away. Dr Anderson prints a letter from a man who had broken one in digging a drain from his house. Progress declared itself triumphantly in the drain, and in the man's ability to write. Degradation was as conspicuous in the air of superiority with which he addressed a person capable of being interested in "this old stuff you speak about." He "threw the pearl away, richer than all his tribe."<sup>35</sup> The ornamental system derived from the MSS. recurs on sculptured stones and crosses. These are richer in human figures. We know that spurs and stirrups were not in use. We see the kind of covered cart, with decorated wheel-spokes, the driver sitting in front, in which St Columba was drawn round Iona. Peaked hoods were worn, and a plaid and kilt. Cross-bows were used in hunting, long-bows in war. Broadswords were long, the point was little used. Spears had broad heads, targes were round. Trews and plaid were worn in walking: the long dresses of ecclesiastics were embroidered, the hair and beard were worn long. There are representations of Centaurs, and of hunting-scenes, which the Church took in the best sense, as symbolical. The earlier stones have a curious set of symbols,—the comb, the mirror, a broken floreated rod, and object like a pair of spectacles, all of inscrutable significance. Inscriptions are, rarely, in debased Roman characters, or in Ogam, a kind of cryptic writing of strokes at different angles to a central line. This is found in Ireland and in Wales; in Scotland, strangely enough, only in the eastern part of the country. These characters were at first supposed to be of pre-Christian origin; but the inscriptions do appear on Christian work, and are clearly shown to have a post-Christian origin.<sup>36</sup>

We have tried, by dint of anecdotes from the Lives of the Saints and archæological evidence, to show how life was lived among the peoples of different race and speech who were to become the ancestors of the Scottish men of history. We now turn to social structural conditions. Among the Celts, the structure of society was tribal. The word is glibly used; but except in so far as it implies that the hierarchy of society was constituted on the basis of kinship, and that rank was reckoned by proximity in blood to the representative of a supposed ancestor and founder of the kin, the term

“tribal” tells us very little. “We hear of a state of society, safely, but rather vaguely, described as ‘patriarchal,’ an expression meaning, apparently, a condition of anarchy into which further inquiry is unnecessary.”<sup>37</sup>

The old theory of the origin of a tribe was *patriarchal*. It took for granted that society began in man and wife, then arrived children, grandchildren, and so on till “a troop cometh,” and all descendants of A and B compose the tribe A. This system does not explain the *local* tribe, as it is found in the most backward races of mankind. Suppose, on the other hand, that early society (before history in Scotland begins) was Totemistic, then a local tribe (in prehistoric days of nomadic hunter life) would consist, not of so many great-grandsons of A, but of men and women of various Totems. These would be, say, sons of the Dog, Wild Cat, Salmon, Boar, and Wolf. No man might marry a woman of the same Totem; a Wolf man might not marry a Wolf girl, though he was born in Lochaber and she in Caithness. They would still, though of no traceable consanguinity, be within the Forbidden Degrees. All children would probably follow the mother’s Totem; a Wolf man weds a Wild Cat girl; their children are Wild Cats, and are thus, by blood, akin to all Wild Cats throughout the island.

But this law of marriage inevitably brings together in a given range of country, say Glencoe, members of several Totems. Though not of blood-kin, they are united by their common interest in protecting the game, fish, and fruits of Glencoe from poachers out of Mamore, while the Mamore people have similar local interests. Thus from groups of various Totems a *local* tribe, certainly not originally consanguineous, is evolved by community of interest in the wild produce of the district over which they range.

We cannot prove that Celtic tribes grew up thus, but the process has been usual elsewhere. Such are, though not invariably, the local tribes of Australian natives: their connection comes from common interests, not from a recognised common descent. Now, when we first meet the Picts, they have long passed beyond the stage of nomad hunters. They have horses, metals, unions for war-like purposes, houses, and kings. They must have practised some rude agriculture, which bound them to the soil and the soil to them, —to each local tribe. They have also abundance of cattle, and so each local tribe is united to preserve its pasture-lands, as well as its

corn-lands and forest. After Christianity, if not before, descent was probably reckoned (except in the Royal line) through fathers, not through mothers. A kind of legal myth would arise that all of the freemen of the tribe holding, say Glencoe, were akin through a first father, paternity being now legally recognised, and the ideal sire being regarded as first settler and founder. Let us call him Ian. At a given date the most successful man of the local tribe, the owner of the largest number of cows, if also a good fighter and speaker, would perhaps succeed in obtaining respect for his claim to be regarded as the direct representative of the mythical Ian—as legal father of the children of the tribe. He would stand in the relation of senior to the local tribe of MacIans, the other members of which would rank highest in proportion to the nearness of their relationship to the head, and would enjoy proportionate privileges. Of what nature would these privileges be?

In a purely nomadic houseless race of hunters and non-cultivators like the Australians, claims of private property in land are occasionally asserted to Europeans, but obviously cannot be made valid where there is neither agriculture nor enclosure. To a local tribe of pastoral, agricultural, and hunting Celts, too, the land which they occupied would be practically common property, but common under growing restrictions. The dwellers in the common strath would begin to be differentiated in various ways; the senior, as representative of the ideal founder, would have the best claims.

First we find in Ireland the social distinction of *Saer*, "Free," and *Daer*, "Unfree." The unfree we may regard as perhaps descendants of a tribe of previous holders, evicted and reduced by the tribe in possession, as in the case of the Helots and Spartans. Captives in war and criminals would also swell the ranks of the unfree. They could not, indeed, be removed from the soil; but not being able to remove themselves if they wished, they were bond. They performed servile "services" in agricultural labour, and as time went on the free came to live very much on the labour and at the expense of the unfree. These bondmen we encounter later, in charters of the thirteenth century.

Taking the free, again, we find that, at the age of twenty, a freeman in Ireland was entitled to a separate residence (a wattled hut) and a share of the tribe's land, in use, not in property. These shares originally were shifted from tribesman to tribesman in a certain rotation. The young freeman would also be allowed to

pasture on the tribal grazing-ground such cattle as he could acquire by intelligence in bargaining or by raiding. Cow-owners were called *boaires*, and there were six grades of them, arising in proportion to their wealth in cattle. The man of the lowest grade had seven cows, a bull, a horse, and the *use* of thirty acres of tribal arable land. At a certain degree of wealth, when a man used land valued at sixty-three cows, he became subject to the "service" of giving free quarters to any king, bishop, judge, or poet who arrived at his house. When a *boaire* had more cattle than he could well manage or use in ploughing, he let the surplus cows out as "stock" to tenants (*ceile*), who paid rent in kind and in service, not for *land* but for use of *stock*. The poor man to whom St Columba granted, magically, that his cattle should always be 105, neither more nor less, must have held considerable rank. Now human nature being what it is, a *boaire* of many cows and proportionate influence among the cowless would detest the system which compelled him periodically to exchange the land of which he had the use for the portion assigned to some other tribesman. He would manage to keep his land still in right of *use*, not in actual *property*. As time went on, land which a family had used for three generations came to be regarded as their very own, and the men who held it were land-lords, chieftains, "*flaith*." Land thus fell to a great degree into private hands, while the poor tribesmen "took stock," borrowed cattle from their *flath*, and paid in food-rent and services, in labour and in war, being servile in various degrees, as each borrowed more or less stock. Tenants might be either bond or free, and might be either tribesmen or broken men of other tribes, who gathered round a wealthy and powerful *aire*, probably adopting his name as their patronymic.<sup>38</sup>

In some such way as this, by aid of concentration of wealth (cattle) in the hands of the ablest, an aristocracy would arise within the *ciniol*, or kin of the tribe—an institution which can scarcely be fostered where there is no agriculture, and animals capable of domestication are not found. The tribe evolves not only an aristocracy but a *ri* or king, elected in the line of the real or supposed chief ancestor. How the Tanist, or selected heir-apparent, stood next the king, we have already explained in treating of the Picto-Scottish kingdom under the dynasty of Kenneth MacAlpine. But a *ri*, we might suppose, was only likely to exist when several such small tribes as we have conceived, for the sake of illustration, in Glencoe,

have combined from a sense of their common interests in a larger region than a single strath, and have consolidated their union by the perhaps unconscious legal myth that they spring from a common ancestor. Yet, if the fighting force of a *ri* was but 700 men, it is obvious that a single small tribe might have a *ri* of its own.<sup>39</sup> The land would now be in this position: (1) There would be the portion "not yet meted out," in the Greek phrase—the common pastureland and the common arable land which still passes, in plots, by way of rotation to freemen owning cattle who have not yet secured a portion of tribal land in actual property. There would be (2) land assigned to the *ri* and the Tanist in virtue of their office, and there would be "Kirklands." (3) There would be land held by successful individuals in private property. These holders, probably few, would let out what they did not need to *ceile*, or tenants to whom they had lent stock, receiving rent in food, free quarters, labour, and aid in war.

Several of these tribes (*tuath*), each with its *dun* or fort, made up a *mortuath*, or great tribe, or province (there seem, as we saw, to have been seven in Pictland), each province having its *ri*, as later we hear of Ri Moreb, the King of Moray. Over all was the *ardri*, chief king.

These statements are based on Irish law, but an analogous state of affairs prevailed in Celtic Scotland. We see traces of it in our old fairy-tales, where kings and queens are so common, and the queen has so much business with the hen-wife. Her husband would be a *ri*, a king, but a king of a tribe, not of the nation.

As to customary law, there was a system of fines for homicide, rising in value with the rank of the slain man, his honour-price. In fact, there was a regular hierarchy, from the slave to the unfree tenant, and so up to the Ardrigh.<sup>40</sup> Thus Celtic society has certain elements of feudalism, with customary rather than written duties and obligations. It will be later shown how, as English, Norman, and strict feudal influences gradually prevailed in Scotland, the *mortuath*, or great tribe (an aggregate of *tuaths*, or small tribes), became the Earldom, while the *tuath*, or small tribal unit, became the *thanage*.

In the old tribal constitution there existed a privileged inner circle, the *ciniod* or near kinsmen of the *flath*,<sup>41</sup> or senior, while just without the *ciniod* lay the members of the tribe who became the *flath's* immediate followers. This *flath* was not identical with

the *ri*,—apparently there might be several *flaith* of several family associations within the tribe; but to each tribe only one *ri*, the *flath* of the most powerful sept or family. The arrangements within these families, septs, or whatever we are to call them, were of the utmost complexity. They appear to have agreed in this feature, that a man of the kin beyond the fourth degree of relationship to the chief of the day lost these claims on land which his father, grandfather, and great-grandfather had enjoyed. He fell back into a class called *ogtiernach*, what land he had was not a “noble” holding; and if he was in the region where charters came in, under David I., he might even sink to villein’s estate. He did not any longer hold family land, as a member of the family, but he relapsed into the bulk of the tribe. Thus we seem to see the rise of a landless or not sufficiently landed class, “sib to the chief,” far-away poor cousins, useful as swordsmen, and quartered, very probably, on the chief’s Unfree dependants. They would be idle, proud, martial, and, as was long afterwards said of Lochaber men, would “live like lairds, and die like loons.” We appear to recognise late descendants of such men in the “thigging and sorning” poor “gentlemen” who roamed the Highlands as late as 1745.<sup>42</sup>

So much for the mysteries of Celtic land-tenure. About land-holding in the English part of modern Scotland, the information is scanty. Northumbria is not included in Domesday Book. But, to students of Kemble’s ‘Anglo-Saxons,’ and of the minuter discussions of modern times, it seems clear that the English Folkland answers (or rather at a very early date before “booking” land came in, had answered) to the tribal land of the Celts. The Unfree class in the English regions corresponded to the Unfree among the Celts. But, among the English, private property in land was early acquired by “booking” it (*bôcland*), a result of Roman usage, whereas the “sheepskin” tenure was disdained by Celts. Rents, in England, were paid in services, often very laborious; in food-rent, grain, beer, wax, butter, and even free quarters. *Laenland* is land held on rent of various kinds; *pastus*, free entertainment, answers to the Celtic *cuairt*; and the *comites*, or military followers of a chief, have an undignified parallel in the distant cousins whose swords were at the service of the *flath*. We hear less of cattle given as stock to tenants, though we do hear of it, among the English (this is the Scottish *steel-bow* tenure), while, among Celts, we hear much

less than among the English of tribal moots, assemblies, votings, and all the germs of constitutional government.

The Celtic, in short, is a ruder and earlier form of the Teutonic society, however the form suited the environment. The most essential distinction is, among Celts, the absence of the *bûc*, the written agreement. After Culloden, the Whig and Lowland observers were, or affected to be, horrified by the "slavery" in which chiefs held people, by dint of the vagueness of unwritten customs as to services. The people, however, retained the traditional aversion to written leases. Custom was severe, but custom had its alleviations as between men of the same blood. Written leases were hard and fast; no rent, no tenure; the chief became "a kinless loon." Thus institutions as to land-holding which, among Celts or English, began in the same germs, were differently modified by the longer persistence, among the Celts, of early social habits and ideas. Nothing, not even difference of language, contributed more than this difference in land-holding to make English and Celts of Scotland distinct and even hostile nations. The differentiation was stereotyped, in the period which follows, by the introduction of feudalism on the Norman and European system. That system did but lay a thin veneer over the persistent unwritten feudalism of the remoter Celts, "the auld enemies of Scotland."

As to the class of the Unfree, who existed among the Celts, among the English, too, of southern Scotland, they must have occupied the lowest rank of society. Modern scholarship has minutely analysed their legal status in the England which is known through Domesday Book; and in Northumbria, which is not included in the Conqueror's survey, similar conditions must have existed. The lowest rank of all is that of the *servus*, or *theow*. It seems that the *servi* were not worked in gangs, as negroes are on a cotton plantation, but were attached to tenements, and so far had fixed duties, and might acquire a *peculium*, their savings. The Church tried to make it a matter of Christian duty, as early as the seventh century, not to rob a *servus* of what he had hoarded. If a *servus* did wrong, the learned are not certain as to whether his lord was left to answer for him (as if he had been a mad bull), or whether he could be legally fined, and had a recognised honour-price, or *wergeld*, like a human being. A *servus* may be emancipated, a free man may become a *servus*. If a freeman is slain (this is later, in the laws of Henry I.) his honour-price is £4, exactly

the thirty pieces of silver paid for our Lord!<sup>43</sup> The kin of a slain *servus* only get 3s. 4d., his lord gets £1. As the idea of payment of honour-price went out, and that of hanging for felony came in, "the gallows was a great leveller." The state of the *servus* merges into that of the *villein*, when the *servus* has land and oxen. The *servus* might be sold, and might fetch as much as £1. Above the *servus* was the boor, *colibertus*, who might be pursued and taken if he left his lord. He took stock in cattle from his lord, two oxen, a cow, six sheep, seed for his yardland, and these, on his death, went back to his lord. This is, so far, not so unlike the Celtic system of taking stock from the *flath*. The boor is on a lower level than the *villanus*, or *villein*. He is free, for he pays Peter's penny, and his honour-price is 200 shillings. His position, however, makes him a perpetual debtor of his lord, whose service he cannot well leave. The *villanus* had a larger holding, and, it seems, might have cottiers working under him for wages.<sup>44</sup> These people are not *servi*, but they are not *liberales homines*, men wholly free. A *villanus* with only two oxen, if killed, had to be paid for at the price of two dozen oxen, a sum which a homicidal person might think high. He was not free for all that, though it is not certain whether, if he left his lord, he could be legally pursued. Apparently, before the Conquest, there is no evidence that the *villanus* was tied to the soil. Only he was a beggar if he left it. In different places, and different cases, he might, or might not, be amenable to his lord's court. His oath only ranked, in evidence, at the sixth of the oath of a *thegn*. The fact is that the Conquest depressed the *villani*, and thrust "servile service" upon them. But English Scotland would only be touched in so far as under David I. and his successors the laws of Normanised England were adopted in Scotland. That is a topic to be discussed after the De Vescis, Balliols, and Bruces have become lords of land in our country.

To what extent the ancient Celtic population survived in English Scotland, say, on the Border, is a question which cannot be answered. Celtic names do not appear as those of land-holders in the earliest Lowland charters. The names of fields and farms in the same documents are purely English, though river-names and some hill-names remain Gaelic. The remnant of the ancient Celts of the south of Scotland probably became blent with the humbler classes of the English, losing both their lands and their language.







In a later chapter we shall meet all the ranks and conditions of society with which we have been dealing as they glide, or jolt, into the places assigned to them by the feudalism of David, William the Lion, and the kings named Alexander. Here we leave the unwritten, or little written, records of life during five hundred years of war between Celts and English, Celts and Northmen, Celts against brother Celts, and of war between heathendom and Christianity. The traces of that age sleep on museum shelves, or under the black water of lochans, or in howes and barrows. Grey stones on windy moors, green knolls in the *pastorum loca vasta*—the wide tablelands and hills of North and South—speak dumbly of forgotten kings and unremembered wars. The whaup wails over them now, as when Kenneth reigned, or Constantine.

#### NOTES TO CHAPTER IV.

<sup>1</sup> Munro's Ancient Scottish Lake-Dwellings, 1882.

<sup>2</sup> Munro, pp. 99-101; Lochlee, pp. 259-262.

<sup>3</sup> Innes, Sketches of Early Scottish History, p. 101.

<sup>4</sup> Do the flint weapons point to the building of the island before metals came in, or were they "survivals" lingering into a later age?

<sup>5</sup> At this moment the so-called Clyde crannoge, with many remains of Australian and Red Indian type, is matter of controversy.

<sup>6</sup> While most crannoges appear to have been inhabited chiefly in post-Roman days, an example was found (1898) by Mr W. A. Donnelly, under tidal water, at Dumbuck, in the Clyde, which seemed to contain no relics of so late a date, no pottery, and no metals. In this crannoge (if the title be correctly conferred on it) were discovered quantities of small stones decorated with "cup and ring" markings, and other very early ornamental devices familiar on boulders and rocks in many places. Except in a fort at Dunbuie, near Dumbarton, also of recent excavation, the occurrence of those designs on portable stones was almost unknown by antiquaries. A most curious parallel is to be noted in the portable *churinga* (small decorated stones) and inscribed rocks of the Arunta, a tribe of Central Australia. In that tribe the decorative marks symbolically represent the philosophy, religion, magic, and legendary history of the people. Conceivably as much lore may lie for ever undeciphered in the designs, on rock and stone, of an unknown people in Scotland. See 'The Native Tribes of Central Australia,' Spencer and Gillen, Macmillans, 1899; and compare Sir James Y. Simpson's 'Archaic Sculpturing of Cups and Circles,' Edinburgh, 1867. The authenticity of the Dunbuie and Dumbuck inscribed stones has been disputed by Dr Munro. I may refer to my article, "Cup and Ring," in *Contemporary Review*, March 1899.

<sup>7</sup> Skene, i. 236. Compare Craig-Brown, History of Ettrick Forest. Mr

Francis Lynn has carefully followed the Catrail: he does not regard it as a continuous work, nor as a defence of Strathclyde. See his elaborate essay in *Proceedings of Scottish Society of Antiquaries*, 1898.

<sup>8</sup> Claverhouse speaks of how "the soldiers found out a house in the hill underground," where the Christian carrier hid his weapons. Napier's 'Dundee,' i. 141.

<sup>9</sup> Joseph Anderson, *Scotland in Pagan Times. The Iron Age.*

<sup>10</sup> See the whole subject in Clarke's 'Mediæval Military Architecture in England' (1884), i. 26-34.

<sup>11</sup> Christison, *op. cit.*, pp. 1-40.

<sup>12</sup> "The Motes in Norman Scotland," 'The Scottish Review,' October 1898.

<sup>13</sup> The very scanty space on the tops of some motes is not easily reconcilable with this general view, and it would be interesting to see it worked out with regard to the similar mounds—for example, in Sligo. Something very like an artificial mote, still crowned with a more recent castle in stone, may be observed at Kenmure, in Galloway, above Loch Ken.

<sup>14</sup> There is an excellent example of a large fort, with ditch and rampart, on Chapel Hill, above Branhholme Loch.

<sup>15</sup> C. Plummer's *Bæd. Op.*, lib. iv. cap. 22, pp. 258-262.

<sup>16</sup> Plummer, *Bæd. Op.*, i. 368.

<sup>17</sup> *Ibid.*, ii. 101, 102.

<sup>18</sup> Anderson, *Scotland in Early Christian Times*, First Series, p. 94.

<sup>19</sup> Anderson, *op. cit.*, p. 125, note.

<sup>20</sup> Anderson, *Scotland in Pagan Times. The Iron Age*, p. 104.

<sup>21</sup> The ghost of the Dhuine Mòr, at Ballachulish, and another anecdote, may hint that it is not, even yet, quite safe to meddle with Viking sepulchres!

<sup>22</sup> This unfriendly description is by Prosper Mérimée.

<sup>23</sup> These visions of men recovered after apparent death are very common. We find them among Kanekas, Aztecs, Melanesians, and, quite recently, Arapahoes. The Arapahoe, on recovering, founded a new religion. These visions must have been of great importance in the evolution of belief.

<sup>24</sup> See Columba's theory of this rare gift, "mirabiliter laxato mentis sinu" ("an uprush of subliminal faculty"), Adamnan, i. c. 35.

<sup>25</sup> Plummer's *Bæd. Op.*, Notes, vol. ii. bk. iv. chap. 27, p. 265. St Cuthbert (651).

<sup>26</sup> Kemble, *Anglo-Saxons*, i. 290, ed. 1876. Bede's letter "ad Ecgeberthum Archiepiscopum," *Op. Min.*, Plummer, i. 405-423.

<sup>27</sup> On Bookland and Folkland, see Maitland, 'Domesday Book and Beyond,' 257: "Folkland is"—not a waste owned by the Folk, but—"land held without book, by unwritten title, by the folk-law." The king exerts over it "an alienable superiority." Cf. Ramsay, 'The Foundations of England,' i. 170-173.

<sup>28</sup> Cf. Skene, ii. 174. In i. 245, however, Skene says Adamnan was born 624.

<sup>29</sup> The art of the age is discussed later.

<sup>30</sup> Columba had a chariot in Iona.

<sup>31</sup> Adamnan, ii. xxii., xxiii.

<sup>32</sup> Bede, Mr Plummer's edition, ii. 359.

<sup>33</sup> Anderson, *Scotland in Early Christian Times*, First Series, 151.

<sup>34</sup> The story of the crosier of St Fillan should be read in Dr Anderson's delightful 'Rhind Lectures,' 1879, from which the facts are here borrowed. The Quigrich itself is in the National Museum in Edinburgh.

<sup>35</sup> *Early Christian Times*, Second Series, p. 16.

<sup>36</sup> Skene, ii. 449.

<sup>37</sup> Robertson, ii. 197.

<sup>38</sup> This is a brief statement of a speculation of Mr Skene's, based on the old

Irish laws (Brehon laws) of different periods. The minute details may only be the ideals of the Brehon compiler, but, as a general theory, the notions seem valid. The present author has elsewhere applied the scheme to the social condition of Attica before Solon, where it appears to solve problems not easily explained without the comparison of the Celtic systems. See 'Essays on the Politics of Aristotle.'

<sup>39</sup> Skene, iii. 149.

<sup>40</sup> The honour-prices are given in Robertson, ii. Appendix, Wergilds.

<sup>41</sup> *Flath* "seems clearly to mean landowner," or laird. Ramsay, 'Foundations of England,' i. 16, note 4.

<sup>42</sup> 'The Highlands of Scotland in 1750,' 151. The reader may refer to the works of Mr Skene, Mr E. W. Robertson, Mr J. F. M'Lennan, and 'The Senchus More,' for the incredible intricacies of the family system.

<sup>43</sup> Reckoning the shekel at 2s. 8d.

<sup>44</sup> Maitland, Domesday and Beyond, pp. 41-46.

## CHAPTER V.

## THE DYNASTY OF MALCOLM CANMORE.

FROM this summary sketch of life and manners among the four or five nationalities which went to the making of Scotland, we return to that skeleton of great historical events, which is all that a brief record can supply. The task of writing, or of reading about, history in long periods destitute of ample documents and letters is indeed irksome and arid.

The present chapter covers an epoch of two centuries. Through these many years life was as full of emotion and of adventure as at any other period. The ambitions, terrors, hopes, and desires of men were as active as they are to-day. There were Celtic risings for Celtic claimants of the throne; and a MacHeth, or a Mac-William, may have roused loyalty as loving as ever did Prince Charles, and run risks and venturous scapes as exciting as were his in the same moors, lochs, and hills. But all is forgotten. A descent of Northmen was as thrilling as Napoleon's intended invasion; but neither our space nor our knowledge enables us to paint these old fears and hopes of Scotland. Great expanses of country are cruelly devastated; the wooden houses flare up like torches, and the smoke blackens the towers of churches; there are flights and captures, murders and manslayings, despair of women, cries of children. All these things hurry past dimly and swiftly, like crowding phantasms in the crystal ball of history; faint outlines and colours wan.

This was the age, too, of the great early constitutional struggles of England. Her native people and her barons were making head against her alien kings. Her kings were now crusading; now, from their French possessions, were swaying the fortunes of Europe. Church and State, Pope, King, and Emperor were at strife; Becket

was murdered ; the Great Charter was won ; under Stephen England was plunged into an *inferno* of lust and cruelty. In the records of England at this age, from the Conquest to Edward I., all is on a great heroic scale, and chronicles are copious, details abound. Concerning Scotland, meanwhile, throughout an epoch so momentous, we have but traditions rewritten in a later age, or incidental English mentions, dropped among the weightier affairs of home, of France, of the Pope, of Europe. This must be our apology for crowded and dusty pages, in which we try to show the general trend of events, and, above all, to mark the growth and nature of English influence and of the English claims to overlordship of Scotland. The social changes of the age, the change to feudal and civic institutions, are reserved for a later chapter.

We now turn to the long reign of Malcolm, called *Canmore* or "Great Head" by his Celtic subjects (1058-1093). The fatal tendency of things was for the English inhabitants of south-eastern Scotland, of Lothian, to carry away their Celtic lord by the force of a language more allied to the languages of the Continent, and by gravitation towards the manners of the far weightier body of their kinsfolk in England. *A priori* we should expect the English of Lothian, under Malcolm Canmore, to be ever looking towards England and longing for reunion ; while we should expect England to anticipate the policy of the Tudors ; to win over the Borderers and chief men on the Scottish side, and so secure a *point d'appui* whence to conquer the Celtic and northern parts of Scotland.

But, first, the distracted state of England at this time, torn between Danish and English claims, and, next, the conquest of England by the Duke of Normandy, prevented any such course of events. The English of Lothian did not want a Norman master, and Norman influences were to be introduced in Scotland not by conquest, but by the favour of kings who were English in the female line. Meanwhile, under Malcolm Canmore, Celtic influences at first predominated. The very name given to Malcolm by his subjects is Gaelic, not English, like that of "James of the Fiery Face" in later days. The disputes of tribe and language may no longer take the shape of war between rival kings in Scotland, of the Dalriadic king or the king of Cumbria against the king of Alban, but provincial insurrections under Celtic *prétendants* keep alive the ancient antagonisms of race, of Celt and Anglo-Norman. The process of attempted infeudation to England holds its way ;

England asserts and makes good her claims when she can, Scotland throws them off when she is able. The claims are differently construed by both parties: there is a chain, or *catena*, of alleged submissions, but the chain is constantly broken. In a law court England might conceivably carry her case, but it is argued with varying results on the fields of diplomacy and of battle. Still, the processes of evolution tend towards a united independent Scotland, with the English or Anglo-Norman element gradually overriding the Norse and Celtic elements. These broad facts, not the "fightings and flockings of kites and crows"—English, Scottish, Northman, Norman—make the interest of the period.

Malcolm reigned from 1058 to 1093, if we reckon the reign of the rightful king, Lulach, 1057-58. A marginal note on the *Historia Regum* of Simeon of Durham is not very good evidence for his visit, not homage, to Edward the Confessor in 1059.<sup>1</sup> In 1061, he ravaged Northumbria, though Tostig, Earl of Northumbria, was his sworn brother. Malcolm's hostile attitude, expressed in his forceful tenure of Cumberland (1070), was rendered possible by the Norman Conquest, which so far failed to reach the extreme north of England that Northumbria and Cumberland are not included in Domesday Book. In this way, the North being unprotected by the central English power, and Malcolm being allied with his brother-in-law, Eadgar Ætheling, and with the anti-Norman Anglo-Danes of Northumbria, the Norman Conquest incidentally did much towards the making of a more vigorous and more extended Scotland.

Before the great adventure of Duke William offered Malcolm these opportunities and alliances, he had conciliated the Northmen in his realm by marrying Ingebiorge, daughter of the Northman Earl Thorfinn, by whom he had a son, Duncan. Ingebiorge probably died before 1068. The Norman Conquest of 1066 caused Eadgar Ætheling, of the old English Royal House, to flee, with his sisters, Margaret and Christina, into Scotland (1067), where Eadgar afterwards played something like the part of the Chevalier de St George abroad, in later years. He was a *prétendant* to the English throne, with scanty backing, and without the stuff of a hero. In 1068 (probably), Malcolm took for his second wife, Margaret, the beautiful and saintly sister of the Ætheling. They were married at Dunfermline, where the king of the ballad sits "drinking the blood-red wine."<sup>2</sup>



The cause of Malcolm's brother-in-law, the exiled Ætheling, was always a fair pretext for a Scottish entry into Northumberland. The Earl of Northumbria, at this time, was Gospatric, a kinsman of Malcolm. In 1068, Gospatric, after some movement towards an insurrection against William in Northumberland, retired to Scotland. In January 1069, Robert de Comines (Comyn, the first of that famous Scoto-Norman house), William's new Earl of Northumbria, was slain at Durham, and the Ætheling appeared at York, only to be driven out by William. A Danish fleet in the Humber next aided the Northumbrian rising. The Norman castles of York were stormed; the Danes then retired to their ships; Eadgar retreated north of Tyne; William bought off the Danes, and ravaged the country between Tyne and Humber. In this easy phrase, which recurs in almost every page, are packed unknown miseries. Famine followed war. As against 11,500 "soc-men" (yeomen of Danish descent) in Lincolnshire, but 447 were found, by Domesday Book, in Yorkshire. The rest were dead or fled to Scotland, where they became sires of a sturdy Lowland race.

In 1070 Malcolm marched through Teesdale, penetrating into Yorks as far as what is now Castle Howard, and, according to a writer usually cited as Simeon of Durham, displaying savage cruelty. But the Danes had gone home, the Ætheling's cause had been abandoned; Gospatric was making a diversion by plundering Malcolm's lands of Cumberland, and it is now (1070) that a chronicler, followed by Mr Freeman and Mr E. W. Robertson, places his tale of Malcolm's meeting with the Ætheling at Wearmouth, and his marriage with Margaret. Scotland was full of English thralls, and of Anglo-Danish refugees.

In 1072, William led a naval and military force against Scotland, fording Forth, and receiving homage of an indefinite kind from Malcolm, apparently at Abernethy.<sup>3</sup> As hostage he took Duncan, Malcolm's eldest son by his first wife.<sup>4</sup> We call the homage "indefinite," mainly because historians cannot agree about it, but construe it in different ways. Mr Freeman believes in an earlier and confessedly vague submission of Malcolm to William in 1068. Mr Robertson rejects this homage, as resting only on the authority of a late and inaccurate writer, Ordericus Vitalis (1075-1141), the English Chronicle being silent as to a homage in 1068.<sup>5</sup> These champions again differ as to the nature of Malcolm's submission at Abernethy in 1072. "He became the man of the

Conqueror," says Mr Freeman, quoting the English Chronicle, and Florence. Mr Robertson, on the other hand, argues that Malcolm received from William a grant of manors in England, and a pension, and that his homage was merely "the feudal recognition of his subsidy," in return for which he kept peace and was good neighbour on the Border.<sup>6</sup> Mr Skene "cannot tell whether Malcolm's homage was paid for the kingdom, or for one or both of the outlying provinces of Cumbria and Lothian."

That an arrangement was made, at Abernethy, in 1072, by which Malcolm was to receive twelve *villæ* in England, and a subsidy from William, is certain, as will appear later. But it will also appear that the homage, for whatever it was paid, is of crucial importance in regard to the later claims of Edward I. Malcolm afterwards declared that he would never "do right" to an English king, "except on the marches of the kingdoms." Now, in 1072, he certainly "did right" at Abernethy. Does this indicate that, in his opinion, Tay was his legitimate southern frontier? If so, he must have regarded Lothian as no real part of his realm of Scotland. Probably none of the English arguments for supremacy, at least in Lothian, is so telling as that founded on the meeting at Abernethy. Yet even that argument is disputable.

On returning to England, William dismissed Gospatric from the earldom of Northumberland, and gave it to Waltheof, son of Earl Siward, by Elfreda, daughter of Earl Aldred. Waltheof was later put to death by the Conqueror. His promotion to the earldom of Northumbria is important, because the claims on Northumbria made by David I. and William the Lion rested on their kinship with this earl.

The fugitive Gospatric soon obtained the earldom of Dunbar from Malcolm, and if Malcolm was indeed William's "man," it is extraordinary that he should thus have received William's rebel, and endowed him with lands actually in Lothian. Gospatric founded the noble House of March, later so prominent for good and for evil. It will be remarked, when we reach the struggle for Scottish independence, that the Earls of Dunbar and March, the representatives of Gospatric, were commonly of the English party, even more than most of the Scottish aristocracy, though they came of Crinan's line. The Ætheling, meanwhile, during the Abernethy negotiations, had gone to Flanders, whether in consequence of a demand by William, or not, is uncertain. He returned in 1073, and after

all the bad luck which usually attends the incompetent, he was then reconciled to William, and resided at his court for a while.

Whatever the degree of his submission to William at Abernethy, Malcolm now passed on against the "Ri Moreb," Mailsnechtan, the Celtic "king" of his own uncertain province of Moray. Malcolm drove out this son of Lulach (Macbeth's ward), who fled to Lochaber, where he died :<sup>7</sup> his claims were now in other hands, they did not lapse. In 1079, William being abroad, his "vassal," Malcolm, harried Northumbria as far as Tyne. In the autumn of 1080, William sent his eldest son, Robert, to avenge this outrage ; Robert returned, without any glory, after reaching Falkirk, and founded Newcastle-on-Tyne, a great bridle of the Scots.

On September 9, 1087, William died, and four years later the Ætheling—his Norman lands under Duke Robert being confiscated—took himself and his perennial ill-luck to Scotland again. In May 1091, Malcolm invaded England, whereon William Rufus, with his brother Robert, crossed the sea, losing most of his fleet, and was met by Malcolm "in Provincia Loidis."<sup>8</sup> Here the treaty of Abernethy was renewed.<sup>9</sup> Robert and Eadgar Ætheling had turned the meeting in a peaceful direction, and Malcolm "became the man of William Rufus, with all such obedience as he had paid to his father," the Conqueror. Rufus on his side was to restore to Malcolm "twelve *villæ* which he had enjoyed under the Conqueror, and to pay him yearly twelve marks in gold."<sup>10</sup> This must refer to the arrangement at Abernethy (1072) when Malcolm did homage, receiving in return the twelve *villæ* and a yearly subsidy. Nothing follows as to any homage by him for *Lothian*. That homage for Lothian is asserted as a fact in "a gossiping description of an interview" between Rufus and Malcolm, written long after date by Ordericus Vitalis. Therein Malcolm is made to acknowledge the gift of the earldom of Lothian from *Edward the Confessor* on the occasion of his marriage with *Margaret* ! As the Confessor was in his grave when that marriage was celebrated, Ordericus babbles fondly. No conclusion as to the Scottish king's vassaldom for Lothian can be drawn from such a story. It is open to argument that at Abernethy Malcolm only promised to be a good neighbour to the Conqueror in return for his subsidy and twelve *ville*, and that all the obedience and homage ever paid by him was paid for them.

The peace with Rufus was brief. Coveting Cumbria from Solway

to Derwent, the English king refortified Carlisle (which had been destroyed two hundred years earlier by the Northmen), and so cut "a monstrous cantle" off the lands under Malcolm in Cumbria.<sup>11</sup> Irritated on this or some other score, perhaps connected with his twelve English *villæ*, Malcolm complained of ill-treatment. Rufus at the time was sick and penitent; Malcolm, who had sent an embassy, was therefore invited to meet him at Gloucester. He went thither under the conduct of the Ætheling, but Rufus was now better in health, and was worse disposed. He declined to see Malcolm, and referred him to the judgment of his own Anglo-Norman barons, and to them alone. Malcolm disdained their jurisdiction, and refused "to do right" to Rufus, except on the judgment of the peers of *both* realms, and on the marches of the two kingdoms. There, and there alone, the kings of Scotland were wont "to do right" to the kings of England.<sup>12</sup> Now this is perplexing. On the one hand, if Malcolm, at Abernethy in 1072, did homage "for all he had," there was no reason why he should not now "do right" to his overlord in the court of his overlord at Gloucester. William the Lion did as much, habitually, when he was undeniably the "man" of Henry II. after the Treaty of Falaise. We shall later see John Balliol summoned to the court of his overlord, Edward I., on a wine-merchant's bill! Nor could Malcolm, as a peer of Rufus's, refuse the judgment of his English fellow-peers. So far, it seems as if Malcolm's sole feudal relation to Rufus was for his *villæ* in England, and his subsidy, not for Cumbria, not for Lothian, not for Scotland.<sup>13</sup> But, if ever Malcolm "did right" to a king of England, it was in 1072 at Abernethy. Was *that* "on the marches of the two kingdoms"? Abernethy is on the narrows of the Firth of Tay, which would imply that Malcolm's proper kingdom lay north of Tay only.<sup>14</sup> The matter may be argued either way: on the one hand, Malcolm at Gloucester adopts lofty airs as an independent king, even when in the power of Rufus. On the other hand, if he would only "do right" on his frontier, as he really "did right" at Abernethy, that looks as if Scotland north of Tay was alone regarded by him as his proper kingdom.

We shall later find Henry VIII. asserting that no king of Scotland should ever enter England peacefully, save as a vassal. Malcolm entered peacefully, but *not* as a vassal; he refused to play the vassal's part at Gloucester.

Indignant at his reception, he returned home, and presently invaded England at the head of an army. He was met and slain near Alnwick by Robert de Mowbray, or rather by Malcolm's friend and *god-sib*, or fellow god-father, Morel of Bamborough (Nov. 13, 1093). There are hints of treachery. Malcolm's son Edward fell with him, and St Margaret, at the moment in ill health, did not survive the double blow, dying in Edinburgh Castle. Her corpse was quietly removed to Dunfermline by way of the West Port, under cover of a mist, it is said, for fear of outrage. If this be true, if secrecy was needed, the defeat of Malcolm must have heartened the Celtic opponents of his English friends, and even the body of his sainted English queen may have been in danger.<sup>15</sup>

Even the hostile Durham historian admits a patch from Florence, showing that the ferocity of Malcolm's temper was calmed by his union with his saintly English wife. Every one has heard the pleasant stories told by Margaret's confessor and biographer, Turgot: how royally the king bound these books of Margaret, which he could not read, in gold embossed with precious stones.<sup>16</sup> The good queen would encroach on Malcolm's private purse for her charities, whereat he only laughed. As an instance of his magnanimity, we are told that at a deer-drive Malcolm managed to be alone with a noble who, he knew, had a design on his life, and won him over by sheer generous courage.<sup>17</sup> The queen was queenly as well as saintly, and kept a fair show of royal splendour and courtly etiquette, new, and perhaps not welcome, in the Celtic north. Courtiers were expected to be suitably dressed, and an impulse was given to foreign trade in stuffs. Conceivably these innovations, as well as Celtic reaction in favour of Malcolm's brother, Donald Ban, made the kind and charitable queen an object of secret grudges. Her influence had, indeed, been a fountain-head of change, and much as her confessor and biographer admired Queen Margaret's innovations, the Celtic clergy, the Celtic chiefs, perhaps even the Celtic poor whom she fed and tended, looked on her reforms with suspicious eyes.<sup>18</sup>

The most marked and definite novelties of the reign were ecclesiastical. During the old times of the ravages of Northmen, and the flight or death of monks, Church estates fell much into the hands of married laymen, and Malcolm Canmore himself represented in the male line the lay Abbot of Dunkeld, father of King Duncan. This licence of married men possessing and transmitting church

property was not confined to the Dunkeld abbots. Even the *Cele De*, Culdees, originally ascetic hermits, then hermits grouped together under canonical law (as on the Isle of Loch Leven, where hermits must have lived in close quarters), became something not unlike married Fellows of a College. This, at least, is the view suggested by the unfriendly Legend of St Andrews, written probably in the middle of the twelfth century, by a scandalised ecclesiastic of the new Anglicised sort. The appropriation of Church property by laymen has always been a tendency of the Scottish, and was conspicuously illustrated both before and after the Reformation.

The Scottish Church, then, when Malcolm wedded the saintly English Margaret, was Celtic, and presented peculiarities odious to an English lady, strongly attached to the Establishment as she knew it at home. With all her virtues, Margaret was what, in Scotland, we call "very English"—that is, very "correct," and punctilious. Her private interests, however, in her son's lay benefices, were not touched by her reforms. Probably Malcolm was firm on this point. Her biographer and director, Turgot, represents her as holding Councils to decide between the Celtic and English Church fashions, while the worthy Malcolm interpreted, as he, if no theologian, at least knew both Gaelic and English. The Celtic priests must have disliked the interference of an Englishwoman.

First, there was a difference in keeping Lent. The Celts did not begin on Ash Wednesday, but, following the early rule, on the Monday following. On Easter-day they did not communicate. There were also "masses in I know not what barbarous rite"; perhaps, as Mr Skene suggests, the service was celebrated, not in Latin, but in the vernacular. The (Protestant) Bishop of Edinburgh, Dr Dowden, suggests that, more probably, an extraordinary Irish way of arranging fragments of the wafer in a cross and circle may be the subject of the allusion.<sup>19</sup> They worked on Sunday, but kept Saturday in a sabbatical manner. A man might marry his deceased brother's wife, and even, it is said, his stepmother. These things Margaret abolished, and brought the Celtic customs into Christian conformity. But the hereditary lay benefices? These, as we said, were left unreformed. Margaret's own son, Ethelred, was lay Abbot of Dunkeld. Margaret was pious, charitable, correct, learned. She presented golden crucifixes to churches, she established *hospitia* for pilgrims, she restored the sacked and ruined monastery of Iona. A little miracle was wrought for her;<sup>20</sup> her

book of devotion fell into the water, and was not injured. Indeed it may now be seen in the Bodleian Library, having been bought for £6, at a clearance of a parish library in England. But St Margaret with all these merits did not, or could not, touch the lay benefices. The ingenuous Malcolm was, on that point, firm as a rock.

Thus with Margaret came the beginning of the end of the monastic Celtic Church of Scotland, and, in Malcolm's last year, died Fothadh, the last Celtic Bishop of Alban. He was followed by an interregnum of fourteen years (1093-1107), and then came a stranger bishop. Henceforth the clergy, of St Andrews, for example, begin to bear English names: Celtic names gradually disappear. The St Andrews Culdees, though they yielded place to the Augustinian canons, were finally converted into the Provost and Chapter of St Mary's of the Rock. (To anticipate, we may note that, as late as the great War of Independence, this Chapter was maintaining its right to elect a bishop—namely their Provost, William Comyn. The perjured and patriotic William Lamberton, the friend of Bruce, was the candidate of the national party. Edward I. supported Comyn, and thus the survivors of the old Celtic ecclesiastical body, like the military Celts of Galloway, the Isles, and Lorne, were then opposed to the national interests of Scotland.)

Every reader of Scottish history must observe how, in the change of times and ideas, the wind, so harsh to Ireland, to Scotland was tempered. The new Anglo-Norman ideas entered Scotland by infiltration. An English queen, her English children, gradually introduced changes which, in Ireland, came in the wake of conquest and the sword. For example, the ecclesiastical novelties which St Margaret's influence gently thrust upon Scotland, were accepted in Ireland by the Synod of Cashel (1172) under Henry II. Yet there remained, in the Irish Church, a Celtic and an Anglo-Norman party, "which hated one another with as perfect a hatred as if they rejoiced in the designation of Protestant or Papist."<sup>21</sup> This form of hatred Scotland was happy enough to escape, though we do find a movement against English clergy, in the stormy six months of Sir William Wallace.

Malcolm Canmore had two brothers, Donald Ban (from whom, in the female line, descended the Red Comyn) and Melmare. By Ingebiorge he left, at his death, only Duncan, the hostage in

England, taken by the Conqueror in 1072. Of surviving sons by St Margaret he had Eadward, his Tanist or appointed successor, who fell in the fight on Alne; Eadmund; Ethelred (lay Abbot of Dunkeld); Eadgar; Alexander; and David.

In Cumbria, and wherever the Northmen were in force, Duncan, Ingebiorge's son, would have a chance to be looked on as heir of the crown. On the other hand, the Anglo-Scots, so to say, of Lothian, would prefer the eldest surviving son of St Margaret, Eadmund.

The Celts again, or Celts and Picts (if not romantically engaged for one of Lulach's House of Moray), would stand for Malcolm's brother, Donald Ban, according to their ancient prepossession, or customary law, in favour of brothers. St Margaret the Celts probably regarded as a meddling Englishwoman, and they did not love her sons. These Scots, then, in the old sense of the word, these Celts, selected Malcolm's brother, Donald Ban, and drove out the English friends of the late king and queen. The situation thus created suited William Rufus excellently well. He could put forward Duncan, Malcolm's eldest son, as the natural lawful heir, and Duncan, long trained in English court ways, was not likely to be scrupulous about oaths and homages. "Such troth," says the English Chronicle, "he did as the king would have of him."<sup>22</sup> With English and Norman aid, he succeeded in driving out Donald Ban, but was himself slain, six months later, by the men of Mærne and their Mormaor, Malpeter MacLoen, while Donald Ban was restored. Donald now reigned north of Forth, while Margaret's son, Eadmund, appears to have ruled in Lothian, probably by arrangement with Donald. He is accused of having had a hand in the death of his half-brother, the Anglicised Duncan. Finally Eadgar Ætheling, for once actually doing something, brought in his nephew, St Margaret's son Eadgar (1097), by the strong hand. Eadgar appeared as vassal of William Rufus, says the English Chronicle, and Mr Hume Brown cites a rather disputable charter to this effect.<sup>23</sup> He put out the eyes of his uncle, Donald Ban; Eadmund died in an English cloister, and, by his own desire, was buried in chains. For the family of a saint, that of St Margaret behaved in a style remarkably mundane.<sup>24</sup>

EADGAR (1097-1107). — Eadgar's accession, and reign of ten years, ended the Celtic line in Scotland. Since Donald Ban, no Celt in both lines has sat on the Scottish throne. English and



Normans now flocked in, and obtained the best of what Eadgar and his successors had to give. The long process began by which English brewers, soap-boilers, and upholsterers sit in the seats of Macdonnells and Macphersons.

The early part of Eadgar's reign was troubled by the Northmen. Magnus Barefoot, King of Norway, had found his lieutenants, in the Western Isles, disturbed by Celtic insurrections. He subdued the Isle of Man, and is said to have extorted from Eadgar the cession of the Western Isles, including, as it seems, the peninsula of Kintyre. For more than a hundred and fifty years these territories were Norwegian, not Scottish, in spite of occasional insurrections. Probably the blood of the West Highland chiefs, Macdonnells, Macdonalds, Macleods, "sons of the kings who in Islay held state," is, in a considerable degree, Norse, though, of course, the chiefs were Celticised in speech, and, to a great extent, in character.

We must here steadily remember the mixed blood and uncertain tenure of the sons of Malcolm. Partly English, partly Celtic, they held Scotland south of Forth and Clyde by an indefinite sort of vassalage to England, or at least by English aid. The west Isles and extreme north were possessed by Norwegians. Great Celtic provinces, like Moray, were ready for revolt, whenever a Pretender appeared, as Alexander I. was to learn. The Church, to an indistinct degree, and always under protest, was by England regarded as dependent on York, or on Canterbury.

It was hard to make a free and united kingdom out of such vague and conflicting elements. Eadgar, calling himself *Rex Scotorum*, addresses his subjects as "Scots and English." His court, or at least the chief functionaries, bear English names. His sister, Eadgyth, called Matilda, was married in 1100 to Henry I. of England, who thus bequeathed to his house the blood of Alfred on the female side. It was as if George I. had married Louisa, "the child of consolation," the young daughter of the rightful king, James II. The English were now to have a Royal race partly of English descent, and the English marriage of their sister must have knitted closer the ties between Malcolm's half-English sons and England. Edinburgh was Eadgar's seat, on the border of his English Lothian, and in Edinburgh he died, in January 1107. His disposition of his kingdom shows the uncertainty of his posture. His brother Alexander I. only received Scotland north of Clyde and Forth, including Edinburgh. David, later David I., who long re-

sided at his sister's English Court, got Lothian and Cumbria, with the title of earl. Mr Skene makes the probable conjecture that this arrangement was intended to evade English claims on "Scotland of the Scots."

ALEXANDER I. (1107-1124).—Alexander I. married Sibylla, natural daughter of Henry I.<sup>25</sup> According to Fordun, Alexander received the name of "The Fierce," for his retaliation on the Celts of Moray and the Mearns, who attacked him, at Invergowrie hard by Dundee, and nearly took his life. He in his turn assailed the Celts, posted on the Spey, or on the Moray Firth. His standard-bearer, Alexander Carron, plunged into "that wan water," led the force to victory, and received the name of Scrymgeour. The Scrymgeour-Wedderburns are still hereditary banner-bearers of Scotland.<sup>26</sup> After his victory, pursued as far as Ross, Alexander founded the Monastery of Scone, with canons regular of St Augustine from Yorkshire, and endowed it with the lands of Lyff, where his Celtic subjects gave him such a warm reception. English canons, like those introduced by Alexander, after this Gaelic tumult, were to extrude more and more the Celtic churchmen. The see of St Andrews had lain vacant since 1093, when the last Celtic bishop died.<sup>27</sup> To the vacant see, Turgot, St Margaret's late confessor and biographer, was elected on June 20, 1107. But who was to consecrate him? In 1072, Lanfranc of Canterbury, and Thomas of York, had agreed that York should be supreme from Humber to Cape Wrath. Alexander temporised. Turgot was, by the Archbishop of York (Mr Robertson says, by the Bishop of London), consecrated at York (1109), "the right of both sees being reserved." He found that St Andrews was "not a peaceable friendly place," as there was a strong leaven of Celtic Culdeeism, while Alexander would not permit him to go to Rome, and plead his case there. The Scottish kings, indeed, held their own well in the great struggle between the Popes and the State. Turgot, therefore, retired to Durham, where he died in 1115. Alexander artfully applied to Canterbury for a successor, to keep alive the old York and Canterbury quarrel, which, while it lasted, made for the ecclesiastical independence of Scotland, by adding to the general vagueness of her relations with England. The see lay vacant till 1120, when Alexander selected Eadmer, a monk of Canterbury, whose consecration, or rather accession, was of the vaguest. Alexander gave him the

ring, he took the pastoral staff from the altar.<sup>28</sup> These he soon resigned, finding St Andrews a difficult see for an English bishop, especially as he professed to be subject to Canterbury. In 1123, Robert, prior of the new English canons at Scone, was consecrated Bishop of St Andrews by the Archbishop of York, the rights of both churches being reserved. Alexander now gave back to the Church the traditional *Cursus Apri*, or "Boar's Course," a tract of land which may perhaps derive its name from the time when the promontory was called, in Gaelic, *Mucross*, "Cape of Swine." The curious ceremony of leading the king's Arab horse to the altar is familiar, from Wyntoun's description. The arrival of Robert at St Andrews meant the end of the Culdees' power; they were succeeded by Augustinian canons, as has been shown, but long persisted in maintaining their right to elect bishops. David, in his province, had founded the Bishopric of Glasgow, on which York made the usual claims. These were dismissed by Pope Alexander III., in April 1174, and the Scottish clergy remained the most tenacious assertors of national independence.

Alexander died at Stirling, on April 25, 1124, an astute and resolved prince, an independent patron of the Church, and the first to introduce charters north of Forth. In a sense, Alexander is the last of the Scottish kings who relied mainly on the Celtic and *old* Anglo-Norse element. Of this an example may be given. We have heard how he founded the Monastery of Scone. It had, in Robert, later Bishop of St Andrews, an English prior, and was of the English ecclesiastical character. But the names of Alexander's earls who attest the charter of Scone are Celtic, such as Heth of Moray, who married the daughter of Lulach, the sister of Mailsnechtan, the rightful heir of the nameless son of Boedhe murdered by Malcolm II. There were also among the witnesses Madach of Athol, Malise of Strathearn, Dufagan of Fife, and Gartnach, and Rory (of Angus, Buchan, or Mar?).<sup>29</sup> Now, when Alexander's successor on the throne, David, founds Melrose, we note that *his* noble companions who attest the charter are not Celts. They are Moreville, Umfraville, Somerville, Riddel of Riddel, Gospatric: Bruce, Fitzalan (*i.e.*, STEWART) are also of his *entourage*, with men of English names.<sup>30</sup> To be sure, Scone lies northward, is in Perthshire; Melrose is in a southern Anglicised region, on Tweedside. But Perthshire also was soon, like most of the North, to have her Anglo-Norman earls and barons.

DAVID I. (1124-1153).—With Alexander Celtic dominance ends ; with David, Anglo-Norman and English dominance is established. David was the last surviving son of Malcolm and Margaret. He had ruled southern Scotland in Anglo-Norman fashion. He had been educated in England under Norman teachers. He had married Matilda, widow of Simon de St Liz. She was, unfortunately, heiress of Waltheof, at one time the Conqueror's earl in Northumberland. The English king had lately kept Northumberland in his own hands, but David persistently strove for this part of his wife's heritage "that should have been." His only son, Henry, held Northumberland later ; his grandson, Malcolm the Maiden, resigned it. To recover it, Malcolm's brother, William the Lion, made war, was taken captive, and became England's vassal for Scotland itself. Not till the reign of Alexander II. was the Scottish claim on Northumberland to be compromised and closed. Unhappy, indeed, was the heritage of the brave and martyred Waltheof, a standing cause of feuds and wars. David, in his day, carried his frontier to Eden and Tees : could his children's children have maintained it, Scotland had been England's equal ; but blood was shed, and money was spent in vain.

In marrying Matilda, David did receive the Earldom of Huntingdon, in addition to his fatal "running plea" for Northumberland. Thus an Anglicised Earl of Huntingdon succeeded to the Scottish crown of Alexander.<sup>31</sup> David's Norman and English tendencies are everywhere conspicuous. Mr Skene points out that, in David's gifts of lands to churches before his succession, eight of his witnesses are English and fourteen are Normans. Only one Celtic witness, Gillemichel ("Servant of St Michael"), represents the ancient race. Among witnesses of his charters appears the Norman Robert de Brus, holding wide lands in Annandale. There is also, as we saw, Gawain Riddel, "Riddel of Riddel," that ancient family of Teviotdale, dispossessed of its "wide domain" in the present century. David's charter to Dunfermline mentions the acquiescence of his "bishops, earls, and barons, clergy and people" ; and "the old traditional earls of the Celtic kingdom," representatives of the Mormaors, appear as witnesses only.<sup>32</sup>

Thus feudalism, Englishmen, Normans, Norman ideas came in more and more under David, while Celtic men and ideas retreated to their congenial glens. But in 1130 the Celts rose, and the circumstances of their rising are perplexed. In Alexander's time Heth,

earl of the turbulent province of Moray, had been one of the signatories of the king's grant to Scone.<sup>33</sup> His sons (according to Mr Robertson's view), during the absence of David in England, asserted claims to the Crown, they having been borne to Heth by a daughter of Lulach, the ward of Macbeth. Thus theirs was "the old quarrel" of Celtic legitimism and the line of Moray.<sup>34</sup> Heth's son Angus is spoken of by the contemporary Ailred as possessed by hatred of the royal family, a sentiment shared by his brother Malcolm. We can easily detect the origin of this dynastic hatred in Angus, son of a daughter of Lulach.<sup>35</sup> The Constable of Scotland, the king being absent in England, defeated the Celts near the North Esk. In the battle Angus, son of Heth, Earl, or *ri*, of Moray, fell, but Malcolm, his brother, escaped to wage a guerilla war with increasing forces. David now called in the aid of his Norman and English friends under Walter Espec; they assembled at Carlisle, and Malcolm MacHeth, betrayed by his Celtic adherents, was imprisoned in Roxburgh Castle. David now declared Moray forfeited to the Crown, and granted parts of what had always been a province but half subdued to his English, Scots, and Normans.<sup>36</sup>

The beginning of the reign, or anarchy, of Stephen, consequent on the death of Henry I. (1135), led to war between David and England. Henry I. had tried to secure, by taking oaths from Stephen, David, and other possible claimants, the succession of his daughter, the Empress Matilda. Her claim, on modern principles, was beyond doubt or contention, but these principles were not yet evolved. The oaths of Stephen were as straw in fire, were as futile as the Pragmatic Sanction in favour of Maria Theresa six hundred years later. Not Matilda, the daughter, but Stephen, the nephew, of Henry, was elected and crowned in England. Whether out of affection to Matilda, his niece (daughter of his sister), or out of regard to his royal oaths to stand by her, or in the hope of getting some additional territory in the confusion, or from a mixture of all these motives, David led an army over the Border. The fortified towns of Cumberland and Northumberland did not resist him<sup>37</sup> except Bamborough, for the North may have been naturally favourable to the claims of Matilda. Stephen, however, marched very promptly with a huge force to stop David in his progress southward. In February 1136 the two kings came to terms at Durham without drawing sword. David did not become Stephen's "man"—refused to hold fiefs of him—out of respect for his oath to Matilda; but his

son, Prince Henry, received from Stephen "the Honour of Huntingdon, Carlisle, Doncaster, and all that pertain to them."<sup>38</sup> The other castles which had submitted to David were restored to Stephen. According to witnesses who were present, Stephen promised that if ever he made a gift of the earldom of Northumberland he would give a fair hearing to Prince Henry's claims on it, the prince being descended, through his mother, from the Conqueror's earl, Waltheof.

In the Easter following (1136) Henry left Stephen's court in consequence of a quarrel about precedence, and relations with England became less friendly. In 1137, during Stephen's absence in Normandy, David prepared an invasion; but the Archbishop of York induced him to interpose negotiations. David now claimed Northumberland for Prince Henry. Stephen would not listen to this demand, and in January 1138 David's nephew, William Fitz-Duncan (son of Duncan, Malcolm's first-born), led the Galloway levies over the Border. Checked by Wark Castle on Tweed, they began to plunder the country; and David followed in full force. Some raiding by both parties ensued. Stephen advanced; David, retreating on Roxburgh, laid an ambush; Stephen, evading it, harried the Merse; but Lent caused an armistice. David next took Norham, a place on the Tweed of great apparent strength, but failed at Wark and Bamborough. Fitz-Duncan raided the North, and won a battle at Clitheroe on Ribble with his light-armed Galloway men. David now marched south, with a huge force of incongruous elements, drawn from Orkney, Lennox, Lothian, and Celtic Galloway.

The Archbishop of York now proclaimed a holy war,<sup>39</sup> and Robert de Brus—David's friend—Bernard de Balliol, Walter Espec, and other Norman lords, many of them David's late allies against Malcolm MacHeth, gathered the knightly forces of the North, and Midlands. Priests carrying saintly relics roused the English population, already exasperated by the odious outrages of the wild Galloway men. These (*when* is not clear) claimed a right to lead the van, despising David's full-armed Normans. A quarrel nearly broke out between Malise, Earl of Strathearn, and Alan Percy. David, for the sake of peace, conceded the Galloway claim, and, after a futile attempt at a surprise, the famous Battle of the Standard was fought on August 22, 1138, at Cowton Moor, near Northallerton. The great standard or gonfalon of the English, with store of relics, and surrounded by banners of English saints, was the

centre of the Southern array. Before men came to blows, Brus and Balliol, in a conference with David, made an effort for peace, or to gain time. David, they told him, was leading his real foes, the Galloway Picts, against his real friends, the Anglo-Normans who had relieved him of Malcolm MacHeth. But William FitzDuncan struck in angrily, and broke up the conference, Brus and Balliol renouncing their allegiance to the Scottish king.

A vivid account of the Battle of the Standard is given by the learned Æthelred, or Ailred, Abbot of Rivaux, a man who wrote respectable Latin for his age. After telling how the Anglo-Norman army was small but well equipped (they had trained Norman soldiers), and how David's own friend, Robert de Brus, stood for the South, and for the Standard with its relics, he puts a thoroughly Norman speech into the lips of old Walter Espec. The oration, like those of Livy and Tacitus, may be mainly or wholly Ailred's own composition. It shows at least what, in the eyes of a peaceful man like Ailred, seemed stirring topics. "To us, from of old, victory is granted as a fief. This England, that resisted Julius Cæsar, we have swiftly dominated. We have seen the back of the King of France: Apulia, Calabria, Sicily, we Normans have subjugated. Either emperor fled from us, on one day, at one hour. Who would not laugh rather than fear when the wretched bare-breeched Scots come up against such adversaries! What are these naked men to steel-clad Normans, their leather targes to our lances, their recklessness of death to our reasonable valour? Strike their long spears with a staff, and you disarm your Scots." He then rehearsed the cruelties of the Galloway men, the tossing of children on spears, the unspeakable horrors committed by these "Picts." "It is a war of men against beasts. Before *them* go jugglers and dancers; before us, the Cross of Christ, and the relics of His saints. We fight for a king whom the people desired, whom the clergy chose, whom the Archbishop anointed, whom the Holy See confirmed,"—and who was a common perjurer, as Walter Espec did not think fit to remark.

The horses were then removed and placed under a guard, "that nobody might ride away." Probably the real motive was a sense of the superior defensive force of infantry, later to be proved in the Hundred Years' War. On the Scottish side, the Picts of Galloway were confusing counsel by demanding pride of place. Armour, they cried, was an impediment rather than a protection. At

Clitheroe they, bare-breasted, had beaten these harnessed men. David, for the sake of union, assigned the first line to his Galloway Picts. His son Henry, with men-at-arms, archers, Cumberland, and Teviotdale, took the second line. In the third line were Lothian, the Islemen, and the Lennox; but the Scots (probably Highlanders of the East, Atholl and Mearns men) and the Moray contingent, with certain English and Normans, were commanded by David himself.

The dismounted Anglo-Normans formed in one solid forest of spears and serried shields. The trumpets sounded, the Galloway men, under Donald and Ulrig (probably a Kennedy), came on with three yells, drove in the first English rank (as the Stewarts and Mackintoshes broke Barrel's regiment at Culloden), and died, like the Mackintoshes and Stewarts, on the points of the second line, and under the rain of arrows.

Then the Prince of Scotland with his cavalry burst through the body opposed to him, passed the Standard itself in pursuit, scattered the English horses, and chased their guard far from the field. All seemed lost for England, when (it is said) some old soldier picked up a head of a man, and cried that it was the head of King David! The Galloway Picts ran, Lothian broke, David in vain showed his unhelmeted head beneath the Dragon standard of Wessex, and tried to check the rout. The Prince found himself almost alone and surrounded. "We have done all that men may do," he said, smiling, "and have conquered as far as in us lay." His rout of the horses had at least diminished the English power of pursuit. Then, throwing down their distinguishing colours, the Prince and his men feigned to charge with the charging English, and so escaped. David made a kind of running fight to Carlisle, where he was safe; the prince rejoined him on the third day.<sup>40</sup>

In Ailred's description we are struck by the chivalrous tone of the narrative. Froissart, writing as a disinterested spectator, could not have spoken with more enthusiasm of the Prince of Scotland—Henry, David's brave, beautiful, and gentle son—than does this English witness. Again, the speech of Walter Espec is expressly and solely addressed to the Norman warriors, a singular thing, if the mass of English billmen and bowmen were listening. The form of the oration at least is Ailred's own, yet he, a man of English name, and presumably of English blood, clearly puts his heart into the ringing sentences, as if the English were proud of their Norman



aristocracy, by whom to have been defeated is no disgrace, "for victory is given in fee by God to His Normans."

On the Scots side it is the old story, often fatally repeated, the struggle for pride of place, as at Culloden, the jealousies, the desperate charge of half-armed men, fierce as "the Scottish Furies" of Fontenoy; kilted men, presumably, judging from Walter Espec's sneer at their half-clothed hurdies; men shielded only by "the target of barked bull's hide."

Though he had the worse of the fighting, David did not lose heart. Carlisle, which William Rufus had rebuilt, afforded him a safe base. He was renewing the siege of Wark when the Bishop of Ostia, the Papal Legate, arrived, bringing with him William Comyn, the Scottish Chancellor, who had been captured at Northallerton in the Battle of the Standard. The Legate, seeing the devastated condition of Northumberland, implored David to make peace with Stephen. He had come on other business, to announce the end of a schism by the death of the Antipope. But the Legate conceived the securing of peace among Christians to be part of his duties, and on that errand he returned from David to Stephen. Meanwhile, the commandant of Wark received orders to surrender from Walter Espec, and the garrison, re-horsed by David, marched out with the honours of war. Aided by Matilda, the queen of Stephen, the Legate turned the English king to peaceful ideas, and in April 1139 she and the prince of Scotland, her cousin, met at Durham. The prince received investiture of Northumberland (saving Newcastle and Bamborough), and so secured the chief object of David in going to war.<sup>41</sup>

At Stephen's court Prince Henry was popular. He married Ada, youngest daughter of the Earl of Warrenne, a Stephenite. Prince Henry, both by marriage, and by affection for his cousin, the English queen, was thus inclined to Stephen's faction in England. But David, his father, when the *other* Matilda, the Empress, came to England, and when Stephen was defeated at Lincoln, took the Empress's part, and rode with her into London (1141). David was involved in her failure, at Winchester, where he was rescued by his godson, David Olifard, serving in the hostile army. As Oliphants, the kindred of David Olifard still enjoy the reward of the grateful Scottish king, and, in the House of Gask, have a notably loyal record. In 1149, Henry FitzEmpress, later Henry II., arrived at Carlisle, and was knighted, promising, if ever

he became king, to confirm to David and his heirs the lands between Tweed and Tyne. But Henry was obliged to leave England, and there was no outbreak of war with Stephen: David stopping short at Carlisle, deserted by the Earl of Chester, whom he had bought, but Stephen overbid him in the bargain. Stephen did not advance beyond York.<sup>42</sup>

Thanks to the troubles of Stephen's reign, David was now master of England, as far south as the Tees, with a promise of continuance in that possession, if Henry Fitz-Empress succeeded to the English throne.<sup>43</sup> But this unexampled propotency of Scotland was doomed. The death of Prince Henry (June 12, 1152) ended all, or endangered all. The acquisitions and the policy of David were to come into the hands of a grandson, Malcolm, still a minor. Among princes of promise, Henry is probably he whose promise gave the best hopes of fulfilment. Even the English chroniclers bewail him, as if he had been the Bayard or Sir Philip Sidney of his age. He had been tried in war, where his courage was chivalrous and steady, while in peace he was like his father, but of milder mood (*paulo suavior*).<sup>44</sup> Ailred knew the Prince intimately. "We grew up from boyhood together," he writes; "as a youth I knew him, a youth himself, whom I left in the body; that I might serve Christ, but never left in loving memory."

Henry's eldest son, Malcolm, was born in 1142; William (the Lion), and David (Earl of Huntingdon), followed each other at intervals of a year. Thus Malcolm was but a child of ten when his father died. Now, that a grandson should immediately succeed his grandfather, as Malcolm must succeed David, was a thing almost unknown in Scotland, where the system of Tanistry had so long provided an adult to fill the throne. Tanistry, indeed, had it endured, would have saved Scotland from the curse of many long minorities. Yet the fortunes of the dynasty of Kenneth MacAlpine prove that this apparent gain would only have been won at the expense of internal war and family crimes. In the crisis caused by the death of Prince Henry, David's care was to secure the succession for Henry's son, Malcolm. He seems, however, to have called no Parliament, as Alexander III. did later in similar circumstances. He sent the boy in a kind of royal progress through his territories, getting him acknowledged as heir, while the still younger grandson, William, was carried by David to Newcastle, to receive the homage of the Northumbrians. In the following

year (May 24, 1153), David died at Carlisle, leaving a reputation for virtue and benevolence to the Church, stained only by the cruelties of his wild warriors in England.

"A sair saint to the crown," by his ecclesiastical generousities, he is not, of course, a saint in the Calendar. Alexander's and David's bishoprics, such as Glasgow, Moray, Aberdeen, Ross, Caithness, Brechin, Dunblane, and Galloway, stocked Scotland, if we may use the phrase, with bishops, and simplified the old difficulties about ordination. These must have been felt when a Bishop of Orkney, obviously consecrated by the Archbishop of York, was preaching an English Holy War, at the time of the Battle of the Standard. The Lowland abbeys founded by David, as Holyrood, Melrose, Jedburgh, Kelso, Dryburgh, and others, were centres of letters, tillage, and nascent civilisation. In art, of course, Scotland was now perhaps more civilised than it has ever been since, where art is concerned.<sup>45</sup> David's attachment to Anglo-Norman friends was, partly, a matter of taste; partly, too, he found them useful against his Celtic subjects. They were the examples and sources of such European culture as reached Scotland. His policy, naturally, and for the first time, removed the centre of the kingdom from the country between Spey and Forth to the Lowlands. In Strathclyde and Lothian land was, apparently, "in direct dependence on the Crown,"—here he could settle his Normans. They proved, as was to be expected, very shifty patriots in times soon to come, if, indeed, "patriotism" can be spoken of at all in connection with such cosmopolitan settlers. It is justly said (as will later be shown in detail) that "southern Scotland was the creation of David." He introduced his Norman and English friends, with their civilisation. He founded abbeys, he aided burghs, he encouraged art and agriculture, he was "the Commons' King," he brought Scotland within the circle of European chivalry, manners, trade, and education. Malcolm, David's grandson, a boy of eleven, was crowned at Scone. There followed a mere repetition of the stereotyped sequence of facts.

David was no sooner dead than the Celts of the North were up in arms for a *prétendant*.<sup>46</sup> This was one of the sons of Malcolm MacHeth, by a sister of Somerled MacGillebride, a powerful lord of Argyll.<sup>47</sup> On November 1, 1153, the Celtic civil war began, and rolled through the mountains of the west. But Somerled was diverted by other ambitions. He is a person of high importance,

for his descendants, as Lords of the Isles, were heads almost of a distinct Celtic nation, allies often of England, and usually thorns in the side of Scotland.

His story runs thus: About 1112-1152, the king of Man, of Norse blood, was Olaf, a "devout and voluptuous" prince, unworthy of his lineage. While Olaf's son, Godfrey, was absent in Norway (1152), seeking confirmation from the Norwegian king of his father's claim over the Isles, Olaf was killed in a family feud. Godfrey succeeded him, however, in Man (1153), and provoked the hostility of Thorfin, one of his subjects. Thorfin had recourse to Somerled of Argyll (1156), who had married a sister of this Godfrey Olafson, now king of Man. To Somerled Thorfin offered to put one of his sons (as being on the mother's side royal) on the throne of the Isles. Succeeding in a sea-fight, Somerled obtained the Southern Hebrides, and even won the Isle of Man. This was a more tempting adventure to Somerled than the cause of his sister's son by Malcolm MacHeth, the claimant of the Scottish crown. That nephew, Donald MacMalcolm MacHeth, began his adventure in 1153, but being deserted by Somerled in 1156, was soon locked up with his father in Roxburgh Castle. His affair had lasted from Malcolm's accession in 1153 to 1156. He and his father were later released, and are found at young Malcolm's court: they are all but the last of the House of Moray. But Somerled was to give more trouble.

Soon after the collapse of Donald MacHeth, Henry Fitz-Empress, now Henry II., revoked his promise of securing Northumbria to the heirs of David. As a boy he had made the promise: from a boy, in turn, he took away what he had vowed to bestow. Malcolm, unable to resist, resigned the three northern counties, with Carlisle, Bamborough, and Newcastle, and was invested, at Chester, with the Honour of Huntingdon. The glory of David had passed away.<sup>48</sup> In 1159, Malcolm accompanied Henry to the siege of Toulouse, and was knighted by the English king at Tours.<sup>49</sup>

Malcolm's absence with Henry, and perhaps public disgust with his concessions, gave occasion to a conspiracy among his nobles. The affair is obscure, but Malcolm quelled his adversaries, and brought Galloway, always turbulent, and almost independent, into subjection. In 1164 he had to repel a Celtic invasion under Somerled, who was slain at Renfrew, Celtic tradition says, by treachery. His invading force consisted of 160 ships, partly

from Ireland, yet he is said to have been defeated by a small local band.<sup>50</sup>

Probably of mixed Norse and Celtic blood, Somerled MacGillebride had been making a bold bid for Celto-Norse supremacy. Soon after his death, Man fell again into Norwegian hands, as did the Northern islands. The affairs of his sons, Ranald, Dougal, and Angus, must be treated elsewhere.<sup>51</sup> The genealogies are matters of dispute among Sennachies; it is certain that Somerled made the Isles and western mainland Celtic, rather than Norse, in the long-run; and that chiefs claiming descent from him for long endeavoured to preserve an anti-Scottish Celtic nationality. Their political activity "against the Government" does not cease till, in 1751, Young Glengarry becomes the secret agent of Henry Pelham. So long endured the "anti-Governmental" vigour of the sons of Somerled.

Galloway subdued, the Celts of the Isles defeated, Malcolm (called "The Maiden" for his beauty<sup>52</sup>) died in 1165, aged twenty-four years. He was succeeded by his brother, William the Lion.

WILLIAM THE LION (1165-1214).—To recover the Northumbrian province, which the youth of Malcolm and the wavering faith of Henry II. had lost for Scotland, was the purpose of William the Lion. With an eye, doubtless, to this end, he began overtures for a French alliance, the dawn of the Ancient League, whence Scotland won much honour, and much sorrow in days to come.<sup>53</sup> In 1170, in the stress of his feud with Thomas à Becket, Henry contrived a piece of Tanistry on his own account. He had his son Henry consecrated as future king, at Westminster. William the Lion, and David his brother, now became young Henry's "men," saving their fealty to Henry II.<sup>54</sup> In 1173, young Henry conspired with Louis of France against his father.<sup>55</sup> He offered Northumberland to William, as the reward for assistance against Henry II., and William took the bait. He held, at this time, the Castles of Stirling, of Edinburgh (*Arx Puellarum*), of Jedburgh, Berwick, and Roxburgh, with those of Annan and Lochmaben, "which were castles of Robert de Brus."<sup>56</sup> It appears from this fact that Anglo-Norman barons, like Bruce, had already imitated their southern peers, in building castles on their Scottish estates. Immediately after Easter (March 31, 1174), William, though he received 300 merks in silver from the lands of the Northumbrian barons, invaded that province, where, if we are to

believe Henry of Huntingdon, his Celts and Galloway men acted with fiendish cruelty, slaying children, pregnant women, and priests at the altar.<sup>57</sup> Meanwhile William sent his brother David to join the rebellious English barons at Leicester, while he himself besieged Carlisle. Leaving a force to watch the place, he devastated the lands of loyal English barons in Northumberland, and took Nicholas de Stuteville's castle of Hermitage on the Liddell.<sup>58</sup> Taking other castles, William went back to Carlisle, which was to surrender if not relieved by a given date. William then besieged Prudhoe, where he had news that the levies of Yorkshire were marching against him, under de Vesci, Bernard de Balliol, d'Umfraville, and others. He now separated his army into raiding bands, and besieged Alnwick Castle, while his leader, FitzDuncan, committed the stereotyped atrocities at Warkworth.

The Yorkshire barons pushed boldly on by a forced march from Newcastle, which they left in a heavy morning mist (July 13): so thick was the air that some were for returning. Balliol, however, insisted on an advance; they passed unseen by Warkworth, then beleaguered by the Scots, and, when the cloud lifted, found themselves near Alnwick Castle, which was in friendly hands. Thither they rode, when they beheld a party of knights tilting in a meadow.<sup>59</sup> It is like a scene in the 'Morte d'Arthur': the blind advance in an unknown enchanted land, the apparition of the castle above the breaking cloud, the sun shining on the armour of the strange tilting knights. To them the Yorkshire horsemen seemed part of one of their own scattered companies; but when William marked the English cognisances, he—for he was one of the Scottish tilters—rode straight at the ranks of England. His horse was pierced by a spear, and the greatest prize of feudal warfare—a hostile king, with his lords of Norman names—was taken. The joyful news reached Henry, who had hastily returned from France to London, on the 18th. Henry sorely needed comfort. He had, on his return, been flogged at Canterbury by way of penance for the slaying of Thomas à Becket, and now came the Lion's capture as a sign that the saint had forgotten old scores, and was friendly. "I have never had luck since I was reconciled to my Maker," said the Voltairean William Rufus. Henry was more fortunate, and more pious.

William, his legs bound under his horse's belly, was taken to Henry at Northampton.<sup>60</sup> He had now outdone the rashest of his successors in chivalrous folly. Scotland reaped the reward.

The Galloway lords, never trustworthy, did fealty to England, after killing the English and Normans among them.<sup>61</sup> Galloway was still Celtic in speech and heart. The Scots drove out David's English burgesses, who had been introduced to civilise them.<sup>62</sup> Henry put down his own rebels, and carried William to Falaise, the cradle of the Conqueror. There William lay in irons (for chivalry was hard on valuable prisoners<sup>63</sup>) till terms of release were concluded in December. He, his brother, his barons, clergy, and all, were to be vassals and liegemen of Henry. The Church, in like manner, was to be subject to that of England. English troops were to hold the castles of Edinburgh, Stirling, Berwick, Roxburgh, and Jedburgh. David of Huntingdon, and twenty-one lords, were to be hostages to England. Then William was allowed to leave Falaise, and live in England till the castles were handed over. Henry II. had, by the treaty extorted from William, acquired all that the traitor Earl of Angus was to promise to Henry VIII. four hundred years afterwards.<sup>64</sup> In August 1175 the leading Scots did fealty to Henry at York. For fifteen years William was the tame vassal to Henry (attending his lord's court on summons) that even John Balliol refused to be to Edward I.

It is most important to observe that for fifteen years after the Treaty of Falaise Scotland really was in actual feudal subjection to England.<sup>65</sup> William was summoned by Henry to Normandy to submit to his decision on an ecclesiastical question—and he went! Before he could even subdue a Galloway rising, William had to receive licence from Henry. His Galloway lords, when put down by him, were bound to accept the decrees of the English court. Such a state of matters, manifestly and undeniably, had never existed before the Treaty of Falaise. Such a state never recurred (even in Balliol's day) after Richard Cœur de Lion renounced that treaty. John Balliol himself found such terms too hard, and kicked, to his ruin, against the pricks. It seems to follow, therefore, that Scotland never had been a true feudal dependant of England at all, except under a treaty, that of Falaise, which held only for fifteen years, and was then abrogated.

In spite of the admission of the Bishops of St Andrews and Dunkeld, in the Treaty of Falaise, that the English Church "should have what she ought to have," they kept to the opinion that what she ought to have was just nothing at all. In 1176, at Northampton, the Scottish prelates maintained that they never had been,

and were in no way bound to be, obedient to the Church of England. Only the Bishop of Galloway dissented, Galloway keeping up her idea of independence. The Archbishops of York and Canterbury then fell to their old quarrel about superiority over the Scottish Church; and the Scottish prelates (as they often proved later, from Lamberton to Cardinal Beaton) were the last and boldest defenders of national freedom. The independence of their Church was later assured by a decree of Clement III. in 1188.<sup>66</sup>

The question of the age, the question of the supremacy of Church and State, now reached Scotland in a dispute as to William's claim to appoint his confessor, Hugh, to the bishopric of St Andrews (1178-1180) in preference to John Scot, the man selected by the chapter. The Pope took the side of John Scot and the clergy; William banished their nominee; the Archbishop of York, the Pope's Legate for Scotland, was authorised to lay the country under an interdict, but William held his ground. It would have been well, in far-off years that were to be, had James VI. as resolutely bearded his recalcitrant preachers. Happily for William, the Pope and the Archbishop of York (who claimed superiority over the Scottish clergy) both died in 1181; the new Pope absolved William, and even gave him the Golden Rose.<sup>67</sup>

The captivity of William caused, among other internal tumults, a reassertion of the independence of Galloway, which had been destroyed by Malcolm IV. One Galloway chief, Gilbert, blinded and mutilated his brother, and tried to make separate terms for himself with the English king. Henry gave William licence to seize this ruffian, whom, when presented to him, Henry dismissed with a fine, and the taking of an oath of fealty. Gilbert used his new opportunity, as perhaps he was intended to do, and declared his independence of William. He drove out all strangers; he prevented Galloway from following the Anglo-Norman ways of the rest of southern Scotland.

It is curious to observe how the troubles of William, and of other Scottish kings before and after him, resemble those of the monarchs in more recent days. Clerical feuds, of course, are common to all periods, but Galloway was hardly more of a curse to William than to Charles II. and James II.; while to William, as to the early Hanoverian princes, the Highlands, with their *prétendants*, were a ceaseless fountain of annoyance.

The new fire-brand, under William the Lion, was a son of his



father's war-leader—namely, Donald Ban MacWilliam, son of that William (son of Duncan, son of Malcolm Canmore) who rejected the overtures of de Brus before the Battle of the Standard. This claimant therefore, though of Celtic descent, did not represent the blood of Lulach, the ward of Macbeth. His standard was raised in the North, the men of Moray flocked to it, and he had the backing of earls and barons.<sup>68</sup> William the Lion, meanwhile, as a vassal in the strictest sense of the word, was retained at the court of Henry (1181). Obtaining leave to go North, he pushed Donald Ban MacWilliam into Ross, and, soon after, was vexed by Gilbert in Galloway. So far were the incoherent elements of early Scotland from being fused into a homogeneous kingdom, so strenuously did Celts of North and South contend against the Anglo-Norman King of Scotland (1184). Instead of pursuing his feuds with MacWilliam in the North, and Gilbert in the South, William now found it politic to attend Henry's court, and sue for the hand of his distant cousin, Matilda, daughter of the Duchess of Saxony. The new holder of the Honour of Huntingdon (which, of course, William had forfeited when he was taken at Alnwick) had died, and the Scottish king hoped to be restored to the Honour. In his marriage project he was unsuccessful; but the Honour he received, making it over to his brother, David, shortly after the opportune death of Gilbert of Galloway (1185). The lordship of Galloway was now seized by Roland, son of the brother whom Gilbert had mutilated and murdered. After some demur, Henry confirmed Roland in Galloway (he was an Anglo-Normanised Galwegian, who was at war with the contemporary Kennedy), while Duncan, son of the ferocious Gilbert, was compensated by the earldom of Carrick. William now married Ermengarde de Bellomont (1186).

In the following year was settled Donald Ban MacWilliam, who had taken advantage of all these diversions to increase his power in Moray. The Scottish king marched as far as Inverness, but here disputes arose among his following. Happily Roland, the new lord of Galloway, was loyal; he led his forces out of Inverness, he met Donald, and Culloden was rehearsed on the moor of Mamgarvy. The *prétendant*, Donald MacWilliam, fell in battle; but the claims of the line of Duncan, Malcolm Canmore's eldest son (by Ingebiorge), were not yet disposed of. The son of Donald Ban was "out" in 1211, but was taken and hanged in 1212. In 1215, under Alexander II., a MacWilliam and a MacHeth were out

together. These MacDuncan MacWilliams did not, of course, we repeat, represent the MacHeths and the line of Kenneth MacDuff. But they were *prétendants*, at all events, if only as heirs of Malcolm Canmore's eldest son, and so were a centre of the chronic Highland disaffection to a royal house now practically English.

William now began to show some independent spirit. In 1188, Henry demanded a tithe from Scotland, "the Saladin tithe," and sent the Bishop of Durham to collect it. He came as far as Birgham, near Tweed, where William met him in force, and informed him that his barons would not pay him one penny.<sup>69</sup>

In 1189, Henry of England died at Chinon, and his son Richard Lionheart was on fire to head a crusade. He therefore sold back to William, for 10,000 merks of silver, the castles held by his father in Scotland, and, generally, the abrogation of the Treaty of Falaise, the nullification of all that had been "extorted" by *novæ chartæ*.

William's position now was this: he became the liegeman of England, "for all the lands for which his predecessors had been liegemen of the English kings." So the English claim is as vague as ever.<sup>70</sup> If we accept Mr Freeman's theory that Malcolm, for example, was "man" of William the Conqueror "for all that he had," Scotland gained nothing by the abrogation of the Treaty of Falaise, as England had gained nothing new by extorting that treaty. But it is plain that the Treaty of Falaise really placed Scotland in the posture later enforced by Edward I., and that Richard sold back English claims, which, in fact, had never been acknowledged by Scotland save under Henry II.

William, now reinstated in his own, still hankered after Northumberland, and offered 15,000 merks. Whence he was to get the money, so soon after raising 10,000 for his ransom, does not appear. But Richard would not sell the castles with the province, nor would William purchase it without them. He was not even yet free from the Legitimist party of the MacHeths. The Norse Earl Harald held the earldoms of Caithness, nominally subject to Scotland, and of Orkney, nominally subject to Norway. In old age he divorced a sister of the Earl of Fife, and married a daughter of Malcolm MacHeth. The lady had not abandoned her family claims, and, to please her, Harald laid hands on Moray (1196). A great deal of confused fighting and negotiating followed. Another, a rival Harald, intervened, while Ronald, king of Man, *bought*

Caithness, but fled before old Harald. Old Harald blinded and cut out the tongue of the Bishop of Caithness, who had taken Ronald's side. Finally, on paying 2000 pounds in silver, the veteran and truculent Harald was allowed to enjoy the earldom of Caithness for life. Such were the troubles caused by Celts and Northmen still, from Cape Wrath to the Solway :<sup>71</sup> and so far was Scotland from being a united nation.

In 1198 William became the father of an heir to the crown, Alexander. The death of Richard I., in 1199, troubled the relations with England. William still hankered after Northumberland ; John evaded his demands ; war was contemplated, but was ever deferred.<sup>72</sup> Age had calmed the temper of the king who charged so gallantly at Alnwick. He was even bearded by a bishop. A flood swept away Berwick bridge, and the Bishop of Durham forbade its reconstruction, as, at the southern end, the piles rested on his territory. Though the bishop was mollified, this was a cruel insult to a king who thought all Northumbria his own by right (1199).<sup>73</sup>

William did, in 1198-99, threaten and prepare war, if John did not keep his promise as to satisfaction for the northern English counties. An English chronicler, Hoveden, says that he slept by the shrine of St Margaret at Dunfermline, and received a warning against fighting. William then entered on a scheme of a royal French marriage for his daughter, but John propitiated him by a noble embassy, and, on November 22, 1200, William did homage at Lincoln, *salvo jure suo*, "saving all his rights."<sup>74</sup> The question of Northumberland and Cumberland, his "patrimony," was postponed. In 1204 a rupture nearly broke out, as John was building a castle at Tweedmouth to command Berwick. The Scots destroyed the castle, and a meeting between the kings had no definite results. In 1205, both in July and November, we have obscure letters of John to William. "He does all in good faith," but what is he doing? He invites William to meet him at York, and is ever plausibly courteous. In March and in October, 1207, John again invites William to "speak with him," in a conference at York, and sends safe-conducts. It is improbable that we shall ever know the exact details of all this diplomacy.<sup>75</sup> William's persistent longing after his Northumbrian claims, and his natural desire to be on good terms with the lord of his English estates, combined with old age to keep him quiet. John, though he was in correspondence

and intrigue with William's enemy, Harold of Orkney, had so many claims on his attention that he could not afford a war with William. Our further knowledge is darkened by the cessation of the chronicle of Roger de Hoveden, which ends in 1201. The Scottish chroniclers are themselves far from clear. In July 1209, when William was again contemplating a foreign marriage for his daughter, the armies of both nations marched to the Border. Yet, in April, John had been writing friendly letters, and the conclusion of the affair, at Norham in August 1209, was not hostile. The record in the collection of *Fœdera* merely represents William as promising to pay 15,000 merks for John's goodwill, and giving hostages, while he intrusts his two little daughters to John, expressly not as hostages. His action displeased his people, but his people did not know all the circumstances. The question of Tweedmouth Castle was settled to William's satisfaction. Presents passed; William sent falcons to John at Clyve; John sent lampreys for the invalid old Scottish king. Arrangements were also made that John should secure good marriages for the Scottish princesses intrusted to him. We might think that William was handing them over to an ogre, but this is an error. John treated them kindly. He dressed them out, at the fairy tide of midsummer, like fairies, the princesses in dark green, their damsels wore light green. John provided for them, among other dainties, a hundred pounds of figs, "the never-failing soothers of youth," says Thackeray. Other conditions were secretly made—probably for the intermarriage of the royal families—and were referred to as not fulfilled by Alexander III., in his pleas in 1237. English and Scottish relations, as between the kings, became friendly; peace was secured, and John showed courtesy, if he lacked good faith: possibly half of the 15,000 merks was remitted, though this is not certain. The diplomacy of William was thus less unsatisfactory than has been supposed, and was certainly for the benefit of his country.<sup>76</sup>

The usual *prétendant*, Godfrey, a son of Donald Ban MacWilliam, now came from Ireland to Ross, but was defeated, and skulked in the hills which were to shelter a more famous Adventurer. But Godfrey, more tenacious than Prince Charles, again raised his standard against a royal house, which he probably proclaimed "more Norman than Scots."<sup>77</sup> William was now alarmed into renewing his alliance with John, who knighted Prince Alexander, and the young knight went to gain glory against the MacWilliam

*prétendant*. But some of his Highland adherents, anticipating the purposed treason of Barisdale in 1746, betrayed Godfrey MacWilliam to the Earl of Buchan, and poor MacWilliam was beheaded and hung up by the feet before he could accomplish his design of starving himself to death.

Outworn with years and war, William died on December 4, 1214, just five days short of his Jubilee. His long reign was full of extreme vicissitudes, and the rashness of his *valiance* under Alnwick had a reaction in the cool diplomacy of his last years. His legislation will be touched on in a later chapter. On the whole, it followed the lines of David's policy. Such Normans as he settled in the turbulent North were succeeded by Celticised descendants.

ALEXANDER II. (1214-1249).—Alexander II. was crowned at Scone almost before William's body was cold. Naturally, a brother of the last MacWilliam, and one Kenneth MacHeth, instantly raised their rival standards. But the Earl of Ross<sup>78</sup> soon presented their heads to Alexander, who, tempted by the usual lure of Northumberland, now joined the barons of England in their struggle, after Runnymede, against the Pope and King John. The Yorkshire barons were giving their allegiance to Alexander, when John came North with fire and sword, and burned, with characteristic glee, the great Scottish commercial burgh of Berwick. The Dauphin now sailed over from France to head the recalcitrant English, and Alexander, travelling to Dover with the barons of the North, did homage to the French prince, concluding with him an alliance against John. That unlucky monarch's sudden death, and the peace between the Dauphin and Henry III., ended the war, from which Alexander took nothing, doing homage in the usual way for his English fiefs.

In 1221, Alexander married the English princess, Joanna. In the following year he reduced the Celtic province of Argyll to a sheriffdom (which then, or soon, was much in the hands of the Campbells of Loch Awe, a branch of Clan MacArthur), leaving, however, the race of Somerled as the chief lords. (At this time the mainland of Argyll was chiefly possessed by Clan Dougal, while Clan Ranald (including Clan Donald) held the Isles. Clan Dougal was, later, to be notably Anglophile, in Bruce's wars; but Bruce was to win to his cause the children of Somerled represented in Clan Ranald.) The usual MacWilliam risings followed, and were suppressed by the accustomed beheadings. So end the MacWilliams and MacHeths as

claimants of the Crown. A sharer in their latest effort, being forfeited, let in the Steward (FitzAlan) to isles adjacent to his lands of Renfrew. Some Norse disturbances arose on the west coast, but the energy of Alexander overcame them, as well as the normal revolts in Galloway. A request for liege homage and fealty from Henry III. was met by Alexander with a demand for the northern English counties. In a council at York (1237) Alexander commuted his claims on Northumbria in exchange for lands in the northern counties worth £200 yearly, and a treaty now made the end of a century of war and litigation for Northumberland, the patrimony of Waltheof.

The treaty set forth Alexander's grievances: (1) his claim on Northumberland, Cumberland, and Westmoreland; (2) his claims for promises made, but not fulfilled, by John, when William the Lion paid 15,000 merks; (3) his complaint that Henry III. had *not* married Alexander's sister, Margaret. On these points Alexander promised to hold his peace in future, in exchange for lands valued at £200 yearly.<sup>79</sup> This implied no duty of attending the court of the English king to answer to legal demand or summons. Thus the "running plea" ceased running.<sup>80</sup>

In 1238, Alexander's queen died, and he soon afterwards wedded Marie de Couci. A son, Alexander III., was born to him in 1241. In 1244, a picturesque private quarrel, arising out of a tournament, nearly led to war with England,<sup>81</sup> but ended, at the Treaty of Newcastle, in mutual promises of abstention from hostile alliances: Henry had, it seems, been suspecting Alexander's intimacy with his wife's country, France. Alexander died in the islet of Kerrera, in the bay of Oban, while prosecuting a quarrel with his liege man of Argyll, who held his possessions on the mainland from the King of Scotland, his islands from the King of Norway. Alexander wanted to be lord of the islands, but death overtook him on his maritime expedition (1249). He had settled the North and the West, he had destroyed the MacWilliam blood, but the disturbances previously caused by *prétendants*, MacHeths and MacWilliams, were henceforth, throughout Scottish history, succeeded by the strife of parties among the great nobles. To such cabals the minority of Alexander III. gave an opportunity.

ALEXANDER III. (1249-1286).—Woe to the kingdom whose king is a child! Alexander III. was but in his ninth year when Walter

Comyn, with other nobles and the clergy, took him to Scone and consecrated him in church, afterwards seating him on the Stone of Destiny.<sup>82</sup> The presence of a Scot, a true Celt, *montanus quidam*, who recited the royal pedigree in Gaelic, probably implied some measure of Celtic adhesion to Malcolm Canmore's line, no Celtic pretender being now in the field.<sup>83</sup>

In the lack of a rival Royal House, a rivalry of parties, however, had begun to declare itself even before the coronation. Alan Durward, as was thought, suggested the idea that Alexander, aged eight, should be knighted before he was crowned. Walter Comyn, Earl of Menteith, resisted the proposal. Menteith represented, on the whole, the more national and northern party; Durward held rather with the lords of the South, who may have had leanings towards England. On Christmas Day, 1251, Alexander was knighted at York by Henry III., to whose daughter Margaret he was wedded on the following day. The festivities were splendid, and scarcely marred by Henry's claim to homage for Scotland. The demand, addressed to a child of nine at his wedding, sounds like a jest, and the little boy had been tutored to answer in a manner at once kingly and astute. A more serious blemish was a charge brought against Alan Durward. If this official, noted for his military skill, was really inclined to the non-national English party, it is odd that he should have been accused of trying to get the Pope to legitimate his wife, a natural daughter of Alexander II. The charge shows that speculations as to the Scottish succession, now dependent on the life of a child, already agitated men's minds. But it is not easy to discern any essential political distinction between the Durward faction and the Menteith faction.<sup>84</sup> Both probably wanted "the spoils of office," and Henry inclined now to one side, now to the other. What he did not do, nor try to do, was to hold Scotland during Alexander's minority,—his right, had Scotland been a fief of the English crown. The Menteithians "took office" (as we may say proleptically), and Henry engaged in Continental war. Here Durward fought under his flag, and gained his confidence. The little Scottish queen wrote grumbling letters from the cold north to her father, and Henry sent Durward back with English allies to settle matters in Scotland. By a very pretty device in the style of historical romance Durward seized Edinburgh Castle, with the little king and queen. The Menteithians were driven from office; the Durward party came in, Henry himself crossed the Border, and a

regency with counsellors was settled till Alexander's majority. The arrangement certainly gave offence to patriots. The Regents were now excommunicated, by the exertions of the Bishop of St Andrews, and their opponents seized the chance. In 1257, the Menteithians in their turn captured the king at Kinross, and held him in Stirling Castle. This anarchy, so like that which attended the minorities of the Jameses, ended in a compromise and a coalition. The Menteithians had made a "band," and a commercial Treaty with Wales. They also overawed the Durward faction, and their English friends, by a display of force, at a meeting near Jed Forest. Alexander's counsellors were to be chosen from either party, Menteith and Durward being both in office, though the partisans of the former held the better places. On the whole, Henry took very little if any advantage of his son-in-law's minority. The interesting point is the transition from the familiar Celtic risings to the later Scottish constitutional practice of noble factions alternately kidnapping the king.

In 1260, Alexander visited England, under all manner of safe-conducts and vows of honourable treatment for himself and his queen. The virtue of princes in the Middle Ages and later could seldom resist the temptation to murder, or at least to extort promises from, any brother potentate who trusted himself in their hands. But Henry behaved loyally, and, in February 1261, Alexander's queen gave birth to a girl in Windsor. The child was christened Margaret, and as the wife in later years of King Eric, she became mother of the Maid of Norway, whose early death let loose the waters of strife.

His minority ended, Alexander determined to win the Western Isles from their long dependence on the Northmen. The Norse Island chiefs complained to Hakon, King of Norway, of attacks by the Earl of Ross on Skye, and of those barbarities which it was usual to commit, or usual to report. In July 1263, Hakon, with a large fleet, appeared at Kirkwall. In the Sound of Skye he was joined by Magnus, King of Man, and other Norwegian or Celtic potentates. Ewen, lord of Argyll and many isles, remained loyal to Scotland. From Lamlash, in Arran, Hakon negotiated with Alexander, in Ayrshire, thus wasting fine weather, till the usual tempests came in September. Hakon then sent Angus of Isla (Clan Donald) to ravage Loch Long and the Lennox, and tried himself to land an invading army at Largs. On September 30, a storm devastated his



fleet. The saga and the Scottish writer, Fordun, give varying accounts of what occurred in the ensuing skirmishes. There was some confused fighting, with displays of romantic valour in single combat, and at last, baffled by stress of war and weather, Hakon retired to Kirkwall, where he died on December 15, 1263.<sup>85</sup> His son Magnus succeeded; but Alexander took homage from the Northman King of Man, while he sent Alan Durward, Buchan, and Mar to punish the Northmen, or the Celtic sympathisers with Norway, in the Western Isles. On November 24, 1265, Magnus, King of Man, died. In July 1266, Man and the Western Isles (Sudreys) were ceded by Norway to the Scottish crown for 4000 marks and a yearly rent of 100 marks. In this arrangement Shetland and the Orkneys were not included.

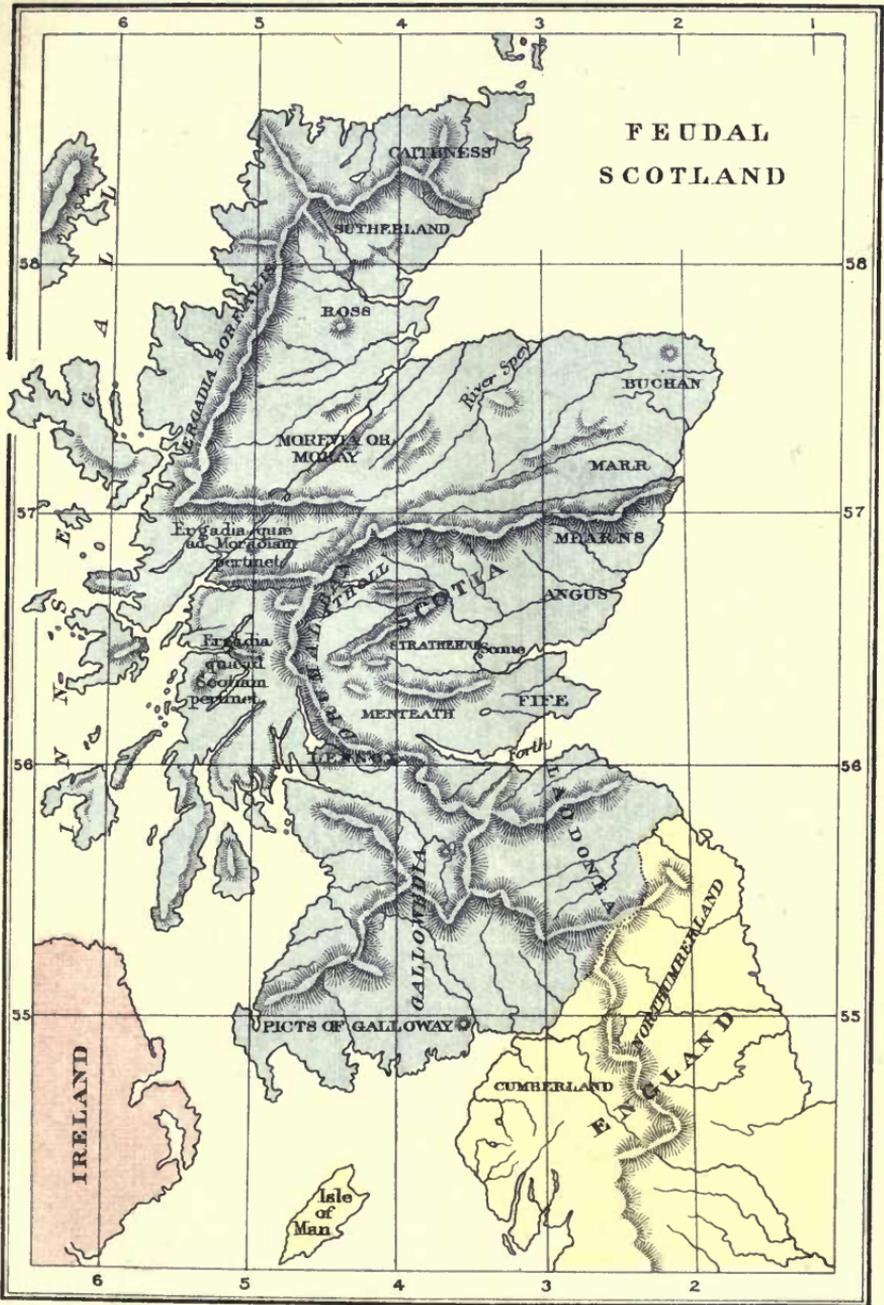
So far, Scotland was now consolidated by the absence of direct Norwegian claims. But the position of the Lord of the Isles remaining till the end of the fifteenth century in the hands of the descendants and successors of Somerled—Celtic families with a strain of Norse blood—was for long a thorn in the side of the Scottish kings. Alexander, however, had practically swept away the last disturbing element of Northman power in Scotland, while he had read a lesson to the Celtic allies of the sons of the Vikings.

As regards England, his position seemed to be duly regulated. But Edward I. had come to the English throne in 1272, and if Edward's motto was *Pactum Serva*, "Keep Faith," it was no less certainly his practice to extort his rights "unto the uttermost penny," according to the strictest reading of the letter of the law. Consequently, when Alexander paid homage to Edward in 1278, the traces of an attempt on Edward's part to get the better of his brother-in-law, and, on Alexander's part, of cautious distrust, are amusingly obvious. On June 12, 1278, we have Edward's commands to his officers of every kind; they are enjoined "personally to conduct" Alexander through their borders—"personaliter conducatis." Then we have a "Memorandum" in *Fœdera* announcing that, at Michaelmas (September 29), Alexander did homage to Edward in Parliament at Westminster, "against all mortal." This homage Edward accepted, *salvo jure suo*—reserving all his rights—"against the time when they shall choose to discuss these rights." Then Alexander asked leave to proffer his fealty through the mouth of Robert Bruce, Earl of Carrick. Edward granted this, "as a special favour, on this occasion." So runs the English version.

Bruce then, in Alexander's name, vowed fealty, swearing by Alexander's soul, "for the lands and tenements which Alexander holds of the king of England." This vow Alexander confirmed and ratified.<sup>86</sup>

Now the Scottish version is that Alexander tendered his homage on October 28, for the lands he held in England, *saving my own kingdom*. To an interruption by the Bishop of Norwich, "and saving the right of my lord, King Edward, to homage for your kingdom," he loudly replied that "he held his own kingdom direct from God." Bruce then did fealty in Alexander's name, the king adding, "for the lands which I hold of you *in England*."<sup>87</sup> Now the date (Sept. 29) in the English Memorandum, in 'Fœdera,' cannot be correct, because an extant paper of Edward's acknowledges that, on October 16, Alexander offered his homage, which Edward deferred. The Memorandum in 'Fœdera' therefore, dating the homage at Michaelmas, that is, *before* October 16, is an incorrect document, made later, for an obvious purpose. "The last link in the chain of evidence which was to bind the Scottish kingdom to the English crown, is of metal as base as the remainder."<sup>88</sup>

After 1278, misfortunes began to crowd upon Alexander. His wife he had already lost (1275), his younger son followed her in 1280. In 1281, his daughter, Margaret, married Eric, King of Norway. His eldest son also wedded Margaret of Flanders. But, in 1283, Margaret, Alexander's daughter, died, after giving birth to the Maid of Norway, while her brother, the Prince of Scotland, expired childless. He is said to have uttered a prophecy, "My uncle, Edward, shall win two battles and lose a third," a prediction reported to the Lanercost chronicler by two of those who stood by the death-bed.<sup>89</sup> But it is not easy to regard this as a "veridical premonition." The Scottish succession now rested on the new-born Maid of Norway, to whom it was secured by a great assembly of the Estates at Scone.<sup>90</sup> Among those present were Robert de Brus, Earl of Carrick, his father, Earl of Annandale, Comyn, Earl of Buchan, John Balliol, James the Stewart, and three representatives of Somerled's line, Alexander de Ergadia (Argyll), Angus, son of Donald, and Allan, son of Ruari (Roderick). None of them was then bearing the title of Lord of the Isles. The Isles (ceded to Scotland by Norway in 1266) were not yet, it seems, held by any one descendant of Somerled.<sup>91</sup> All swore to be loyal to the Maid of Norway, if Alexander died childless.<sup>92</sup>





In 1285, Alexander married again, choosing Yolet, daughter of the Comte de Dru. He had no issue by this lady, and, on March 19, 1286, he met his death. The contemporary Lanercost chronicler tells the story with singular bitterness. Alexander had encroached, he says, on the territory of St Cuthbert, and he perished on the vigil of the saint. The old legend represents Thomas the Rymer, of Ercildoune, as having predicted a great storm, and when bantered next day (March 20) on the calmness of the weather, he justified himself by the news which then arrived of the king's death. But Thomas, it seems, was really weather-wise. The storm which he had foretold literally occurred. The Lanercost chronicler proves this: he observes that March 19 was so rough that he himself could not face the north wind, rain, and snow. There had been on this day of tempest a Council at Edinburgh Castle, and, after men had well drunk, the king insisted on riding home to his wife in Fifeshire. At Queensferry, the ferry-master prayed the king not to cross, though "it fits me well to die with your father's son." At Inverkeithing, the overseer of the Royal salt-works, hearing Alexander's voice in the night, implored him to tarry there. The king, however, asked for two guides on foot, in spite of whom the little band had to trust to the instinct of their horses. The king's horse made a false step, on a cliff above the sea-shore, and Alexander was taken up dead. The Lanercost chronicler accuses him of habitually visiting ladies at night, in slender company, but admits that he was generally lamented, "except by persons whom he had especially obliged."<sup>93</sup> Alexander, bewailed in one of the oldest fragments of Scottish verse which survive, was the last of the "Kings of Peace."

"Quhen Alysandyr oure Kyng was dede  
 That Scotland led in love and le,  
 Away wes sons of Ale and Brede,  
 Of wyne and wax, of gamyn and gle;  
 Oure Gold wes changyd into lede;  
 Chryst, born into Virgynyté,  
 Succour Scotland, and remede  
 That stad is in perplexyté."<sup>94</sup>

## NOTES TO CHAPTER V.

<sup>1</sup> Ramsay, i. 484. Sim. Durh., ii. 174, and Note.

<sup>2</sup> Mr Freeman and Mr Robertson prefer 1070 as the date of Malcolm's marriage. Mr Skene, for reasons which appear valid, votes for the earlier date, 1068. Skene, i. 422-423; Robertson, i. 133-135; Freeman, iv. 782-786; Simeon, ii. 190, 191, 192.

<sup>3</sup> Florence, 1072.

<sup>4</sup> The place where Malcolm met William, "and his man was," is not mentioned in the English Chronicle. Berwick is given, wrongly, by early editors and "Matthew of Westminster," who probably thought that Berwick was then on the Scottish frontier. Florence of Worcester gives "in loco qui dicitur *Abernithici*," and he may possibly have used a lost MS. of the English Chronicle. William's fleet would easily enable him to reach Abernethy, south of Tay, and, as will be seen, the fact is of the first importance, if it indicates that Tay bounded Scotia, Malcolm's actual kingdom on the South. Mr Burton thinks that Florence got Abernethy from a rhetorical source, Alred's report of Walter L'Espece's speech, at the Battle of the Standard! Burton, i. 376, 1873. Sir James Ramsay (ii. 94) believes that "simple" not "liege homage" was rendered, "not involving any right of interference in domestic affairs."

<sup>5</sup> See Robertson, ii. 480-483.

<sup>6</sup> Robertson, i. 137; ii. 401-403. Freeman, iv. 517, note 2. Florence of Worcester, 1091.

<sup>7</sup> Mailsnechtan's name occurs, as a benefactor of the Church, in a very ancient book of devotion. Anderson, Scotland in Early Christian Times.

<sup>8</sup> Florence.

<sup>9</sup> What was *Loidis*? Mr Burton and Mr Thorpe say "the district of Leeds." The English Chronicle says "Lothene in England," which Mr Skene interprets as Lothian. Ordericus makes William reach "Scotte watra," "the Scots water," that is, the Forth. Mr Hume Brown makes Malcolm bound "to repair to Rufus on occasions when his feudal superior should lawfully demand his presence" (p. 60). Cf. Robertson, ii. 480, and Ordericus Vitalis, viii. 20.

<sup>10</sup> Florence, 1091.

<sup>11</sup> Florence, 1092.

<sup>12</sup> Florence. Same text in "Simeon."

<sup>13</sup> Robertson, ii. 402.

<sup>14</sup> This is an unpleasant circumstance which appears to have escaped the notice of Mr Robertson. Ailred places Abernethy in *Scotia*—that is, in Celtic Scotland.

<sup>15</sup> Later pious historians regarded the mist at Edinburgh as a miracle! Lord Hailes laughs at a superstition illustrated again, much later, by Knox's remarks on the "Easterly Haar"—a sign of God's wrath—in which Queen Mary first entered Edinburgh from France.

<sup>16</sup> Turgot's authorship of the Life is disputed. Ancient engraved gems are occasionally incrustated, as well as stones cut *en cabochon*, in these metal bindings.

<sup>17</sup> Ailred had the story from Malcolm's son, David.

<sup>18</sup> By a singular Papal grace, St Margaret's day was changed to June 10, the birthday of the White Rose Prince of Wales (1688).

<sup>19</sup> The Celtic Church in Scotland, pp. 285 note, 235.

<sup>20</sup> Columba had several miracles of this kind, due to the excellence of his ink and materials.

<sup>21</sup> G. T. Stokes, *Ireland and the Anglo-Norman Church*, p. 343.

<sup>22</sup> Florence says he asked William for the kingdom, on Donald's election.

<sup>23</sup> History of Scotland, p. 67. The charter is by Eadgar, a grant of Coldingham to Durham. See Raine's *History of North Durham*, p. 377. The charter, says Mr Raine, "establishes the independence of Scotland" (not of Lothian) "in the strongest terms." The document is a copy, of disputed authenticity.

<sup>24</sup> What pleases Mr Freeman is that, on King Eadgar, nephew of Eadgar Ætheling, "the crown was bestowed by the overlord"—that is, William Rufus. That holy man's act is thus to be a precedent for the conduct and claims of Edward I. *N. C.*, v. 122. See Robertson, i. 158-160.

<sup>25</sup> Mr Freeman doubts her parentage.

<sup>26</sup> Fordun, who tells the story of Scrymgeour, places the battle-field on the Spey. Mr Robertson, following Wyntoun (i. 172, 173, and note), prefers the passage of the Moray Firth, called Stockford.

<sup>27</sup> The Ulster Annals call him Fothadh; the Register of St Andrews names him Modach, son of Malmykel. *Rer. Hib. Script.*, iv. 356.

<sup>28</sup> Eadmer, *Historia Nova*, R.S., pp. 282-286.

<sup>29</sup> *Liber de Scone*, No. I. Robertson, i. 184, note.

<sup>30</sup> *Liber de Melros*, i. No. I.

<sup>31</sup> Richard of Hexham. *Surtees Society*, i. 72, Note G.

<sup>32</sup> Skene, i. 459.

<sup>33</sup> Robertson, i. 184.

<sup>34</sup> But the name of Heth, who married Lulach's daughter, is in fact written "Beth" in the charter of Scone, a fact which throws some doubt on Heth's identity. Perhaps "Beth" is a clerical error. If we went on Celtic ideas of that age, the rightful King of Scotland is, apparently, the respected chief of Clan Vourich, Cluny Macpherson. The Mackintosh claims may be disregarded. Robertson, i. 240, 241, note. Skene, *Highlanders of Scotland*, ii. 170-174.

<sup>35</sup> Robertson, i. 184, note.

<sup>36</sup> In this extremely perplexed affair we have followed Mr Robertson. The story of Malcolm MacHeth, who represented the claims of Lulach in the female line, is almost inextricably entangled with the adventures of a military and ecclesiastical charlatan, Wimond, who had been a monk in the Isle of Man, and became Bishop of the Isles. He gave himself out as a son of Heth, Earl of Moray, or, at least, as "some great one" of that line. He was (1151) blinded by some of his outraged flock, and died in the monastery of Biland, where a chronicler, Newbridge, knew him, and reports his humorous and boastful conversation. Some historians regard this clerk of Copmanhurst, this noisy clerical man-at-arms and reiver, as identical with Malcolm, son of Heth, Earl of Moray. But *that* Malcolm MacHeth was not released from prison till 1157, six years after Wimond was blinded and lay in retreat at Biland. Cf. Robertson, i. 221, note, with Skene, *Celtic Scotland*, i. 464, note 66.

<sup>37</sup> Henry of Huntingdon says he took them by guile.

<sup>38</sup> Mr Freeman treats this as the cession of Carlisle and Cumberland to Prince Henry. Probably the holder of Carlisle, Rufus's new border castle, practically did hold Cumberland.

<sup>39</sup> Henry of Huntingdon says, through the mouth of the Bishop of Orkney.

<sup>40</sup> Ailred is the authority here. Cf. Oman, *Art of War*, pp. 387-391. Ailred was in most friendly relations with David and Henry. A very much less chivalrous version, full of Scottish atrocities, is that of Richard of Hexham. *Op. cit.*, i. 80-90.

<sup>41</sup> The two Matildas are distracting. Malcolm Canmore, father of David I.,

had two daughters. One was a Matilda who married Henry II., and had issue, Matilda, wife of the Emperor Henry V., and, later, wife of Geoffrey Plantagenet, Count of Anjou. The other daughter of Malcolm Canmore, Mary, wedded Eustace, Count of Boulogne, and had issue, Matilda, wife of Stephen. Both these Matildas are nieces of David I. and cousins of Prince Henry; but it was Stephen's wife, not his rival, of course, who arranged the peace at Durham.

<sup>42</sup> Some time later, before 1151, occurred the disturbing adventures in the west Highlands, already alluded to, of Brother Wimond, the false MacHeth, who, as we saw, was blinded, after causing a great deal of trouble. Such was the Celtic love of a Pretender, even when not the man he gave himself out to be.

<sup>43</sup> In 1149, Henry was but sixteen; his promise made as to Northumberland is recorded by Roger de Hoveden, who, about 1175, was employed by Henry in diplomatic missions. Roger was likely to have good information: he says that Henry was knighted by David himself. *Rolls ed.*, i. 211.

<sup>44</sup> St Bernard, in his *Life of an Irish saint, Malachias*, tells how Henry was miraculously healed by him of a fatal disease. "Take heart, my son, thou shalt not die this turn" (*hac vice*), said the saint.

<sup>45</sup> See chapter vi.

<sup>46</sup> The French *prétendant* merely means "claimant." Applied by the English as "Pretender" to James III. and Charles Edward, it takes a new sense, referring to the palpable lie of the Warming Pan.

<sup>47</sup> That Somerled should have given his sister in marriage to a bishop, that genial ruffian Brother Wimond, is extremely improbable; wherefore Somerled's brother-in-law was pretty obviously *not* Brother or Bishop Wimond, but the genuine son of Heth, Earl of Moray, Malcolm MacHeth.

<sup>48</sup> Mr Freeman qualifies Henry's promise to David, in 1149, by a "so it is said." There seems no room for doubt about the fact. *Freeman*, v. 323, 324; *Robertson*, i. 352, 353, and note. Rudulf de Diceto, a contemporary, says that the Northumbrian lands were "given and handed over to David, and confirmed by charters" (*Rolls edition*, i. 376). This would account for William's fatal pertinacity in pressing his claims to Northumbria, while the youth of Henry, at the time of his promise, was probably regarded by him as a good excuse for breaking it, when the youth of Malcolm gave him an opportunity. Diceto makes Malcolm also give up *Lothian*; but Mr Robertson looks on this as a late addition by another hand. *Robertson*, ii. 427, note.

<sup>49</sup> Malcolm's presence with Henry was an acknowledgment that he held the Honour of Huntingdon by liege homage. Later we find William the Lion submitting Huntingdon to his brother, David, so that he himself escaped the duty of following the wars of the English king.

<sup>50</sup> For the legend of treachery, *nous sommes trahis!* see 'Clan Donald,' i. 38-54. The authors are two ministers of the Clan, the Rev. A. and A. Macdonald.

<sup>51</sup> See Appendix C, "The Celts in the War of Independence."

<sup>52</sup> Malcolm was not, otherwise, "the Maiden." *Hailles, Annals*, i. 128. Prince Charles, also, is celebrated as the maiden, Morag, by Gaelic poets.

<sup>53</sup> *Epist. St. Th. Cantuar.*, i. i. 44; i. ii. 32, cited by Lord Lyttelton in his *History of Henry II.*, iv. 218.

<sup>54</sup> *Gesta Henrici*, i. 5, 6; *Hoveden, Rolls edition*, ii. 5.

<sup>55</sup> *Hoveden*, ii. 47.

<sup>56</sup> *Gesta Henrici*, i. 48.

<sup>57</sup> These "atrocities" are again reported, in the same terms, much later, about the Scots under Wallace. The story concerning William's ferocity is, in fact, a *cliché*, or stereotyped paragraph, lifted by the author of the '*Gesta Henrici*'



from Henry of Huntingdon's account of David's march into England (1138), and assigned to William's march in 1174 (Henr. Hunt, 261; *Gesta Hen.*, i. 64). The *cliché*, again, may be traced back to the accounts of the raids into Northumbria by Malcolm Canmore. This proceeding throws a good deal of doubt on all these alleged Scottish atrocities.

<sup>58</sup> Liddesdale, of course, is Scottish; probably de Stuteville, holding both of William and of Henry, preferred to be loyal to Henry.

<sup>59</sup> Newbridge and *Gesta Henrici*.

<sup>60</sup> William, later, tried to win over Becket's ghost by founding in his honour the great abbey at Aberbrothock (1178). He had been much interested in a miracle whereby the dead saint saved a man from drowning in the Tweed.

<sup>61</sup> Hoveden, ii. 63.

<sup>62</sup> Newbridge, bk. ii. xxxiv. Was this done elsewhere than in Galloway?

<sup>63</sup> Lord Hailes is indignant with Henry. But the 'Miracles of Madame Saint Katherine of Fierbois' are a long record of similar ferocities exercised on captives.

<sup>64</sup> In *Fœdera*, Record Commission, ed. 1816, vol. i. pt. i. p. 31, we learn that the English Church was conceded "such rights" over that of Scotland "as it ought to have,"—"as it is wont to have." These, it seems, were precisely none at all, in the opinion of the Scottish clergy. They had rejected a Bishop of Orkney of York consecration. Lord Hailes presumes that the form of this submission did not escape the astuteness of Henry. The names of William's hostages are interesting—as Moreville, Comyn, Corbet, Olifard (Oliphant), Lindsay, Riddell, de la Hay, and Mortimer,—all Norman. Hoveden, ii. 81.

<sup>65</sup> Robertson, i. 376.

<sup>66</sup> *Gesta Henrici*, ii. 234. Cf. *Registr. Episc. Glasg.*, i. 35; *Statut. Eccles. Scot.*, xxxvi.

<sup>67</sup> It is worth noticing that the higher Scottish clergy were always most resolute assertors of the freedom of their country, whereas the Reformers, in a later age, were usually of the English party. But the services of the Church to the cause of Scottish independence were easily forgotten by Presbyterians.

<sup>68</sup> *Gesta Henrici*, ii. 7 *et seq.*

<sup>69</sup> *Gesta Henrici*, ii. 64.

<sup>70</sup> *Fœdera*, vol. i. pt. i. p. 50. *Gesta Henrici*, ii. 102-104.

<sup>71</sup> Robertson, i. 400-413.

<sup>72</sup> Hoveden, iv. 100.

<sup>73</sup> Hoveden, iv. 98.

<sup>74</sup> This "salvo" was a favourite "hedge" of Edward I.

<sup>75</sup> Cf. Bain, i. xxvi., xxvii.

<sup>76</sup> The homage of 1200 was done at Lincoln, not Leicester, as Mr Hume Brown writes (p. 106). The treaty of August 1209 was executed at Norham, not Northampton, as erroneously stated in *Fœdera*, followed by Mr Robertson and Mr Hume Brown. The view here put forth is based on Hoveden, Rolls Edition, iv. 88, 98, 141. Of Fordun's account I can make no sense. I have also used the Melrose Chronicle (pp. 108, 109), at this time apparently contemporary; with *Fœdera* (Rymer), i. 155, Bain, i. 75, 76, and preface, *Fœdera*, i. 240, 241. See also Robertson, i. 415, 423. Hoveden's Chronicle fails us here, and little trust can be placed in Roger of Wendover, R. S., ii. 50.

<sup>77</sup> See Walter of Coventry's remarkable passage in Robertson, i. 428, note. Walter makes errors in fact; but his observation, "the more recent Scottish kings proclaim themselves rather Norman than Scottish (Francos) in blood, manners, speech, and life," probably explains the Celtic disaffection.

<sup>78</sup> "Machentagar," Mac in Sagart, the Priest's son: son of a lay "Cowarb" holding Church lands. Chronicle of Melrose, 117.

<sup>79</sup> Alexander's rights include all that were dear to the Baron Bradwardine—Outfangthief, infangthief, hamesocken, and the rest, and "omnia animalia quæ dicuntur *wayf*."

<sup>80</sup> *Fœdera*, R. C. ed., vol. i. pt. i. pp. 233, 234.

<sup>81</sup> The Earl of Atholl had defeated Walter Bissett in a tourney. Bissett's Highland tenants murdered Atholl. Bissett fled to England, and tried to make the king call Alexander II. into his courts. The Frazers (Lovat) succeeded to Bissett's lands.

<sup>82</sup> There is no reason to suppose that Alexander was *anointed*. David II. was the first formally anointed King of Scotland. This negative point, as indicating a subordinate position, was afterwards raised before Edward I. in the pleadings as to his supremacy and the succession.

<sup>83</sup> Fordun.

<sup>84</sup> There is a very copious account of these embroilments in Tytler, i. Mr Tytler has the worst suspicions of Henry III. See also Robertson, ii. 53-82. The best, if partisan, account is in the (here contemporary) Melrose Chronicle. See, too, Matthew Paris, v. 505, 656.

<sup>85</sup> Viking Club. Johnstone's Norse Account of Hakon's Expedition.

<sup>86</sup> *Fœdera*, ed. 1816, vol. i. part ii. p. 554.

<sup>87</sup> Register of Dunfermline, No. 321.

<sup>88</sup> Robertson, ii. 425. Mr Robertson traces the origin of the statement about Michaelmas in the English Memorandum to a passage in a letter of Edward's, written on March 1, 1278. He corroborates this by a letter of Boniface VIII. to Edward I. ('*Fœdera*,' vol. i. pt. ii. p. 907). Both accounts of this crucial act of homage by Alexander rest on the authority of "Memoranda." That which is inserted in the Register of Dunfermline is just as much open to suspicion, *prima facie*, as its rival in '*Fœdera*.' But the date given in the Dunfermline Register, October 28, tallies with Edward's own undisputed paper of October 17, in which he postpones the reception of homage; whereas the memorandum in '*Fœdera*' declares that the homage was accepted on Michaelmas-day, September 29, many days before the date of Edward's letter putting off the ceremony. This cannot conceivably be correct, nor, perhaps, can the error in chronology have been made soon after the event described. Thus the Scottish version has, at least, an accuracy absent from the English version.

<sup>89</sup> Chron. Lan., 111.

<sup>90</sup> Feb. 5, 1283-84. *Fœdera*, vol. ii. pt. ii. p. 638.

<sup>91</sup> Gregory, Highlands and Isles, 23.

<sup>92</sup> The authors of 'Clan Donald' (p. 83) do not think that Alexander, Angus, and Allan acted from "sincere concurrence in the decision arrived at," namely, loyalty to the Maid of Norway. Nobody doubts their insincerity! See Appendix C.

<sup>93</sup> Chron. Lan., 115-117.

<sup>94</sup> Cited by Winton. The measure approaches the form of the ancient French octosyllabic *ballade*.

## CHAPTER VI.

## FEUDAL SCOTLAND.

THE years between the close of Malcolm Canmore's reign and the death of Alexander III. saw Scotland, or much of Scotland, brought within the sphere of general European law and custom. David I. and the successors of David had "feudalised" Scottish institutions. What do we mean by "feudalised," and what do we mean by "feudal"? In any ancient civilisation ownership of land, however acquired, will imply powers, rights, and duties. The larger owner will have duties of protection to his kindred and other dependants; and they, in return, will have the duty of fidelity to him in peace and war. If there be a king, under his standard the landowner, with his kin and dependants, will naturally fight in defence of his country. If there is no caste of judges, the landowners will probably exercise some juridical powers. There will be a naturally evolved hierarchy from the king to the slave, and status will usually be hereditary. As the king's power increases, he will establish magistrates answerable to himself.

All the institutions thus roughly summed up were familiar to the Scottish Celts rather as customs resting on tradition than as matters formulated by written laws or charters. Now, undeniably, this set of institutions has a rude resemblance to what we commonly call feudalism. So strong are the resemblances that when feudalism, technically so styled, was brought in from England, by way of imitation, no considerable shock was dealt to old Scottish society. "The principle which underlies feudalism may be universal," says the Bishop of Chester, and universal, after a certain stage in human evolution, it seems to be. But in this island we have to do with a specialised form of a principle universal (at a given point in social development). Scottish feudalism was

borrowed from English feudalism; while into England "feudalism, in both tenure and government, so far as it existed, was brought from France."<sup>1</sup> We are not here concerned with the gradual development of the institution under Frankish influence, on the conquered soil of Roman Gaul. The elements of feudalism were—(1) the *beneficium* or gift in land of a king to a kinsman or servant, with a special obligation to be "faithful"; (2) "commendation," "the inferior put himself under the personal care of a lord: he thus became a vassal, and did homage. The twofold hold on the land, that of the lord and that of the vassal, was supplemented by the twofold engagement, that of the lord to defend and that of the vassal to be faithful." "The possession of the land was united with the right of judicature," the dweller on a feudal property was judged in his lord's court. By the time of the Norman Conquest feudalism "may be described as the complete organisation of society through the medium of land-tenure, in which, from the king down to the lowest landowner, all are bound together by obligation of service and defence: the lord to protect his vassal; the vassal to do service to his lord; the defence and service being regulated by the nature and extent of land held by the one off the other. . . . The lord judges as well as defends his vassal; the vassal does suit as well as service to his lord."<sup>2</sup>

Now, on these principles, if they remain unmodified, "the central authority becomes the mere shadow of a name." So it was, or was apt to be, when William landed in England; but the later reigns had seen in England a consolidation of royal power, and a growing sympathy of king and people, as against the great barons. There was much grumbling against Henry I.; but "good man he was, mickle awe was of him. Durst no man misdo with other in his time. Peace he made for man and deer. Whoso bare his burden, be it gold or silver, durst no man say to him aught but good."<sup>3</sup> This was the kind of feudalism, the power of the lords tempered and restrained by the central authority, which David, before his accession, saw in England, and instituted in Scotland.

The Scotland which baffled Edward II. was thus no longer the Scotland of Macbeth and Duncan. Before the country passes into the furnace of affliction whence she emerges a thing of steel, "the ice-brook's temper," it is necessary to examine the condition of

society which resulted from the measures of David I. and his descendants. The most important of human relations, especially before the age of commerce and manufactures, is man's relation to the soil which supports him. Now, down to about the period of David, in all Celtic parts of Scotland, that relation, as we saw, had from time immemorial been "tribal." We have already discussed Celtic land-holding in Scotland, and tried to elucidate the tribal system. The tribe had been, theoretically, the sole source of property in land. Tribesmen held land in possession, or acquired it in property by the tenure of three generations, in proportion as they were near of kin to the recognised senior or tribal representative, the proportion being modified by each man's private wealth in cattle, due to inheritance or to his personal abilities. The positions of the tenantry, of the insufficiently landed swordsmen, of the broken men admitted into the society from other tribes,<sup>4</sup> of the free, and of the unfree (who did "servile services" as part of their rent) have been explained. From the *ardrigh* of Celtic Scotland to the lowest *flath*, or laird, every lord received *can* (Scottish *kane*)—that is, rent in kind; *cuairt* (*pastus*)—that is, free quarters; and took services, agricultural or military, from his subordinates.

Obviously this condition of Celtic society is one of nascent feudalism, of *unwritten* feudalism, not yet regularly and fixedly defined by *bôc*, or charter, but reposing for its sanction on custom, on public opinion, and on the "dooms" of the native *brehons*, as the Irish called their judges. The central changes introduced by the descendants of Malcolm Canmore were to substitute regular written charters for custom, and to convert the tribe (*tuath*) into the *thanage*; the *righ*, or kinglet of the *tuath*, or the *toiseach* or *toshach* (war-leader), into the *thane*; the *mortuath* (or aggregate of tribes, or province) into the earldom; the *righ-mortuath* (now *Mormaor*, a king's officer) into the earl; while all was brought directly under the royal hand by the appointment of sheriffs (*vice-comites*), who administered local justice in the king's name. The king now became, nominally at least, the sole original source of property in land, and the fountain of justice. It is important, however, to observe that large portions of the Celtic land and great clans of the Celtic people were, and for several centuries remained, but superficially affected by the feudal institutions of the descendants of Malcolm. Written feudalism, the sway of the king and his charters,

merely venerated the surface of Highland life. Thus, down to 1745, two nations, Celtic and English, were living in Scotland under essentially different institutions.

The very early system of "unwritten feudalism," it will be seen, practically endured in parts of the Highlands till after Culloden. Most of the chiefs, indeed, had then long held their lands, not by custom nor by the sword, but by regular charters. They had also power to evict tenants, if they liked to stake their popularity. But written agreements between tenant and chief were, as late as 1745, unusual in the wilder regions, such as Knoydart, and were regarded by both parties, chief and tenant, with dislike and suspicion. Both had an idea that "between friends"—that is, kinsmen—written documents implied distrust.<sup>5</sup> The tenants also conceived that a written lease for a term of years contained the possibility of removal at the close of the term or on non-payment of rent. The lands held by cadets of the chief's family might be secured to them by no formal paper: for example, Coll Macdonnell of Barisdale, in 1745, had no "writing" from Glengarry, the real chartered owner of Barisdale. But such holdings were conventionally looked on as hereditary. The rents were paid partly in money, but to a great extent in military service, in kind, and in all manner of ill-defined "services," dating from ancient times, and capable of being made very oppressive. Thus, down to the Rising of 1745, and the consequent changes in society, fragments of the very early condition of affairs as they were before David I. continued to exist, even under chiefs who had long held their lands by regular charters. The chief, too, as late as the '45, was not necessarily the clan-captain in war. From indolence, prudence, illness, or age, the chief might stay at home; and the Macdonnells, for example, might be led, not by Glengarry, but by Barisdale or Lochgarry. So long was it before the feudal system of David and Alexander II. actually conquered the rudimentary "unwritten feudalism" of the Highlands. The feudalism of David, the written feudalism of charters, we repeat, is really a defined, legalised, and centralised form of the pre-existing customary hierarchy of tribal classes in relation to land-tenure. Even the distinction of free and unfree remained in the feudalism of the descendants of Malcolm Canmore, though it gradually disappeared under the influence of a variety of causes which will be stated, surviving chiefly in the line drawn between "gentle" and "simple." The gently born have an old hereditary connection with freehold

lands and arms; the "simple" have not: they are townsfolk, traders, tenant-farmers, artisans, labourers.

Under King David, then, who was the chief early donor of charters, being, as king, the sole source of landed property, the tribal system disappeared—theoretically. Free lands were held no longer by degree of seniority and purity of blood within the kindred, but by ownership of written documents from the king, or by free tenants, rent-payers on lease. "Henceforth the charter marked the freeholder, or the member of the community of the realm."<sup>6</sup> The free were now not, as of old, *duine uasal* of pure tribal blood, but "knights, sons of knights, or holders of any portion of a knight's fee, holding by free service, hereditarily, by charter, with their sons, as men of free and gentle birth." On the other side were men of ignoble birth, charterless men, having no charter from king, earl, thane, or ecclesiastical superior. These, when lease-holders and rent-payers, were freemen, but not gentry. It is obvious enough that the same sets of persons would, as a rule, remain free and unfree, gentry and churls, under the new names and the new theory of possession in land, as under the old. The granting of charters centralised, made definite, and subordinated to the royal power a system and hierarchy of society which had probably grown up under tribal conditions.

A revolution in the laws of property may be thus briefly and glibly described. The king, not the tribe, became the source of real estates. But how was it done? Not much waste land, even in the central Australian desert, is unclaimed by tribes, and tribes will fight for their own. How, then, could Malcolm Canmore, Edgar, or David give away land, in whatever terms, to new holders, lay or clerical? The answer to this natural question is that, in Galloway, for instance, the invaded Celts *did* make a fight for their own, and did, on occasion, drive out "French and English" intruders. North of Forth, and elsewhere, MacHeth and Mac-William risings, when defeated, left lands subject to forfeiture and to redistribution. We have a case in which Thomas Fleming, who had been, but ceases to be, Earl of Wigtown, sells his lands to Archibald Douglas, knight, Lord of Galloway, because the Celts lead him such an uneasy life. Douglas could take better care of himself.<sup>7</sup> But, as Mr Robertson observes, there is no sign of an emigration of dispossessed prior owners in consequence of the many grants of David and William.<sup>8</sup> Malcolm Canmore settled

Cospatrick and de Moreville in Dunbar and Teviotdale, but we do not hear of feuds consequent on the eviction of prior holders, as we do when Bruce gave away the lands of his foes, the Disinherited Lords and the never-pacified Macgregors. In "Scotia," except perhaps in the case of Malpeter MacLoen, Mormaor of Mærne, we hear of no great northern forfeiture at this period. The juries, from Angus to Clyde, are full of Celtic names of the gentry. The Steward (FitzAlan) got Renfrew, but the *probi homines*, or gentry, remain Celtic after the reigns of David and William. In eastern Ross, a MacWilliam haunt, and mutinous Moray, Norman and English names appear among those of the Celtic holders. Along the east coast, north of Forth, burghers are English or Flemish, lairds and lords are generally Celtic, even after the reigns of David and William. Then Celtic names yield to the territorial surname, "of this or that place," the bearers of these territorial names dropping their old Celtic proper names. The de Abernethies and de Brechins were descendants of Celtic lay abbots. Where the old race really was proscribed and feudal tenure was introduced, namely, in Moray, "the result was rebellion for a century." The Crown lands in Lothian were so vast that much land might be given away without dispossessing loyal holders. "The *probi homines* (gentry) remained undisturbed" when wide baronies were given away, as in Renfrew. Gifts of rights or dues might perhaps be given, without giving away the land itself. In brief, those grants of David and William may mean the subordination, and often led to the Anglicising, of the original owners, and to their adoption of territorial or English names (as Steward), derived from a new chief. But, except probably in contumacious Galloway and rebellious Moray, the grants do not imply the general displacement of a Celtic population.<sup>9</sup> We must also allow for the marriages of Normans with Celtic heiresses, though this was much less common than later tradition believed. The vast power of the Kennedys in Galloway and Ayrshire was Celtic from the first. In Lothian, practically conquered from the early English settlers, tribal resistance to the king would be slight; much of the land would be Crown land, and resistance to new grants to foreigners would be relatively feeble.

In these various ways we may partially account for the possibility of the territorial revolution of the descendants of Malcolm Canmore. That in early Lothian charters the names of fields and



farms, as distinct from names of rivers and of some hills, are already English, proves that David and William had not, in the south, to deal with Celtic tribal resistance.

The population, as we have said, was still divided, under David I., into free and bond. This appears from a kind of codification of Celtic customs, under David I., called *Leges inter Brettos et Scottos*; <sup>10</sup> the Brett being descendants of Britons of Strathclyde, and the Scotti being, of course, the Celtic people—all as distinguished from English and Anglicised Normans. In this code we find the scale of fines for manslaying (Greek *ποινή*; Maori *Utū*—the *Bludwyf*, or honour-price). These fines range from the king, to the nephew or grandson of a thane; men lower in the kin are “carles.” <sup>11</sup>

We may regard the carles as free men, though not noble, while the *nativus* is only free in a very limited sense, and is, technically, “unfree.” In the laws of William the Conqueror, we read: “The *nativus* who flies from the land on which he is born, let none retain him, or his chattels” (which, in the eyes of the law, are his lord’s); “if the lords will not send these men back to their lands, the king’s officers are to do it.” <sup>12</sup> This term, *nativus*, has “a vague and indefinite meaning into which modern learning pores with no fixed results.” <sup>13</sup> “The slave is free against everybody but his lord,” and whatever property he may have acquired does not become his lord’s by that very fact, “but only if the lord has taken it into his hand.” As regards everybody but his lord, the *nativus* is as good as the owner, and, as regards the lord, everything would depend on the individual, his indolence, good-nature, avarice, and energy. For example, a *nativus*, or *villein* (for the ideas run into each other), had not been formally manumitted. His lord, however, gave him a piece of land, to hold by *free* services—such, that is, as a free man could perform. The lord died, his son confirmed the lease, and when the tenant (still not a free man) was later evicted, he brought an action and recovered possession. The unfree was not so unfree but that a pact between him and his lord was valid. <sup>14</sup> Among the contradictions and intricacies of laws which were a patchwork of old English, Norman, and Roman, the *nativus* appears as a man unfree, but by no means, *practically*, as always a chattel, like a negro slave. Theoretically, at least, the *nativi* belong to any lord who can prove that they have been on his servile lands for four generations, rendering to him servile services. Stud-books of peasant pedigrees were

kept.<sup>15</sup> A freeman, for the sake of maintenance, may give himself up to a lord, as his bondsman.

All this applies to land previously held on the Celtic system. The old Celtic system had placed on one side the *noblesse* and gentry, in their various degrees, from the Mormaor or earl to the men of chief's blood who, having little or no land, were quartered on the unfree tenantry, and were always ready for a fight. On the other side were the unfree. The new feudal and chartered system left the former class, through all its grades, in the position of free-holders, *probi homines*, men of gentle birth, holding lands not by title of blood and rank in the tribe, but by charter and services to the Crown, now the sole source of landed property. These services were military, and were distinguished as "Noble Tenure" (among the baronage), knight's service, and Scottish service. They who held by knight's service paid no rent in money, but did contribute to feudal aids (as to the ransom of William the Lion), and to the knighting of the king's heir, or the marriage of his eldest daughter. Holders on knight's service, fully clad in mail, and mounted, followed their lord to the field. Scottish service, again, mainly existing north of Forth, meant a general war-levy by the land-holders—a levy, not of mounted knights, but of men on foot without defensive armour. Bondmen, or *nativi*, were sometimes called out. Bows, axes, swords, dirks, and spears were the weapons. The leaders and land-holders, under this Scottish service, were thanes, and charters still exist by which a thanedom, held on "Scottish service," is converted into a barony, held on knight's service. We may say that Scottish service practically endured, in Celtic districts, till 1745, when Barisdale, for Lovat, sent the Fiery Cross through the Airds, and Invernahyle sent it through Appin, in the cause of King James. Thus we have, in feudalised Scotland, a hierarchy of the free, and free-holders, from earls, greater barons, lesser barons, thanes, to the smallest chartered free-holders, lease-holders being also free. Thus, wherever feudal law reached, under the descendants of Malcolm, the tribe yielded place to the king. From him, not from the tribe, lands were now held (often through *mesne* lords, of course), and, by the *noblesse* and gentry, were held by charter on the terms of military service in either kind (knightly or Scottish), and of contribution to feudal aids.

But between such free-holders and the *nativi* a kind of middle class, with its own grades, was gradually interposed. We have

only alluded, so far, to the lease-holders who composed part of this class. They were free, indeed, but were not possessed of charters; they were free tenants, not gentry. First came tenants holding on lease, for a term of years, or for one or more lives—these men could sub-let to lower tenants. This class appears to answer, more or less, to the Highland tacksmen of the last century, who, however, were reckoned *gentlemen*. Thus Lochgarry and Barisdale, colonels in the Macdonnell clan regiment in 1745, were tacksmen and near kinsmen of Glengarry, having sub-tenants under them. This class would, when possible, convert their tack, or lease, into a chartered freehold. A larger class, free men but not chartered holders, were *firmary*, farmers, holding from year to year. The Chronicle of Lanercost, in the time of Alexander III., mentions a farmer whose rent was raised yearly, though yearly his lord gave him his right hand on it that this should not be. "Give me your left," he said at last, "the right has so often betrayed me." Farmers holding in perpetuity but without a charter (like the members of the old tribe beyond the third generation) were "free farmers," and could "go where they willed," after resigning their holding into the hands of their lord. Next came the husbandman, the tenant of a "husbandland" of twenty-six Scots acres, paying a rent, and services which often, as time went on, were commuted for money. This class was encouraged by Alexander II., probably by fixing the sites of their holdings, as against the old habit of shifting them periodically. The free labourer, "the man with a cow" and a cow's grass, seems also to have been extant. These classes would supply spearmen for the War of Independence.

In addition to the lands thus held under the new Norman form of feudalism in Scotland, we have to reckon the large estates of the Church. Though kings and nobles bestowed lands on abbeys, perhaps primarily in the interests of their own souls, yet the comparatively peaceful conditions of Church property, and the attention which the monks paid to agriculture, set a comparatively high standard of farming—a type to which secular estates would gradually conform. From a rental of the Abbey of Kelso in 1290, Mr Cosmo Innes has drawn a picture of agricultural and social conditions in the most favourable circumstances. While Selkirkshire was still mainly "The Forest of Etrick," partly Royal chase, partly sheep-walks, pleasant Teviotdale was already "blythe with plough and harrow." Each abbey barony (held by a Church-baron) had for its centre

a grange, a large farm-steading, superintended by a monk or lay-brother. Near the grange was its mill. Here we at once note a difference between the Lowlands, as early as 1290, and Celtic Scotland as late as 1745. In Lochaber, Lochiel, in 1745, had just succeeded in erecting one or two water-mills. But these, owing to the long distances and difficult paths, were little used, and the Camerons still plucked up their ripe corn by the roots, burned the straw, and ground the grain in *querns*, or hand-mills.<sup>16</sup> Five hundred years earlier, the monks of Kelso, and doubtless of Melrose, Paisley, and the other great religious houses, had done what, in 1745, Lochiel was only beginning to attempt for his Celtic clansmen. Near the mill, in 1290, was a hamlet of thirty or forty cottar families. Each head of a house had a cottage, a holding of from one to nine acres, and pasture for two cows. The money-rents were of a few shillings, with a rent in grain, and certain duly stipulated and recorded services, such as sheep-shearing, harvest-work, and cartage. For these "the stipulations were exceedingly precise," whereas, down to 1745, Celtic services (dating from old days of *herbary*, or giving free quarters) were vague, unwritten, and might be made grievously oppressive. In certain abbey services, of the thirteenth century, the husbandman received his food from the abbey, in others he provided for himself. Even then (1290) services were beginning to be commuted for money, a change which, on Glengarry's Highland estates in Knoydart, did not come into operation till 1770-1780. These are striking examples of progress in the English South, and of conservatism in the Celtic North of Scotland.

The holdings of these cottars were precarious, while that of the *hosbernus*, or "bonnet laird," was hereditary; though he also paid a money-rent and services to the abbey. Above him were the great Church vassals, who ranked only beneath the baronage and freeholders of the Crown. Below all freemen, on Church as on secular estates, were the *nativi*, who were bound to the land, and transferred to new owners when estates changed hands. With the crofts of Adam of the Hog, and his brother William, Adam and William themselves, "with all their following," were handed over to the abbey by a benefactor (1280).<sup>17</sup> Such serfs it was one aim of the Church to emancipate. The latest known warrant for recovering a fugitive serf is of 1364. But philanthropy in churchmen, and the burgh privilege presently to be described, were probably not the

chief, though they were the most picturesque agents, in emancipation. Free land-holders found ready money the most advantageous fruit of their possessions. "Services" and right to free quarters soon became relatively undesirable. Payment of a money-rent marked off the personally free man, not noble, from the absolute bondman. Just as in the Highlands after Culloden, so in the Lowlands of the thirteenth century, landlords preferred rent in money—or in kind, if money could not be got—to the old services. "It was the interest of the lord to convert his servile peasantry into a class of rent-paying farmers, henceforth free; or into free labourers who, by the grant of a cottage and a few acres of land, were bound as freemen to support themselves." Again, the need of fighting men, in the War of Independence, promoted the existence of a class of small military tenants: these were desirable, and these were freemen. Thus bondage ceased to exist in Scotland, not by legislative enactment, nor purely by aid of philanthropy, but mainly by pressure of circumstances and interests. The Church was foremost in the gradual process of emancipation, as in all agricultural improvements, such as wind- and water-mills, roads, folds for sheep, and general regulation of rural industry. But, under the civilising influences of the successors of Malcolm, free towns also came forward. The law of these burghs emancipated any serf who comes to the burgh, "buys a borowage" (a rood of land in the burgh), and abides there, unchallenged by his lord, for a year and a day.

Here the reader, familiar with this famous old usage, naturally asks himself, "How did the fugitive bondman find the means to purchase a borowage? How could he carry off his cattle, all that he owned, and sell them if his lord opposed?"

Mr Robertson suggests, not the conventional picture of a bondman running away to town under cover of night, like a negro slave making for the Northern States, but a migration of the bondman by the lord's assent, and with his sanction. The commencing burgess would pay his master well, out of his cattle, for leave to remain off his lord's land, to which he was "inborn."

David, who organised the land-system by charters, and who richly endowed the Church, was also the founder, practically, of the Third Estate in Scotland, the free burgesses of the towns. David, of course, did not bring burghs into Scotland as an absolute innovation, ready made. He and William the Lion rather

fostered, regulated, and formulised the rights, privileges, and duties of towns already existing. The elements of an early burgh are opportunities of trade, justice, and defence. The most "primitive" of races, the Australians, have their markets and trade-routes protected by custom. Greece and early Ireland made the protection sacred, putting the meeting-place for fair, festival, and deliberation under the charge of a dead hero: in Christian countries a saint took this charge. But, while such conditions are practicable among homogeneous people of one faith, the presence of a people hostile and alien in speech and creed requires warriors to protect justice and commerce. Hence, although defensive and trading *burhs* existed in England before the Danish invasions, these invasions greatly developed burh-building. When to a burh in a favourable environment were added the mote with its palisaded tower, and later the king's castle of stone, then the old defended *vill*, or *burh*, began to thrive to the estate of the feudal burgh: its customs, fairs, markets, and meetings now demanded regulation, military, social, and commercial charters were given, and freedom from toll (charge on the transference of commodities), with rights of exclusive dealing in the region assigned to the town, were granted. The rights of electing magistrates, and of being judged by them, according to the laws of the Burgh Court, accrued. There were obligations of watch and ward, there were Guilds (rather exclusive), and commercial regulations. A prosperous burgh became knit up with the shire, to which it usually gave its name. Whether military or not in origin,<sup>18</sup> the tendency of the burgh was towards commercial expansion, thanks to its fairs and markets. In such open marts, the only marts legally recognised, it would be especially difficult to dispose of stolen cattle. He who buys elsewhere than in these borough marts is therefore liable to be treated as a thief, if what he buys has been stolen.<sup>19</sup> The borough court, among other duties, had consequently to deal with disputes of the trade, and questions of legal or illegal sales. As traders took the place of the original military tenants of the borough, their houses and holdings would come to be paid for by a rent in money, "the typical tenure of a burgage tenement." Such was the rise of boroughs in England; in Scotland the institution was imitated by David. "It was the Anglo-Norman burgh, with its feudal castle, and its civic population, distinct and separate from the garrison, which was the model of the

burghs established, or confirmed, by David beyond the Tweed.”<sup>20</sup> The laws regulating the boroughs established by David in Scotland were adapted from those already prevailing in England. Indeed, if we can trust a passage in a chronicle already cited, many Englishmen from the south of Tweed had been planted in the new Scottish burghs, as models. A record of the burgh laws and usages of Newcastle, in the reign of Henry I., “consists almost exclusively of the well-known burgh laws of Scotland.”<sup>21</sup> The alderman and bailies were to be chosen “through the counsel of the good men of the town.” These electors, the good men, *probi homines*, were, in effect, the *tota communitas* of the borough: the term *communitas* may be specially noticed, as it later occurs with reference to the *communitas* of the whole realm of Scotland, in a document of national importance. But all residents in the borough were not *probi homines*, not members of the *communitas*—not shareholders in it. We hear of “bondmen in burgh,” artisans who were locked up if they tried to escape to “the upland.” It does not appear that David gave charters to his burghs, but he sanctioned to the burghs in general privileges which such towns as existed must long have needed. As at St Andrews, bishops could confirm similar privileges to their good towns. The greater burghs had a kind of union among themselves, “a burgher parliament acting as councillor to the Chancellor, in judging of burgh causes appealed from his *Air* or circuit, and also making laws and regulations for trade and burgh affairs.” “This is the Court of the Four Burghs,”—in the thirteenth century the four burghs were those of Edinburgh, Berwick, Roxburgh, and Stirling. A not very popular feature in burgh life was the forty days of service in warding the adjacent Royal castle, a service later compounded for by money payment to the constable. There were other burgh services, as of three yearly gifts of food to the castle. Every burgh had its hospital, mainly occupied by lepers, whom a scanty dirty life, perhaps, made common enough.

The great gulf between Celtic and Anglicised Scotland is indicated, about 1740, by Forbes of Culloden, when he writes: “From Perth to Inverness, and thence to the Western Sea, there is no town or village of any consequence that could be the seat of any Court of Justice the least considerable except Dunkeld.” Thus the easy mode of emancipation by residence in a burgh, with all privileges of trade, and all chance of justice but tribal or chief’s justice (except the king’s on occasion), were things alien to the

Celtic population. Rich abbeys, too, were rare in the Celtic North, and thus everything combined with the mountainous difficult country to make the Gaelic-speaking people of the North a race separate, in all manner of conditions and institutions, from their Lowland fellow-subjects. These facts had a vast influence on the history of Scotland.

Among noted and prosperous burghs of this period was Berwick-on-Tweed, the chief centre of trade. From Berwick the Bishop of St Andrews, when he wished to establish a burgh, borrowed, as provost, one Mainard, a Fleming. Edinburgh, naturally, was a favourite burgh of David's, and its burgesses had exclusive rights of trade over a wide district. Rutherglen, a village in David's demesne, was created by him into a burgh, and the trading area assigned specially to Rutherglen included Glasgow. The Bishop of Glasgow later obtained privileges of trade for his pretty little town, which had suffered grievously from the tolls exacted by Rutherglen! The policy of the age favoured the system of commercial exclusiveness. A stranger merchant might sell his wares at no place in the sheriffdom of Perth, save at Perth itself. There are traces of an attempt to restrict the number of public-houses to Perth, except where a lord was permitted one tavern on his property. It is improbable that this rule was enacted in "the Temperance interest." When William the Lion built a castle at Ayr, he also "made a burgh," probably turned a pre-existing village into a burgh. The country was soon studded with Royal, noble, or Bishop's burghs, and probably no better picture of the burgesses in their daily life can be sketched than that which is accessible to readers of 'The Fair Maid of Perth.' The provost, in that romance, is a country gentleman, Charteris of Kinfauns, as at St Andrews the Learmonth's of Dairsie were almost hereditary provosts. Scott has drawn an immortal picture of the provost's relations with such burgesses as Simon Glover and Hal of the Wynd, the armourer. We later find a case of private war between the Charteris of the day and Lord Ruthven about the provostship of Perth (1544)—for provosts, in these times, were apt to be noble protectors of a burgh, rather than representative citizens. The right of electing provosts, however it may have been exercised at first, dwindled into a mockery: a local magnate held the post, almost as a hereditary right.

Each burgh began with four wards, and each ward had its bailie. There was a watch, for police, "and at the stroke of a staff upon



the door, an inmate was bound to come forth from every burgher's house, and, armed with two weapons, to join in keeping watch and ward over the sleeping burgh, from *couvre-feu* to cock-crow, the houses of widows alone being exempted from this duty."<sup>22</sup> At the fair, a kind of saturnalia was (and is) permitted,—all manner of rapscallions of the minor sort might appear and do business: one may fancy violers and jongleurs plying their arts, and exhibiting their tricks, while travelling pedlars displayed their wares with freedom, and, were amenable to the justice of a temporary Court of the Dusty Feet.<sup>23</sup> "Krames," or stalls, as now, were set out in the street, and the pedlar was as free to trade as the burgher for the day. The modern resident in a small Scottish town may, once a-year, form a fairly good idea of what a fair was like in an ancient Scottish burgh.<sup>24</sup>

In one important respect the history of Scotland differs notably from that of England. In England constitutional history presses itself upon our attention at every turn. The ages of Henry II., John, Henry III., and Edward I. abound with momentous constitutional struggles quite unknown to the contemporary Scotland. In Scotland, if there is any constitutional history at all (and there is a little) it does not fill the centre of the landscape, like the English Thames, but "seeps" obscurely in a secluded nook, like a northern moorland burn. The reason is obvious. The kings of Scotland lived within their income, the kings of England did not. The English kings had foreign possessions, and a foreign policy, expensive privileges. The foreign policy of Scotland, on the other hand, was for long almost limited to her relations with England. The early Scottish kings made no attempt to extort money which did not come naturally from their demesnes, rents, feudal aids, and fines in the courts of law, with such duties on merchandise as existed. They laid on no "evil tax," demanded no "tenths" or other percentages from clergy or people. Not only do the Scottish sovereigns appear to have restricted their expenses within the limits of their ordinary revenue, whilst they were never backward in displaying a regal magnificence when the occasion required, but they often gave evidence of a command of money which marks them as princes of considerable private means. No unusual assistance was asked from the nation when the Princess Margaret received 14,000 marks, "a noble dowry in Scotland," on her marriage,

while Henry could not pay his daughter's *dot*.<sup>25</sup> Manifestly there can be no "constitutional resistance" when kings are doing nothing "unconstitutional." We have in Scotland no Magna Charta, no Forest Charter, no *de Tallagio non concedendo*,—because we did not need them. It is a charming reason for our scanty constitutional history, which only begins under stress of the needs of William the Lion, Bruce, and James I.

The representative principle, again, was not anxious to attract notice in early Scotland. The desire "to get into Parliament" in this simple age did not exist—nay, mankind were only too eager to avoid a laborious attendance on an assembly which was certain to be attended by expense. With regard to parliamentary institutions, it has been said concerning Scotland, "The machinery of our [modern] government is of alien origin, and has reference to the history of another people"—namely, the English.<sup>26</sup> The burgesses of Scotland, after they obtained representation, formed "a separate Third Estate, *not* amalgamated, as in England, with the knights and lesser barons." These, in Scotland, were always classed with the baronage. In Scotland the Three Estates, till the Union (1707), sat and deliberated in one House. "The spirit of independence, with the habit of free discussion, which gradually became the characteristics of the English Lower House, existed, indeed, amongst the Scottish people; but for want of a similar arena for development, can scarcely be said to have been displayed in their House of Parliament, but will be found rather, after the Reformation, in the peculiar constitution of their 'Kirk.'" <sup>27</sup> It will be seen later how the institution of the Lords of the Articles, a select Committee of Affairs, and the great warlike power of factions of nobles, at different times helped to deprive the Scottish Parliament of the engrossing constitutional interest which attends the Parliament of England. For centuries "the Opposition" did not always come to Parliament; to do so was more than their lives were worth. Debate would have been conducted with sword and lance.

The germ of Parliament in Scotland is the king's court, composed of crown vassals. The actual assembly of these, on each ordinary occasion, would include, besides officials, Chancellor, Chamberlain, Steward, Constable, Justiciar, Marischal, few save the resident vassals of the shire or shires which chanced to be nearest to the place of assembly. We hear (1184) of a court

composed of "Bishops, Abbots, Priors, Earls, Barons, and other *probi homines*." "Sometimes the whole community," *tota communitas*, is included, meaning freeholders of gentle birth, whose assent is practically taken for granted, though, of course, all freeholders were not present, nor in any formal and exhaustive way were they represented. At great assemblies of this kind statutes were passed, charters were granted, disputes were settled; occasionally, when necessary, there was a consultation, "palaver," "Parliament," though the *word* was not yet in use. We have seen that a very large assembly of this kind at Birgham refused to pay the Saladin Tithe to the English king, probably with the good-will of the king of Scotland. The 'Chronicle of Melrose' assures us that public opinion could show itself hostile to the king's policy, that of diplomatising with England, yet he carried it out (p. 118). While taxation practically did not exist, except in the recognised form of feudal aids, there was no *locus standi* for Scottish constitutional self-assertion on the English model. The ransom of William the Lion was a regular and recognised feudal aid. We have observed William's promise to pay 15,000 marks to John in 1209. In 1211, the nobles promise 10,000 marks at a Great Council. The burgesses contributed 6000 marks to this amount; but they were in no way represented in the Council, and theirs must have been a voluntary aid. Burgesses do not appear with the clergy and baronage in these meetings till the days of John Balliol (1295), when the seals of Aberdeen, Perth, Stirling, Berwick, Edinburgh, and Roxburgh are appended to the record of a marriage arranged for Edward, Balliol's son. Thirty years later (1326) burgesses appear with the rest, and are consulted by Bruce on the diminution of the royal revenue.<sup>23</sup> Such were the beginnings of the Scottish Parliament, which never, as we have said, conformed itself to the English model.

In matters of justice, the period of David's reforms shows the king's justice coming in, and the rather wild justice of the tribe or kin going out. Under tribal institutions a man is in "solidarity" with his kin for good or bad. A man is slain; his kin then slay the murderer, or the nearest of his kinsmen whom they can catch, or they accept a blood-price for their kinsman, and drop the feud. The essence of murder is *secrecy*; for open manslaying the kin of the slayer pay a heavier fine

to the kin of the slain than for secret assassination, which they could not foresee or prevent. Remnants of this world-wide institution endured into the last century. Thus, in 'Waverley,' just after Prestonpans, Ballenkeiroch is anxious to keep up his feud with the Baron Bradwardine, who had long before shot one of his sons in a raid on Tully Veolan. "You are aware," says the Baron to Ballenkeiroch's chief, "that the blood-wit was made up to your ain satisfaction by assythment, and that I have since expedited *letters of slains*." These "letters" were a legal survival from the ancient days when, "Even if the king had *granted grace* to the offending parties, his pardon was of no avail unless it had been issued with the full knowledge of the kindred of the slaughtered man, who otherwise retained their legal right of vengeance on the homicide."<sup>29</sup>

Under David, the peace became the "king's peace" (Gryth), and offences against it were offences, not only against the injured man, and the kindred of the injured man, but against the crown. Every man was now obliged to find for himself a lord ("hlaforðsóc," or "commendation"), as it were a surety responsible for him to the king. The king's court and the highways were "in the king's peace," and every one privileged to hold a court—earl, thane, baron, bishop, and abbot—preserved his own "peace" in the same style. Thus crimes were now offences not against the injured and his kin alone, as in tribal society, but against the king's or lord's peace. To check theft and plunder, purchases had to be made "in open market," before truthful witnesses, while a warranter affirmed that the property was honestly the vendor's own. If the property (cattle, as a rule) was later challenged as stolen, the buyer produced, if he could, his witnesses and his warranter. If nobody came forward with evidence to his good faith, he was condemned as a thief. This legal process, in the baron's court, was called *team*, and was a more civilised substitute for appeal to the sword. Special places were chosen for this process of *team* in each district. To find the warranter, and, indeed, to get justice at all, the aid of the vicecomes or sheriff and of privileged lords was necessary. To keep these same potentates honest was the well-meaning endeavour of the law, and a glance at Sir Herbert Maxwell's 'History of Galloway' will show how very difficult was the attempt. The holders of barons' courts in Galloway, in later days, not only connived at the freaks of useful followers, but were themselves

guilty of every kind of offence, including the selling of justice. But in good King David's golden prime, it is to be hoped that the gentry were commonly more law-abiding.

A man's defence when accused, or his accusation of others in the courts, was made, like everything else, by the help of kindred and friends. These were his *compurgatores*, which practically means that they were ready to take their oaths in favour of his case. In some instances, parties went on whipping up their kin and their *compurgatores*, till overridden justice was practically obliged to "shout with the larger mob." "The greater *tourbe*, the most numerous body of compurgators, carried the day."<sup>30</sup> In a much later age, an accused person of importance, John Knox or Bothwell, would come to his trial at the head of an armed *tourbe*, or gathering of partisans. The crowds of *compurgatores* must have had a similar, yet really in these days more legal, overawing effect on the decision of early courts. Mere witnesses to facts "are seldom or never alluded to." To bear witness that he saw John cut James's throat, or drive away his kye, was often more than a witness's life was worth. The witnesses would have had to "thole the feud" of the kin of the accused. To be a "kinless loon" in these days was worse than a mere social reproach. A man who may have been quite innocent, yet kinless, could neither get witnesses in his favour nor *compurgatores* to take oath to their belief in his cause. He must therefore have recourse to the ordeal, or to wager of battle. To walk on, or carry, red-hot iron, or plunge the hand into boiling water unharmed (as the ordeal demanded), is a feat which only very gifted persons can now perform. A poor man, of course, could not hope to bribe the officiating clergy, who regulated the ordeal. The clergy, like savage medicine-men in Africa to-day, usually worked the ordeal: the canons of Scone did so in an island of the Tay. Thus a kinless loon had no chance, except in the ordeal, by the forlorn hope of a genuine miracle, or by wager of battle. In the latter case, the legal authority could do no more than provide a fair field, and no favour. Doubtless this state of affairs encouraged, among the poor and friendless, the rigid practice of virtue. But, if a poor man were accused of an offence, and if his lord would not be bail for his appearance, then, *if acquitted*, he became his own man. "If the poor man oppressed had a respectable witness" (compurgator) "to swear to the truth of his charge, his plea became the king's plea, with all the prerogative

privileges attached to a royal suit." The oppressor, *if convicted*, had to pay a fine to the crown, and restore the poor man's property. But one can hardly suppose that the poor man often found his "respectable witness." A muscular kinless loon got no good by his thews, if his opponent were a knight or free-holder. A gentleman could not be expected to fight such a fellow; moreover knights and free-holders might do battle by proxy, choosing a plebeian master-of-arms as their substitute.

Upon all this older judicial system, David introduced the *Jugement del Pais*, or *Visnet*. Judgment was given at an assembly by "the free tenants," "the good men of the country," and sentence was pronounced "by the judge, sheriff (the king's representative), alderman, or bailiff, who was bound to leave the court during their deliberation."<sup>31</sup> Every free man, down to the burghess, was thus entitled to be tried by his peers.

The most important cases, the four pleas of the crown,—murder, rape, arson, and robbery,—were now withdrawn from the lesser and more corrupt courts. "It was intended that at least those great crimes and their punishment should be removed in some degree from private influence."<sup>32</sup> But Galloway men are not "to have *visnet*, but gif they refuse the law of Galloway and ask *visnet*." Galloway men usually preferred compurgation, ordeal, and wager of battle, which are certainly more dramatic forms of justice, and "set the genius" of the Celt better, than anything resembling trial by jury.<sup>33</sup>

The courts which administered such justice as could be hoped for were numerous. "To judge his people was still the ordinary employment of a Scottish sovereign in time of peace," and he usually went on annual circuits, from Inverness to Dumfries. David I. would record his decision by a cross cut in a tree, or by erecting a tall stone, in cases of territorial disputes. As there was no single fixed capital, the higher courts went where the king went. But, by the age of Alexander II., the monarch's judicial duties had come to be chiefly fulfilled by four Grand Justiciaries, two for "Scotia," one for Lothian, and one (who held no sinecure) for Galloway. Except in special cases, these men judged "the four pleas of the crown," already described. The introduction, with feudalism, of Roman law, presently made learned "clerks" necessary adjuncts to the justiciaries. The "clerk," in Scotland, became the Lord Justice-Clerk in the long-run.

After the royal court came courts of regality, the judge being the local earl, greater baron, or churchman of importance, bishop or abbot. From this judicial province of theirs arose, partly, the power of later Earls of Douglas, and other unruly peers, the curse of Scotland under the Jameses. Next in order came the court baron (like the Baron Bradwardine) with right of "pit and gallows." As the Baron, in 'Waverley,' used to observe, "the lands of Bradwardine, Tully Veolan, and others, had been erected into a free barony by a charter from David I., *cum liberali potestate habendi curias et justicias, cum fossa et furca*—pit and gallows,"—also with *team*, the institution already described, for verifying ownership of property.

There were also freeholders' courts, often held on "Moot Hills," and attended by the freeholders of the barony.

One point in early Scottish feudal administration is of considerable perplexity. This is the sway exercised over regions of varying extent by royal officers—earls, vice-comites (sheriffs), and thanes. During the Celtic period, Scotland had been divided into seven, as Ireland was divided into five, provinces. These were originally ruled each by a *ri* (*rex*), king, or kinglet. But, as the central royal power increased, these provincial rulers came to be replaced by *mormaors*, great *maors* or stewards, "the old Scottish equivalent of the earl," dependent on the king, while only Moreb, or Moray, sometimes gives the title of *ri*. The Northmen naturally spoke of these *mormaors* as *jarls* (our earls), and, as feudalism advanced, feudal earls they became. Under the *mormaors* were the *toisechs*, tribal captains originally, of whom something has already been said. By the time of Alexander I. the *mormaors* have become the seven earls, and bear the title of *comites*. Their relation to the crown had become official: they were the king's representatives. To the people of their provinces, on the other hand, their relation had been rather that of tribal chiefs than of territorial magnates. David's aim was to make them hold their territorial provinces as earldoms of the crown. Later princes, while still converting old provinces into feudal earldoms, added new earldoms to the number already existing. As the earl succeeded the *mormaor*, the thane succeeded the *toisech*—*toisech*, indeed, is used, in Celtic, for *thane*. But there are far more *thanes* than there had been *toisechs*. Both classes represented royal authority, in justice and other matters; but in addition to them there was now appointed the *vice-comes*, sheriff, or *shire-graff*, who, whether his office was hereditary or not, "was

nominally the servant of the sovereign, while all his official acts were, or ought to be, for the benefit of the Crown, and the furtherance of Government business." The realm of earl or thane was bounded by his own feudal rights of property; the region of the sheriff had a fixed arbitrary limit, the boundaries of the shire or county.<sup>34</sup>

The sheriffdom was introduced by degrees, in all the more settled parts of Scotland, "the *vice-comes* (sheriff) assuming the prerogative of the maor." Thus we have seen that the wild Celtic region of Argyll was made into a sheriffdom. Under William the Lion (1180) it was decided that no one was to hold courts of justice or of ordeal "*except in the presence of the sheriff*, or of one of his sergeants," unless, indeed, these officials failed to come when summoned, in which case the court was held as usual. "In every province the sheriff was to hold a court every forty days" (1197), and the earls were now excused attendance, being allowed to appear by their stewards or seneschals. Thus, on the whole, from David's time onwards, the royal justice, represented directly by the sheriff, kept encroaching more or less on the justice of earls, bishops, and barons, except where these were specially privileged.<sup>35</sup> The process, in fact, tends slowly to substitute central royal authority, sheriffs, juries, witnesses, for individual power, ordeal, compurgation, and trial by battle. But hereditary jurisdictions were not wholly abolished till after Culloden. Thus local justice, of the curious kind which we have sketched, was at every man's door, and he could be acquitted, branded, mutilated, fined, or hanged, without the trouble and expense of a long journey.

It must be remembered that, besides Crown procedure of the rough-and-ready sort described, Church procedure existed in a form much more refined, with rules, and precedents, and laws emanating from councils and popes. A typical instance of a trial of a civil cause, between the Abbot of Paisley and a layman, Gilbert, son of Samuel, who held some of the lands of the monks on the Clyde, is given by Mr Cosmo Innes.<sup>36</sup> First the Abbot of Paisley got a papal commission for three persons to recover the lands. They are the Deans of Carrick and Cunningham and the master of the schools of Ayr, proving the importance of this educational character. These three papal commissioners sat at Irvine: the monks then put in their plea, and called witnesses to prove that the lands really were the Abbey's. We have Alexander FitzHugh; whose memory



ran to more than sixty years. He remembered Bede Ferdan dwelling in a big wattled house, and holding these very lands in dispute from the Church. His only rent was the "service" of entertaining strangers. One Dugald, "son of the great Earl" (of Lennox, Alwin FitzArkil?), then confessed to the malpractices by which he, a priest, had let the lands glide into lay possession. Poor Bede Ferdan was killed in defence of the Church's rights and of his own easy tenure. Most of the witnesses have Celtic names, as Malcolm Beg and Gillekonel Manthac. *He* is brother of the Earl of Carrick, a Celt holding that earldom before the Norman Bruce. Gilbethoc and Fergus are other Celtic witnesses.

The papal commissioners now tell the Bishop of Glasgow that the Paisley monks have proved their case, and their right to the lands held by Gilbert, son of Samuel. That contumacious person merely sat tight to his estate, and scoffed at sentence of excommunication. The commissioners then asked the king, Alexander II., to stretch out the secular arm against Gilbert, but nobody knows the result. The affair gives a glimpse into society on the Clyde, mainly Gaelic, in the year 1233. We see that wattled house, and note that the Celt is not yet dispossessed.

As to revenue, "taxes, in the modern sense of the word, were unknown."<sup>37</sup> All land, except Church land, and land "in noble tenure" that was crown property, paid rent, administered by the Chancellor. Knights, as we said, paid only feudal aids, on the knighting of the king's eldest son, the marriage of the eldest daughter, and the ransoming of the monarch, if captive in war. The royal burghs paid rent for each burghess holding, with tolls and dues. Fines under the four pleas of the crown also accrued. Vassals paid money on the marriage of their daughters.<sup>38</sup> Heirs paid fines on succession, and wardships of noble fiefs during a minority were a large source of profit: they included the right of selling the marriages of heiresses. While a bishopric lay vacant its revenues came to the king. But the chief source of revenue, apart from such windfalls, was rents. Many of these resources accrued to every freeholder who had a right to hold a court.

The army was composed, first of holders by knight's service, the feudal chivalry, with the men-at-arms whom they were bound to furnish, and, next, of the mass of men fit to bear arms, under "Scottish service," already described. The former class were cavalry in full defensive armour, the latter were archers and spear-

men, including, in Bruce's wars, every "man with a cow." The two chief leaders were the Constable and the Earl Marischal; these offices were hereditary, the former, finally, in the house of the Earl of Errol (Hay); the latter in the line of the Earl Marischal (Keith) whose descendant's last appearance in arms for the king was at Glenshiel, in 1719.

In thinking of Scottish society at this time, we must remember that the high clergy, earls, and great barons were all like little kings, holding courts with power of life and death, with chancellors, seneschals, chamberlains, corresponding to the royal household, followed by knights and thanes who held from the lords, who again enjoyed free towns and had burgesses dependent on them. The Bishop of St Andrews was very rich, he of Glasgow came next in wealth. But Popes taxed the Church in Scotland to the extent of about three per cent, and in the end of the thirteenth century the Pope re-estimated Scottish ecclesiastical property, which had immensely increased in value. The task was performed by Benemund ("Bagimond") de Vicci in 1275; the object was to collect a tenth of benefices for relief of the Holy Land. The clergy resisted, and protested in favour of the old rating. The Pope was firm, and "Bagimond's Roll" was long the basis of taxation ecclesiastical.

About daily life, but scanty gleanings of information can be gathered. The nature of existence among the populace can be conjectured from analogy. Kings, laws, and creeds make little difference in the ways of rural populations. A man who supports himself by fishing, ploughing, or cattle-tending lives much the same sort of life, subject to conditions of soil and climate, in all ages. The Highlander had his cattle to watch, his game to hunt; the Lowlander had his fields to plough, his boat for sea-fishing, his charge of sheep on the hills, and these cares must have varied but slightly through the centuries. Christianity had brought some new duties—church-going and the sacraments—but the ancient gods retained the Fairy Wells, and were propitiated (down to our own day) by sacrifice and other ceremonies in time of scarcity. Thus, in 1818, a very singular ceremony was practised in a Highland sea-loch. Shoals of herring had come in, but they always escaped the nets. Holy fires were therefore lighted at various points, a black cock was sacrificed, and its blood was sprinkled on the water to remove the spell. In our own day, during a cattle-plague, a Gallo-way farmer buried a calf alive. The need-fire, some eighty years

ago, was lighted by friction of a wheel, to set flame to wood for some piacular purpose, during a cattle disease. A wise man in Argyllshire has, since 1893, been employed to relieve cattle from the effects of the Evil Eye. This tenacious grasp of old pagan beliefs, which the Church either sanctioned by a saintly colouring or denounced in vain, proves the practical immutability of peasant existence before the rise of compulsory education and the newspaper press. Folklore speaks clearly on this head. The daily life of the Scottish populace did not alter much, whether Celt, or Englishman, or Norman wore the crown.

A question of perennial human interest is, How were men fed? But poorly, we may infer from the prevalence of leprosy. In Henryson's famous poem about the later fortunes of Troilus and Cressida, the fair deceitful lady becomes a leper, and begs among the leprous folk at the gate of Troy. No such idea could have occurred to Homer: leprosy, though known in Scripture, scarcely occurs in Greek literature—in the Greek epics never. Thus the classical life must have been healthier, better nourished, cleaner than that of the Middle Ages.

As to food, oats, wheat, barley, pease, and beans were all raised in tolerable abundance. Of these, by far the most prevalent crop was oats. It furnished the bread of the lower classes; and the ale which they drank was brewed from malt made of this grain.<sup>39</sup> In the malt-kilns and breweries which documents prove to have been attached to the agricultural hamlets, oats were reduced into malt and brewed into ale. The Picts, by legend, are credited with the secret art of "brewing the yill frae the heather bell," but the mystery perished with "the Last Pict." Edward I. in his invasion of Scotland did not disdain the use of oat-malt for his armies; and much later, after Flodden, a bishop pronounced the Scottish beer to be peculiarly excellent. The great multitude of recorded breweries prove that the Scot had plenty to drink, while the monstrous wine-bill of Alexander III. (which John Balliol was invited to pay) shows that the upper classes dealt freely with Bordeaux for liquor. In addition to oaten bread, wheat was in use, at least by the wealthier orders, and, no doubt, "pease bannocks" were not disdained by the poor. The records of payments in kind (*can*, or *kane*) show that cheese, butter, and poultry were made, or bred, on the farms.<sup>40</sup> Mutton was provided from the flocks on the Border sheep-walks; swine, it is plain, were less unpopular than they have since been in

Scotland, and at Martinmas beeves and pigs were slain (or sacrificed in remote districts), and salted down for winter consumption. It seems probable that salt meat, with great scarcity of fresh vegetables, may have been one cause of leprosy. The rivers and estuaries of the country still abounded in fish, and the right of salmon-fishing by nets or "yairs" (coops) was jealously guarded by land-holders. Probably enough shell-fish were a staple of the Celtic seaside population, as was the case till late in the last century. Milk and cheese made a considerable part of the food-supply among the men of one cow. The poor were probably hardier than the classes which now seem to live chiefly on stewed tea, bread, and cheap jam. The clothes of the lower classes were of homespun wool, and probably, in look and odour, the stuff was not unlike the "tweeds" now wrought in the cottages of Eriskay.

The men of the middle ages, of course, were inured to war, to plundering and being plundered, to burning houses, and to seeing their own huts burned. Every man was a potential warrior, just as the Highland clansmen were up to 1745. For the rest, the life was coarse. There was hard work, an occasional foray, a sufficiency of popular feasts, mummings, dancings, the rural rituals of harvest and of Yule. The literary culture was oral,—there were songs, sometimes on public events, sung by girls as they danced: there were world-old *Märchen* told in the ingle-nook: in the Celtic region there were heroic ballads chanted, proclaiming the renowns of legendary heroes. *Jongleurs* and harpers sang, at fairs and in granges, told romances, conjured, as they wandered through the land. The court, always moving about from town to town, brought colour and spectacle, the sight of scarlet and gold. The life was not one of monotonous mechanical labour under clouds of smoke and in a poisoned air. As to "book-learning," it was not a common recreation, but we probably exaggerate the popular ignorance of the middle ages. The early schools of Ireland, and of the Columban Church, are famous. Long before St Margaret, the educational organisation in Scotland had the grades of *scoloc*, *rector scholarum*, and *ferleigiun*, or lecturer. The *scoloc* was the clerk preparing for priest's orders, the divinity student, and he was apt to be a noisy character. Ailred of Rivaux was in Galloway at Kirkcudbright on St Cuthbert's day (1164). He saw a bull dragged by ropes from the field, "to be offered as an alms and oblation to St Cuthbert." The *scolocs* thought this a good opportunity for a bull-baiting in the churchyard.

When remonstrated with, one of them denied the presence or power of the saint, "for all his well-built stone chapel." The bull then pinned this advanced thinker, to the general edification.<sup>41</sup> The parish churches, built under the sons of Malcolm, were centres of education, the grades of scholar, master of the schools, and lecturer, still surviving. The monasteries, as a rule, had their schools. The monks patronised education, both in burghal and monastery seminaries. If one may judge by the analogy of France, as investigated by M. Siméon Luce, primary education—reading, writing, and arithmetic—was by no means so rare as we are apt to suppose. But there were not many books to read. "Song-schools" were common, the education of music existed, and choristers, at least, were necessarily able to read music. The mere neighbourhood of an abbey or cathedral, in the long process of erection and adornment, was, in itself, a liberal education. We may remember how, in the first iconoclastic outbreak of Reformation, the Kirk of Mauchline was guarded against Wishart, because it had a tabernacle beautiful to the eye. There was no beauty in the Kirk of Mauchline (except among the lasses) when Burns sat under its worthy minister. The Reformers had reformed everything lovely out of the way. On the other hand, the ancient Church provided an education in things beautiful,—architecture, music, sculpture, painting, vestments, services, of a kind from which Scotland has long been divorced, and all this in addition to reading and writing. There were village, parish, or small burgh schools, and an amusing miracle of St Cuthbert's was wrought when a bad idle little boy locked up the parish church at Norham, and threw away the key, hoping that his private indolence would escape notice in the public hubbub. Churches in Scotland now are, as a rule, *not* open on "lawful days," except one, at Tain, which is shut up on Sundays.<sup>42</sup> There were also "High Schools" in the larger burghs, and poor boys of merit were well instructed in the monasteries, the monks taking fees only from scholars of wealth and birth.

The age was one of church-building, as has been said, but Scotland is poorly supplied with surviving examples. During the Reformation, and probably before the Reformation, parish churches were allowed to go to ruin. The greedy heritors grudgingly supplied the place of the fallen fanes with the familiar barns which the austere reaction against Roman beauty of art did not resent. At Leuchars, near St Andrews, at Duddingstone, close to Edinburgh, at Dalmeny,

and elsewhere, survive fragments of Norman work: the round pillars, semicircular arches, and well-known ornament. In the melancholy ruins of the Cathedral of St Andrews, which was centuries in building, may be seen the evolution from the round to the pointed arch; while, used in the wall as ordinary materials, both in the abbey and the Chapel on the Rock, are fragments of Celtic carved work, spoils of some older church of the Culdees. An arch in the ruined chapel of Holyrood, another in the tiny chapel of St Margaret on the Castle rock, and a few similar examples, tell of the Norman style.<sup>43</sup> What Iffley church is (well-known to every Oxford man), the parish churches of Scotland doubtless were under King David. But the Reformation swept over them, and they are not. In the days of the kings of peace, the Alexanders, the "early English" style came in. It is the style of part of Elgin Cathedral, of Dunblane, of the fair and melancholy Sweet Heart Abbey, of Pluscardine, so lovely in its ivy-clad decay, of Holyrood, of battered Jedburgh, and of Dryburgh, where is the sacred grave of Scott, placed within hearing of "the music most delightful to his ear," the sound of Tweed. St Andrews "abbey kirk" is partly of this date, and that of Glasgow, for which the burghers are said to have taken up arms against "the rascal multitude," the mob of the Reformation. The War of Independence left Scotland with little money for building, and severed her from English influences. But Melrose Abbey is of the "decorated" manner; its description may be left to the author of 'The Lay of the Last Minstrel.' Trinity Church, Edinburgh, the foundation of Mary of Gueldres, widow of James II., has yielded place to a railway coal-depot,<sup>44</sup> as the beautiful carved oaken ceiling of the hall of Bishop Kennedy's college of St Andrews was broken up, and thrown away, by the wretched professors, who also pulled down the old tower of St Leonard's Chapel, mutilated the archway of the Pends, and actually built a gymnasium against the wall of Kennedy's chapel! Every kind of vandalism has sated the modern Scottish hatred of the old and the beautiful, and now we are threatened by the worst bane of all, "Restoration," sham antiques standing where they should not. Of domestic buildings raised in this age (the twelfth and thirteenth centuries), our ancestors have successfully obliterated all traces. We hear little of oppressions exercised from the castles of the nobility, as in the England of Stephen's time. Mr Burton,<sup>45</sup> indeed, holds that castles hardly existed in Scotland: Mr Skene differs from him, and Mr Robertson

avers that the nobles' castles "would appear to have vied with the usual residences of royalty in grandeur and extent." Bruce destroyed 137 castles, after the death of Edward I. Most assuredly the nobles had castles,—two of Bruce's have already been noticed. From Wallace's and Bruce's wars, fragments of Carlawerock Castle and of Kildrummie Castle remain. The rest have often been used, like the Roman station at Birrens, and the Cathedral of St Andrews, as quarries. Of the later square towers, with one chamber on each flat, with narrow "windows that exclude the light," and break-neck spiral stairs, we have hundreds. The cottages of the poor in the thirteenth century were probably much what they still are in parts of Moidart, and no civic buildings in the way of burghers' houses survive from the frequently devastated towns. The condition of the poor does not seem, except for doles from monasteries, to have been a pressing concern of the clergy. It is obvious that the lordship of parishes by monks was not likely to result in an industrious parochial priesthood. "The convent concerned itself but little as to the manner in which the vicar discharged his duties among the poor people."<sup>46</sup> For parochial purposes of discipline or advice, the regulars were probably but ill adapted. But they have a name to be good landlords in all senses, and, after the Reformation, the tenants found, as is admitted by Knox, that they had made a bad exchange of squires. In other ways, however, than in regular teaching and preaching, the Church contributed to popular education. Men and women, themselves dwelling in houses or huts of turf and wattle, cannot but have asked for explanations of the splendours in art and music which they saw and heard in chapel or cathedral, and the result was a kind of culture very unlike that now derived from novels, magazines, and newspapers, a culture full of refining influences. It is now almost unnecessary to insist upon these facts, which were so long obscured by the unhistorical spirit of triumphant Protestantism.

The century before Wallace was, historians say, the golden age of Scotland. Prosperity followed the growth of burghs, the beginnings of commerce, the improved agriculture, the more defined services of tenants, and the greater security of holdings. But Scotland, once and again, threw wealth and art away in her fight for independence, secular or ecclesiastical. Had Edward I. been able to keep what was conceded to him, without wilfully offending national sentiment, had England and Scotland been united after

the death of Alexander III., Scottish history would show more prosperous, but much less romantic and inspiring. No Scots, had Edward succeeded, would have fought for France under the Oriflamme and the banner of the Maid—nay, the power of the united isle might have passed beyond Loire to the Pyrenees. Had Edward been a wiser prince, there might never have been a Covenanter or a Jacobite,—there would certainly have been no Bannockburn and no Flodden Field. The prosperity of Scotland might then have endured, though “Alexander her king was dead”; but we have now to see how, always under a show of legality, Edward I. caused his claims to be recognised, and then pressed them in a style which left to Scotland no alternatives but those of submission or of war to victory or death. She chose, in this strait, the better part.

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NOTES TO CHAPTER VI.

<sup>1</sup> Stubbs, Constitutional History of England, i. 251, and notes. 1874.

<sup>2</sup> Stubbs, i. 252, 253.

<sup>3</sup> A. S. Chronicle, 1135.

<sup>4</sup> A good case of “broken men” is that of the Kennedys, MacUlrigs, who migrated to Knoydart, under Ulrig Kennedy, and fought under the Macdonald standard in 1745.

<sup>5</sup> Letter-Book of Alastair Ruadh, 1758-60. MS.

<sup>6</sup> Robertson, i. 287.

<sup>7</sup> Innes, Lectures, p. 73.

<sup>8</sup> Robertson, ii. 485, note.

<sup>9</sup> Robertson, ii. 484-501.

<sup>10</sup> Edward I., in 1306, meant to modify these laws.

<sup>11</sup> The hierarchy, as expressed in cows, ran thus, in these “Laws of Brets and Scots” :—

The king	.	.	.	.	1000 cows.
The king's son	}	.	.	.	150 "
The earl					
The earl's son	}	.	.	.	100 "
The thane					
The thane's son	.	.	.	.	66 $\frac{2}{3}$ "
The thane's grandson	}	.	.	.	44 " + 21 $\frac{1}{2}$ den.
The ogtiern					

Below these degrees of relationship to the thane, below the gentry we may say, come the

Carle	}	.	.	.	.	.	.	16 cows.
Villein								

There seems to be no price for the slaying of a *servus*.



Cf. Robertson, ii. 285, where comparative tables of prices among other peoples are given.

<sup>12</sup> Will. Conqr., i. 30, 31. Maitland's Domesday, p. 51.

<sup>13</sup> See Vinogradoff, Villainage in England, especially chap. ii.

<sup>14</sup> Vinogradoff, p. 74.

<sup>15</sup> Innes, Lectures, p. 51.

<sup>16</sup> MS. 104, King's Collection, British Museum.

<sup>17</sup> Their names are not Celtic, though they are *nativi*. But, of course, labourers of Celtic origin may conceivably have taken English names.

<sup>18</sup> Compare the I. D. B. or Illicit Diamond Buyers of South Africa.

<sup>19</sup> Maitland, pp. 172-219; Robertson, i. 295.

<sup>20</sup> Robertson, i. 297.

<sup>21</sup> Cosmo Innes, Scotland in the Middle Ages, p. 154.

<sup>22</sup> Robertson, i. 302.

<sup>23</sup> Piés-poudrés : *κονίποδες*.

<sup>24</sup> See Appendix D, "The Evolution of Burghs," where authorities are cited.

<sup>25</sup> Robertson, ii. 115.

<sup>26</sup> Innes, Scotland in the Middle Ages, p. 199.

<sup>27</sup> Robertson, ii. 154.

<sup>28</sup> Act. Parl. Scot., i. 115.

<sup>29</sup> Robertson, i. 268.

<sup>30</sup> Robertson, i. 267.

<sup>31</sup> Robertson, i. 281.

<sup>32</sup> Innes, Scotland in the Middle Ages, p. 192.

<sup>33</sup> The ordeal is familiar to African and other savage tribes, and wager by battle exists among the natives of Australia.

<sup>34</sup> J. Hill Burton, Hist. of Scot., ii. 130.

<sup>35</sup> Robertson, i. 438-440.

<sup>36</sup> Lectures, p. 214 *et seq.*

<sup>37</sup> Robertson, ii. 128.

<sup>38</sup> M. Vinogradoff says, "Of all manorial exactions the most odious was incontestably the *merchetum*, a fine paid by the *villein* for marrying his daughter." M. Vinogradoff distinguishes between this oppressive exaction and the money paid by a *vassal* on a similar occasion. "The *maritagium* of military tenure has, of course, nothing in common with it, being paid only by the heiress of a fee, and resulting from the control of the military lord over the *land* of his retainer." The *villein's merchetum* "sprang from *personal* subjection" (Villainage in England, p. 153). See, however, Innes, Lectures, pp. 52, 53.

<sup>39</sup> Tytler, i. chap. vii.

<sup>40</sup> It is only within thirty years that the endowments of the professors of St Andrews ceased to be partly paid in "kane hens," which were notoriously skinny.

<sup>41</sup> De Admirandis Beati Cuthbert Virt., p. 179. Surtees Society. Cited by Mr Lindsay in Transactions of the Glasgow Archæological Society, New Series, 1885, vol. i. pt. i. p. 17. The remarks here made on Scottish education are borrowed from Mr Lindsay's interesting essays.

<sup>42</sup> You may also enter St Giles', in Edinburgh, *on payment of a fee*, even on "lawful days."

<sup>43</sup> Innes, Scotland in the Middle Ages, p. 295.

<sup>44</sup> Innes, *op. cit.*, p. 302.

<sup>45</sup> J. Hill Burton, Hist. Scot., ii. 183.

<sup>46</sup> Innes, Scotland in the Middle Ages, p. 133.

## CHAPTER VII.

## TO THE DEATH OF WALLACE.

THE death of Alexander III. left Scotland under the curse, "Woe to the kingdom whose king is a child." Queen Margaret, the accepted heiress of the crown, was an infant in "Noroway over the faem," separated from her own country by dangerous seas. Men therefore looked at once to Edward on Alexander's death. The Bishops of St Andrews and Glasgow, in the names of all present at the king's funeral, sent to the English king two priests with a secret verbal message.<sup>1</sup> Six custodians of the realm were appointed—the Bishop of St Andrews (Frazer), the Earl of Fife, and the Earl of Buchan (Alexander Comyn), the Lord of Badenoch (John Comyn), the Bishop of Glasgow (Wishart), and James the Steward.<sup>2</sup> Three took charge north and three south of Forth. The distinction—nay, enmity—between the Scots north of the Scots water and the English subjects of Scotland south of the Scots water still existed. Of this a curious proof may be given. In 1296, the burghers of Stirling appended the common seal of the burgh to the record of their oaths extorted by Edward I. The seal represents the stone bridge over Forth. There is a crucifix in the centre, like *La Belle Croix* on Orleans Bridge (1429). On our right, men with spears aim them at men with bows on our left. Above the spearmen we read, *Hic armis bruti Scoti stant*; above the bowmen, *Hic cruce tuti*.<sup>3</sup> Thus the *bruti Scoti* ("Hieland brutes") are distinguished from their neighbours and foes, the Christians south of Forth. Such was the temper of the disunited realm!<sup>4</sup> Five of the Guardians, including the Steward (FitzAlan), appear to have been of Norman lineage. These Normans were in a sense the making, in a sense the curse, of Scotland. Lords

of Anglo-Norman descent, even when they had a strain of Celtic blood through heiresses, lords holding lands "in England and in Scotland both," could have little or no "national sentiment." "Patriotism" must inevitably be a meaningless word to them. The prelates, on the other hand, had a definite interest in maintaining the independence of the Scottish Church. The commons, we may be sure, had no love of more Norman masters or of cruel English laws.

Thus the coming resistance to England was essentially a popular and clerical movement, at the head of which, later, the Anglo-Norman Bruce only placed himself in stress of personal danger. The succession was not likely to be undisputed. The Council of Regency already described had been appointed at Scone on April 11, 1286. Within six months a group of nobles met at Bruce's castle of Turnberry in Carrick—the place at which, later, the tide of Robert Bruce's fortunes turned—and entered into a "band" to support each other, "saving their fealty to the King of England and the person who shall obtain the Scottish kingdom being of the blood of Alexander III., and according to the ancient customs of Scotland." This phrase appears to contemplate some other successor than the Maid of Norway—some successor elected in accordance with "ancient Scottish customs." The nobles who made this band were Patrick, Earl of Dunbar, and his sons (House of Cospatric); Walter Stewart, Earl of Menteith; Bruce, Earl of Annandale, and his son, the Earl of Carrick; James, the Steward of Scotland (*Senescallus*), son-in-law of the Earl of Dunbar; Angus Mor Macdonald of the Isles, with Alexander, his son; Richard de Burgh, Earl of Ulster; and Thomas de Clare, brother of the Earl of Gloucester, a nephew of the wife of Bruce.<sup>5</sup> This band can only have been meant to support the claims of Bruce, who clearly contemplated an appeal to arms, and regarded himself, for reasons to be assigned later, as "of the blood of Alexander III." and also as heir "according to the ancient customs of Scotland." His party was of great and manifest strength.

Thus Margaret's accession, despite the oath to accept her, was not undisputed. In John Balliol's plea for the crown later, he alleges that Bruce and his son, the Earl of Carrick, attacked the castle of Dumfries and expelled the royal forces, also attacking the "chastel de Bot . . ."—Botil or Buittle apparently<sup>6</sup>—Balliol's own hold.<sup>7</sup> Bruce was pushing his claims by force: what they were we

shall see later. He tried to override the decision of the meeting at Scone.

The parties of Bruce and Balliol were obviously at open feud for two years. Scotland, in 1289, was thus on the verge of anarchy and civil war. This was Edward's opportunity. Had he believed in his own claims he ought, as a matter of right, to have administered Scotland as a fief during Margaret's minority. This he did not attempt. His first idea, like that of Henry VIII. on the death of James V., was to procure a marriage between his son (later, Edward II.) and the infant Queen of Scotland, then in Norway. He sent to the Pope for a dispensation, the parties being cousins-german.<sup>8</sup> There seemed no better solution of the difficulties; and Edward had not, like Henry VIII., been constantly bullying Scotland and tampering with traitors. Before an answer to the request for a papal dispensation had been received, and before Edward's idea was made public, Eric of Norway, who owed Edward money, sent plenipotentiaries in the interests of his daughter, the infant queen. At Edward's request three of the Scottish Guardians—Frazer, Wishart, and Comyn—with Robert Bruce (father of the Earl of Carrick), went to Salisbury to meet the Norwegians and four English commissioners. The Scots were to negotiate, "saving always in all things the liberty and honour of Scotland," and "without prejudice." In the meeting at Salisbury (November 6) it was decided that the queen should be carried to Scotland or England: if to England, Edward was to deliver her to the Scots if Scotland was peaceful; and that it should be peaceful the Scots promised.<sup>9</sup>

Now the news of the Papal dispensation (granted on November 16) arrived; the Guardians met at Birgham, and welcomed the glad intelligence in a letter purporting to convey the felicitation of "the whole community."<sup>10</sup> They also asked Eric to send the queen his daughter to England for the marriage. There were delays, but on July 18, 1290, a treaty was concluded at Birgham. It was agreed (1) That the rights, laws, liberties, and customs of Scotland should remain for ever inviolable, . . . *saving* always the rights of the King of England, which belonged, or ought to belong, to him.<sup>11</sup> This was Edward's invariable loophole; he used it, in the matter of the Forest Laws, against his English subjects, to their indignation. (2) Failing Prince Edward and Margaret, or either of them, and in the case of failure of offspring, and in any case whereby the kingdom

should revert lawfully to the next heirs, "wholly, freely, absolutely, and without any subjection, it shall be restored to them, if perchance the kingdom of Scotland comes into the hands of our king or his heirs,—nothing by this provision being taken from, or added to, what the king possesses. The kingdom shall remain separate, divided, free in itself, without subjection, as it has hitherto been, still *saving the right of our own king.*" No Parliament is to be held on Scottish affairs beyond the marches. There are many other provisions, such as a separate Great Seal, always to be held by a Scot. No native of Scotland shall be compelled to answer at law out of the kingdom. But the phrase "saving the right of our king" really seems to leave the whole question as to what that right "is or may be" uncomfortably open. So it seems to a layman, but the attorney-like Edward later made all secure by causing Balliol to cancel this treaty.

A recent writer, Mr Hume Brown, justly remarks, "In the number and precision of its clauses, the marriage treaty bears signal testimony to the sensitive patriotism of the Scots." It does, indeed, but of what Scots? As we shall presently see, the nobles, men of mixed blood, and often holding lands north and south of Tweed, were nothing less than patriotic. No more patriotic were the Celts, some of them presently to be the waged men of Edward. The burgesses and commons, patriotic enough, cannot have dictated the terms of the Treaty of Birgham. Who did draw up the treaty? "The Churchmen had almost a monopoly of legal learning." "The Churchmen were the educated class."<sup>12</sup> The Churchmen were united, and always had been united, in resistance to England, unless Frazer of St Andrews is an exception. Others fell off, on occasion, in times to come. Thus we explain the "sensitive patriotism" of the treaty, in contrast with the reckless self-seeking of the nobles. The clergy saved Scotland's freedom. They later preached for it, spent for it, died for it on the gibbet, and imperilled for it their immortal souls, as we shall see, by frequent and desperate perjuries. Without them Bruce must have warred in vain. Scottish independence was, in part, the gift of "Baal's shaven sort," Knox's "fiends" (friars), and "bloudie bishops." Times were to alter, creeds were to change, but we must not forget these unequalled services of the Churchmen to the national cause.

Scotland, peers, bishops, barons, and "all the community," accepted the treaty. They were not so keen, centuries later, for a marriage between their child-queen and the son of Henry VIII.

In August, Edward took a strong and unwarranted step; he sent the Bishop of Durham "to hold the place of the queen in Scotland," and to act with the Guardians, among whom he might come to have a casting vote. The bishop demanded, in the king's name, "by reason of certain perils and suspicions whereof he had heard,"<sup>13</sup> the ward of the castles of Scotland! This was later the aim of Henry VIII. The Guardians declined to give up the castles, save to the queen and her husband when they arrived. Edward had meanwhile sent a ship for the queen's voyage, and we have the most copious accounts of its furniture, down to the sweetmeats. The ship returned without her, on June 17, 1290. She was to sail in a Norway vessel, by way of the Orkneys. She did sail, reached the Orkneys, and news of her arrival there was carried to Edward by William Playfair (August 19).

But to Scotland the queen never came.

On October 7, the Bishop of St Andrews wrote from Leuchars in Fife, where an ancient Norman church still remains, a letter to Edward. There had been, he says, at Perth, a meeting of the Scottish envoys lately in England, and of nobles, to consider certain ideas of Edward's. "The faithful nobles *and a certain part of the communitas*" thank Edward. His envoys, and the bishop, were starting for the Orkneys<sup>14</sup> to meet the queen, when a dolorous whisper arose among the people that the queen was dead, wherefore the kingdom is disturbed, and the *communitas* out of all hope (*disperata*). Bruce, who had not meant to attend the meeting, now hurried in, says the bishop, with an armed force. His intentions are unknown, but the nobles are raising their men. Civil war is at hand if Edward does not bring some remedy. It is hoped that the rumour of the queen's death is false. Meanwhile, if John Balliol comes to Edward, the king should be wary, says the bishop, to treat with him so as to secure his own honour and advantage. If the queen is really dead, Edward should come to the marches, that the rightful King of Scotland may be chosen, "so long, that is, as he chooses to adhere to your advice."<sup>15</sup> No other document inviting Edward's approach is known to exist. The queen had actually died in the Orkneys, unless we believe in a woman who, in 1301,

was burned in Norway for alleging that *she* was the queen, who had been kidnapped and sold by Ingebioerg, wife of Thore Hakonsson.<sup>16</sup>

The events between the death of the Maid of Norway (September 1290) and the conference at Norham (May-June 1291) are obscure. Edward's queen, Eleanor, died soon after the death of the Maid of Norway, and his grief is famous, attested as it was by architectural monuments. On October 14, Edward announced his intention of going, when possible, on a long-meditated crusade, having received from the Pope, Nicholas IV., six years' revenue of the tithes of *Scotland*, in addition to those of England, Ireland, and Wales.<sup>17</sup> But it appears that, soon after the death of the Maid of Norway, partisans of John Balliol were in arms for his cause. The celebrated appeal of Bruce *le viel*, and of the Seven Earls, is dated at the end of 1290.<sup>18</sup> These nobles protest against the conduct of Frazer, Bishop of St Andrews, and Sir John Comyn, Guardians. These partisans have ravaged Murray cruelly, have oppressed the Earl of Mar, and aim at securing the crown for John Balliol. Thus the excesses committed by Bruce's party, after the death of Alexander III., are being imitated by the party of Balliol. Bruce's adherents, calling themselves "The Seven Earls," assert certain electoral privileges as to which nothing is now certain.<sup>19</sup> The Seven Earls, therefore, now place their kin and property under the protection of Edward. Bruce, and the rest, assert his claims to the Scottish crown, based on an alleged choice of himself as heir (being nearest in blood) by Alexander II., about 1238, when the king was childless. This choice was accepted, they urge, by the Great Council, and recorded, but the record has disappeared. The strength of their case is that proximity in blood (Bruce's) is, by Scottish custom, preferred to remoter connection with the elder branch of the royal line, as in Balliol's claim. There is also an unsigned letter, plainly by Bruce *le viel*, who promises obedience to Edward, and offers to procure evidence (probably in favour of Edward's superiority) from "the ancient men" of Scotland. It thus appears that, towards the end of 1290, and after certain intrigues and onfalls, Bruce, with the rest of the Seven Earls, appealed to Edward as their legal protector and superior.

That Edward soon determined to settle the affair is clear, for, as early as March 8, 1291, he sent demands for chronicles and documents to the English cathedrals and monasteries. Numbers of pieces of various value, from Brut's expulsion of the Giants

to the submission of Malcolm Canmore (1072), were sent to the king. But "the honest English chronicle" is not once cited.<sup>20</sup> Edward now (April 16) summoned the lords of the northern counties to meet him at Norham, fully armed, on June 3.<sup>21</sup> His purpose was transparent. He was inviting the magnates of Scotland with the Bishop of Glasgow (Bruce's man) and of St Andrews (Balliol's man) to a conference at Norham, on May 10. They were allured by the distinct promise that their approach to him, on English ground, should not be construed as a precedent prejudicial to the realm of Scotland.<sup>22</sup> It was Edward's purpose to proclaim himself Lord Paramount, for he already had the votes of Bruce and his party. The other Scots would ask time to consider the question, and, when the time was over, Edward would be surrounded by his army. All occurred as he had planned. The conference met on May 10.<sup>23</sup>

Edward declared, in the opening speech of his Justiciary, that he came as Lord Paramount, and asked if he was so acknowledged. According to an English chronicler, some one answered that no response could be given while the throne was vacant. The reply was to the point. Who had a right to throw away the freedom of the King of Scots? Edward swore: "By Saint Edward! whose crown I wear, I will maintain my just right, or die in the cause."<sup>24</sup> Edward had no right, nor the shadow of a right, to the position of Lord Paramount, which, when yielded to him, he exercised to the fullest extent. To the incidents of homage or submission by Scottish to English kings we have given attention as the cases arose, and they do not sanction Edward's claims. A distinction should doubtless be taken between cases occurring before, and after, the full development of feudal law in England. Thus there is the alleged Commendation of Scotland to Eadward in 924.<sup>25</sup> Supposing the statement in the English Chronicle to be correct in essence, despite the patent inaccuracies in detail, that Commendation would not, when made, carry the full powers now claimed by Edward I. This is frankly acknowledged by Mr Freeman. Edward I., "as feudal superior, received appeals from the courts of the kingdom of Scotland. . . . We can hardly suppose that any such right was contemplated in the original Commendation (924): it is a notion essentially belonging to a later time. But it was no arbitrary invention of Edward's; he did but receive the appeals which Scottish suitors brought before him of their own accord. The truth is that,



when the commendatory relation had, in the ideas of both sides, changed into a strictly feudal one, the right of appeal would seem to follow as a matter of course, and neither side would stop to ask whether it was really implied in the ancient Commendation."<sup>26</sup> Now, in the Treaty of Birgham (1290), it is expressly stipulated that no Scot shall be obliged, in any legal cause, to answer "outside of the kingdom of Scotland contrary to the laws and customs of that kingdom, as has heretofore been reasonably observed." The case, contrary to Mr Freeman's opinion, was foreseen, and was safeguarded. But under Edward I. the King of Scots himself was soon to be compelled to "answer" in legal cases outside of his kingdom. This was explicitly a novelty, and a contravention of all previous freedom. No English king had hitherto exercised any such power over Scotland as Edward now claimed, except under the short-lived Treaty of Falaise, the marked and momentary exception which proves the rule.

For all submission of Scotland to England, even before the full development of feudal ideas, we have only the evidence of the English Chronicle, evidence not cited at Norham. The statements by later chroniclers, as Florence of Worcester, introduce feudal technicalities, alien to the English Chronicle and to early times. These novelties are not evidence. The undoubted submission of Scotland to Cnut, in 1031, is really, in details, a dubious affair, Macbeth being introduced as a king, by the English Chronicle, before he was even a *normaor*. "That he held only a little while," says the Chronicle, and all such vague submissions did hold but a little while. It is not possible to accept the statement of the Chronicle, inaccurate in detail, as proof that, in 1031, Malcolm became "the liegeman of the King of all England for Scotland, Lothian, and all that he had" (Freeman), and that such were, henceforth, the relations of Scottish to English kings. As a matter of plain fact, the feudal rights of England, involved in such relations, were never either acknowledged or exercised. The whole affair of submission, before the Conquest, was vague, and, in each case, "held but a little while."

After the Conquest, we have Malcolm Canmore's submission to William, at Abernethy (1072). Malcolm became the Conqueror's "man," but what that implies is debated, as we have seen, between Mr Freeman and Mr Robertson.<sup>27</sup> And it is certain that, far from submitting to be judged by the courts of William Rufus (which

would have been in accordance with the claims of Edward I.), Malcolm went home, raised war, and perished. For certain manors in England, and a subsidy, Malcolm was ready to *obey* Rufus in the same sense, and to the same extent, as he had *obeyed* the Conqueror, for the same rewards. In neither case was submission to English courts part of that *obedience*.<sup>28</sup> It follows that Malcolm did *not* hold Scotland as a fief of the English crown, in consequence of the "submission" at Abernethy. Had he done so, he would, necessarily, have been judged in English courts. The Treaty of Falaise, by the express statement of Richard I., "extorted" liege homage from William the Lion for Scotland, "*per novas cartas*," William being a captive. That treaty was absolutely rescinded, and its mere existence is a proof that the submission "extorted" by it was a short-lived novelty. In 1237, at York, Alexander II. did homage to Henry III., for the lands received by him in settlement of his claims on Northumberland.<sup>29</sup> In 1278, Alexander III., at Westminster, did homage to Edward I. in these words (according to the English document in the 'Fœdera'), "I, Alexander, King of Scotland, become liegeman of Edward, King of England, against all folk." This statement Edward, we read, "received, saving his right and claim to homage for the kingdom of Scotland, whensoever they desire to treat thereof." But we have proved the invalidity of that record.

Thus the case stands: and we see that Edward had presented a tentative claim over Scotland even while Alexander III. lived, whether we accept the Scottish or the unauthentic English version of Alexander's homage. Again, when Alexander died, Edward, as the Pope later reminded him, did not venture to administer Scotland as a fief, during the minority of little Queen Margaret, as was his clear and undeniable right, if he believed in his own claim—which he probably did. He preferred to try his marriage project, as it saved discussion and dispute. But, the Scottish queen dying, he saw his chance and took it. He put forward his claim to be Lord Paramount, which must be accepted before he would save Scotland from civil war by deciding on a king. Edward was a strong, valiant man, with "a thread of the attorney" in his nature. He was strictly upright, in this sense—he had the faculty, invaluable to a moral politician, of being able to believe in the justice of his own cause, the flawless integrity of his own character, and the excellence of his own aims. He "sought extended opportunities of doing good" to "a race which needed his control."

All this is very English. Thus was the empire won. Had the Scottish race been content to accept Edward on his own terms, the Highlands would have been civilised, and the united isle would have been irresistible. Other peoples, confused and distracted as Scotland then was, ought, no doubt, to be grateful to England for annexing them and introducing them to the benefits of her sterling civilisation. They will kick, however, against the salutary pricks, and Scotland, to the detriment of her "progress," but to her eternal honour, kicked successfully. Scotland was, in fact, much too English to be subdued by England, as, later, America was too English for colonial dependence.

We left the assembly at Norham (May 10, 1291), at the moment when Edward, after asking whether he was accepted as Lord Paramount, swore his great oath that he *was* Lord Paramount, and would fight for his rights. The Scots asked for a delay, to consider the question. Twenty-four hours were granted to them, and then Edward offered a respite of three weeks. In three weeks his army, already summoned for June 3, would be around him. What the Scots did or debated in this interval is unknown. On June 2 the Scots met Edward at Upsettlington, opposite Norham, on Tweed. The question was, "Did they acknowledge Edward as Lord Paramount?" No demur is mentioned in "The Great Roll of Scotland," but Mr Burton points out<sup>30</sup> that the version of the Great Roll in the Chronicles of St Albans contains a passage which fills up a blank in the version in 'Foedera.' This passage, after stating that while the bishops, earls, and nobles sent in nothing against Edward's paramountcy, adds that a reply, in writing, was given, in the name of the *communitas* of Scotland. "Nothing to the purpose" (*efficax*) "was put in by the said *communitas*." Nor is the *communitas* later mentioned as being again consulted. The reply of the *communitas* to Edward's claim is thus burked, and was looked on as a thing that might be neglected. Now the *communitas* consisted (apparently) of the free-holders, *probi homines*. How they met, apart from the magnates, how they consulted with each other, what precise form of protest they entered, we do not know. But they were Scots (in the modern sense), not Normans, and it is pretty plain that protest they did, though their missive has not been preserved, and is not chronicled, even in the Great Roll's official version. This must not be forgotten. There was patriotism among the Scots. It had declared itself in the minute precautions

to guard our freedom, at the Treaty of Birgham. It declared itself again in the reply of the *communitas*, probably drafted by clerical hands. What other hands could draft it?

While the competitors, eight being present, accepted Edward's claims at Upsettlington, the *communitas* had demurred. Their demurrer was cast aside as "not to the purpose." But they caused it to seem very much to the purpose, shortly, when the spears of the North took up the argument abandoned by the voices of the Anglo-Norman lords.

These lords, one by one, admitted the claim of Edward. The astute monarch then announced that, though as superior he was deciding on the claims of competitors for the Scottish throne, he did not, thereby, resign his own hereditary rights to the whole kingdom as property.<sup>31</sup> This meant the averment that Scotland returned to him, as property, from defect of heirs male, whereas he was acting as judge between competitors whose rights were those of *heirs female*. The competitors made no protest, but invited Edward's judgment on their respective claims.

A brief list of dates, now to be given, will illustrate the march of events after June 3, 1291, when, on Scottish soil, and in presence of an English army, the competitors, finally twelve in number, submitted to the claims of overlordship urged by Edward. On June 3 full submission to English supremacy was made. The cause was to be tried on August 2. On June 4 the competitors agreed to deliver seisine of Scotland to Edward, restitution to be made by him two months after his award. On June 5 were delivered the names of eighty men—forty selected by Balliol and Comyn, forty by Bruce—who should take cognisance of and discuss the various aspects of the claims and laws, and aid Edward in forming a decision. He himself named twenty-four other assessors. On Bruce's list we notice the Bishop of Glasgow, the Steward, and Colin Campbell. Balliol has the Bishop of St Andrews, and is strong in clerical support. He has also Alexander of Argyll (later so hostile to Bruce), and Murray of Tullibardine, and Herbert Maxwell. A curious chapter might be written on the loyalties and veerings of the eighty Scottish assessors.<sup>32</sup> All castles were delivered up by the Guardians on June 11: Edward restored them to office, but the Bishop of Caithness, an Englishman, was added as Chancellor. On June 13 the Guardians, with many nobles, swore fealty. At this date a characteristic intrigue was woven. Florence,

Count of Holland, was a competitor who had no valid claim, and no chance. Nevertheless, Bruce, Earl of Annandale, entered into a "band" with him on June 14. Each is to aid the other, and he who, of the worthy pair, succeeds to the crown is to hand over a third of Scotland to the other. The witnesses to this patriotic arrangement were the Bishop of Glasgow, Gilbert de Clare (the Earl of Gloucester), James the Steward, and others.<sup>33</sup> Bruce's object, doubtless, was to secure the aid and goodwill of these witnesses. Universal homage, even down to that of burgesses and prioresses, was next demanded by Edward, and was received, the king himself marching through the land as far as Perth. There was, and could be, no centre of resistance, so powerful were the competitors who had sold Scotland for a chance of a vassal crown. These competitors put in their claims on August 3, 1291, the reading being deferred to June 2, 1292, at Berwick.

A number of the claims rested on the alleged legitimacy of descendants of the royal Scottish house, through whom competitors claimed; and, in one case, Florence, Count of Holland, boldly argued that David of Huntingdon (from whom Balliol and Bruce traced their pedigree) was an attainted traitor, and that his blood, therefore, was disqualified. But the contest really lay between the descendants of David of Huntingdon, the younger brother of William the Lion. He had married Matilda, daughter of Ranulf, Earl of Chester. His eldest daughter, Margaret, wedded Allan of Galloway, and their daughter, Devergoil or Deverguila, was wife of John Balliol, a lord of lands both in Normandy and England. This lady's foundation of Balliol College in Oxford, and her bridge over the Nith at Dumfries, were the chief good deeds of the Balliols to Scotland. Her son John (himself perhaps a Balliol man) was now claimant of the throne.

Earl David.  
|  
Margaret of Galloway.  
|  
Devergoil, wife of John Balliol.  
|  
John Balliol.

John Balliol was thus great-grandson of the younger brother of William the Lion. But Bruce, *le viel*, the competitor, was a degree nearer to David of Huntingdon, being, not his great-grandson, but

his grandson by his *second* daughter. David's *second* daughter, Isobel, married Robert de Brus, Lord of Annandale, as well as of great English estates. Their son was the competitor: an old man, with a middle-aged son, and a grandson, Robert Bruce, later king. The Bruce competitor, in addition to his nearness by degree, relied on that famous choice of himself as heir by Alexander II. before he became the father of Alexander III., a selection apparently not proved, for lack of records, and extreme old age of witnesses.<sup>34</sup> The next, and, in one way, most interesting claim, was that of Comyn, Lord of Badenoch. As regards the stock of David of Huntingdon, he was only descended from a younger sister of Devergoil, named Marjory. But "the gracious Duncan," slain by Macbeth, had a son, Donald Ban, for a brief while crowned king of Scotland after the death of Malcolm Canmore. The daughter of Donald Ban, Bethoc, wedded the Comte de Pol, and had issue—a daughter Hextilda, married to Richard, great-grandson of Robert de Comyn sometime Earl of Northumberland after the Conquest. Of this Richard, Comyn the competitor was great-grandson, and was father of the Red Comyn, later slain by Robert Bruce in the Greyfriars' Kirk at Dumfries.<sup>35</sup>

Putting ourselves at the point of view of a Pictish legitimist, Comyn seems the most eligible man. Comyn, however, withdrew or stood apart, and only Balliol, Bruce, and Hastings (who contended that the kingdom was divisible, and he heir to a third—a contention later, but fruitlessly, adopted by Bruce) were left in the field. In 1292, June 2, the petitions were read at Berwick, and the auditors charged to determine the case as between Bruce and Balliol. At Berwick, on October 15, 1292, Bruce and Balliol urged their pleas. Bruce alleged (as we have seen) first, that Alexander II., in 1238, despairing of issue, had acknowledged Bruce as his heir.<sup>36</sup> Bruce averred that Alexander made this choice by the consent of the *probi homines* of his realm, he regarding Bruce as nearest to him by blood. Lord Hailes shows, with much relish, how Balliol's counsel should have replied: The evidence is remote, the witnesses superannuated. The measure, if Alexander wanted to take it, must, to be legal, have been done in the great Council of the nation.

But to this the Memorial of the Seven Earls answers that Alexander did appoint Bruce his heir before the great Council, who took oaths of fealty, which are recorded on the Rolls of the Treasury.

But the earls have no idea as to what has become of this record.<sup>37</sup>

It is not necessary to go further into the pleadings. Balliol was grandson of the eldest daughter of David of Huntingdon, brother of William the Lion. Bruce was son of David's second daughter. There is not a shadow of doubt that, setting aside Bruce's un-evidential plea about Alexander II., Balliol was the rightful claimant. On November 17, 1292, Edward, at Berwick, gave judgment in favour of Balliol. He received seisine, and on November 20, at Norham, swore fealty to Edward. John was crowned at Scone on St Andrew's Day, again doing fealty to Edward on December 26.

Here, then, the great case was settled, and, as far as the modern rule of primogeniture is concerned, settled with perfect justice. Any king but King John Balliol, descendants of any king not of John's line, saving the Houses of MacWilliam and MacHeth, if extant, was, from a legitimist point of view, a usurper. But King John was predestined to failure. We know very little about the man, but (perhaps especially if he was over-educated at Balliol) he seems to have been the least Scottish, the least stalwart, of the competitors. Bruce probably, Comyn certainly, would have made his nobles understand that he meant to be obeyed. In the St Albans Chronicle we read that the Scots cried, "*Nolumus hunc regnare super nos!*" "But he, as a simple creature, opened not his mouth, fearing the frenzied wildness of that people, lest they should starve him, or shut him up in prison. So dwelt he with them a year, as a lamb among wolves."

Edward took advantage of John's lamblike character. He had not been king a month when, on a burgher's suit, he was informed that he must answer in Edward's courts. On January 2, 1292-93, a writing was put in, sealed by many lords, but not by the Bruces, whereby John acquitted Edward of all promises made by him to the king *and nobles* of Scotland. Edward also entered an indenture, protesting that he should not be hindered by any "interim promises," "while the realm was in his hand," "from doing justice in any appeals brought before him from Scotland." This was Edward's idea of *pactum serva!*<sup>38</sup> Thus he trampled on the treaty of Birgham. The greatest of the Plantagenets, the brave warrior, the open-handed friend, the true lover, the generally far-sighted politician, was not the false and cruel monster of early Scottish legend. But he was mortal. Clement by disposition and

policy, his temper could be stirred into cruelty by opposition. He had in his nature, too, as we have said, that thread of the attorney which the good and wise Sir Walter Scott remarked in his own noble character. This element is undeniably present in Edward's dealings with Scotland. He took advantage of her necessities, and of the weaknesses and ambitions of her Anglo-Norman foreign leaders, to drive the hardest of all conceivable bargains. Having decided the pleas in favour of Balliol, as was just, it was now in Edward's power to support Balliol, and to treat him with generous and statesmanlike forbearance. That course, and that alone, might have merged Scotland with England in "a union of hearts," and of interests. Edward took precisely the opposite course. "To Balliol, the vassal, he was uniformly lenient and just; to Balliol, the king, he was proud and unbending to the last degree."<sup>39</sup> Not satisfied with suzerainty, he was determined to make Scotland his property, his very own. The easiest way to do that was to goad even Balliol into "rebellion," and then to confiscate the kingdom of Balliol. This was what Edward deliberately did. The result was, that, far from winning Scotland, Edward converted that nation into a dangerous enemy, and presented France with a serviceable ally. Edward's end, to unite the whole island, was excellent. The end, however, did not justify the means, for the means were to press, in a pettifogging spirit, every legal advantage, to the extreme verge, or beyond the extreme verge, of the letter of the law.

It is unnecessary to set forth at length the humiliations which Edward designedly heaped on King John. He was summoned to appear in Edward's courts, in a territorial suit of the Macduff's house, in 1293. Again, Edward instructed the sheriff of Northumberland personally to summon the king to London, on a Gascon wine-merchant's bill for wine sold to Alexander III.<sup>40</sup> Contrary to the Treaty of Birgham, actions of earls (as of Macduff of Fife), and tradesmen's bills,<sup>41</sup> were constantly made excuses for dragging John into Edward's courts. He had to stand at the bar like a private person, and crave leave to consult his Estates before replying. Meanwhile, Edward himself was summoned into the court of his own feudal superior, the King of France (1293), on the score of a sea-fight between subjects of France and England. Edward refused to obey the summons, was declared contumacious, and "disseised" of his French possessions. He determined to resist, and King John of Scotland attended his



Parliament in London, promising military aid (May 1294). Edward now denounced his own homage to France, and, in 1294, was fighting in Gascony.<sup>42</sup> John was summoned to attend Edward in Gascony, with eighteen of his magnates (June 29). But John and his subjects, who met at Scone, had endured more than was tolerable. A kind of committee of "Twelve Peers" was appointed, according to the English chroniclers. John entered into negotiations with France, for an alliance, and a marriage between his son, Edward, and the niece of the French king.<sup>43</sup> The Bishops of St Andrews and Dunkeld, with two laymen, Soulis, and Umfraville, of the house of Angus, negotiated this affair. The clergy had no reason to love a king like Edward, who, in the following year, outlawed his own ecclesiastics for refusing to pay a tax.<sup>44</sup>

The result of Edward's Scottish policy now was, that he had driven Scotland into the arms of France. For centuries no English king invaded France, as Henry V. admitted, but he found a Scot in his path. From Baugé to the field of Laffen (1748), leaders of the English or Hanoverian royal lines were to fall or fly, like Clarence and the Butcher Cumberland, before Scots in French service.

Edward avenged himself on John by seizing his English property, and the English property of his subjects.<sup>45</sup> John replied by reciting his grievances, and renouncing his homage, as "extorted from him by violence."<sup>46</sup> He began to expel the English landholders out of Scotland, giving the lands of Robert Bruce (the future king's father: the competitor was dead) to John Comyn, Earl of Buchan.<sup>47</sup> Edward held the castles of Berwick, Edinburgh, and Roxburgh. The Scots replied by slaying English merchants at Berwick. Then Edward collected a large force at Newcastle, while the Scots, under Comyn, Earl of Buchan, and a son of Comyn, Lord of Badenoch (John Comyn, later murdered by Bruce), besieged Carlisle, which was held for England by Robert Bruce, father of the future king. There was thus already rivalry between the Bruces and Comyns. The Scots failed before Carlisle, and, meanwhile, Edward took Berwick, and, provoked by rhymed taunts, he ordered a general massacre (March 30, 1296).<sup>48</sup> The women seem to have been protected in some degree,<sup>49</sup> and Sir William Douglas, the commander, was held a prisoner. With him the Douglasses, perhaps of Flemish origin, first come prominently into the field where they were to play so many parts of honour and of shame. This William

was a high-handed ruffian, who had deforced the magistrates, and had beheaded one prisoner, while another died in his dungeons.<sup>60</sup> Balliol now formally sent in his refusal of allegiance (April 5, 1296), and the Scots avenged Berwick by wasting and burning Tynedale as far as Hexham. But they had no leader of genius, and no discipline. The English, under Warenne, were besieging Dunbar, recently taken by the Scots, when a huge disorderly array of Scots appeared on the high ground. Supposing that the English were retreating, they left their position, exactly as they were to do in Cromwell's day, were met, routed with a loss of 10,055 men, and pursued almost as far as the Forest of Ettrick.<sup>61</sup> Edward took the Red Comyn, Atholl, Ross, and Menteith. Thenceforward Edward's march through Scotland was a procession. Moved by *pietas*, he had invited all the outlaws and criminals of his realm to join his army.<sup>62</sup> The Steward surrendered Roxburghe, and swore fealty; young Robert Bruce (the future king) received back the people of Annandale to the king's peace.<sup>63</sup> On July 7, Balliol resigned his kingdom, and went into captivity. He lay for some time in the Tower, and was finally permitted to retire to his French estates. The nobles raced for the privilege of doing homage to Edward. Among others whose letters of submission are recorded, we find Patrick, Earl of March (and Dunbar), and Gilbert de Umfraville, Earl of Angus.<sup>64</sup> They ought not, therefore, to be reckoned as traitors, if, later, they give intelligence to Edward. The two Bruces also submitted, and took the oaths. Edward then marched about Scotland, seizing what he would, among other things some documents, the Stone of Scone, the Black Rood, and a portion of the True Cross, once St Margaret's. This, as he conceived, would be a useful talisman to take Scottish oaths upon, but the Scots always broke them.<sup>65</sup> Edward went as far as Elgin, receiving copious homages recorded in the "Ragman Rolls." "Simplicity," says Thucydides, "is no small element in noble minds." Edward, who had calmly repudiated all his own promises, was nobly simple enough to suppose that the Scots were likely to keep theirs. The Scots greatly perjured themselves whenever they saw an opportunity. Edward, despite his motto *pactum serva*, whenever he saw an opportunity, broke his promises.

During Edward's marches through the disunited country which, as Balliol says, he "conquered" in twenty-one weeks, several private incidents occurred, and were recorded. These also, as

pictures of life, are parts of history. William of Lodewal (Will Laidlaw) was accused by three soldiers of "concealing a red horse, which they found when plundering the king's enemies." He urged that "it was so weak he could not drive it away." Aymer de Rutherford recovers two horses seized by the Marshal at Roxburgh. Robert of Ercildoune (of the Rymer's line?) and John the Hermit are acquitted on a charge of highway robbery (we think of the Clerk of Copmanhurst); probably John was one of the vagrom scoundrels whom Edward had invited to join him. William of Lonsdale, accused of breaking prison, says that he walked out by the open door. (Hanged.) Thomas, chaplain in Edinburgh, excommunicated the king, as Mr Cargill did Charles II. much later. Patrick (of Ireland), accused of stealing 3 dozen hoods, says they were given to him. (Hanged.) Thomas Dun, accused of stealing books at Elgin, says he found them under ground. (Hanged.) The jury did not believe Thomas. Scotland, at all events, had trial by jury now.

Matthew of York and "William le Waleys, a thief," are charged with forcefully stealing beer from a woman who kept a tavern at Perth. William le Waleys escaped; Matthew pleaded his clergy. Such were the proceedings of Edward's army, partly composed of malefactors and broken men. The documents show that crime, even in such a host, was strictly punished.

On his return from Elgin (farther north Edward saw no reason for going), he tarried some time at Berwick, receiving submissions. An interesting monument of this age is the "Ragman Roll,"<sup>56</sup> containing some 2000 names of landholders who vowed fealty to Edward. The names of the Bruces occur, but not the name of William Wallace, who, to be sure, was no landowner, and may have been an outlaw. Except in Galloway, not many Celtic names occur. Earls, barons, and bishops received back their lands, on condition of attending the English Parliament at St Edmunds, on November 1.<sup>57</sup> In October 1296 Edward went southward, leaving Cressingham as Treasurer, Warrene, Earl of Surrey, as Guardian, and Ormsby as Justiciary. The castles were held by English subjects. Risings must have begun at once, for, on January 31, 1297, Warrene is ordered to forbid any man to leave Scotland, and to arrest all who carry letters. The documents, up to July, show signs of agitation, but the exact nature and occasion of the rising are

unknown. On June 4, Edward, who was going abroad, raised the levies of Lancaster, Westmoreland, Northumberland, and Cumberland, to put down "conventicles" in Scotland (*conventicula*). Clifford and Percy are to lead. A sum of £2000 is sent to Cressingham.

These traces of agitation in the public documents are connected with the rising of 1297, in which Sir William Wallace was to win an immortal name. But the facts are obscure. The minstrel, Blind Harry, who wrote about 1460, derived his materials from tradition. But he cannot be absolutely dismissed as a mere romancer, in the manner adopted by Lord Hailes. Blind Harry refers to "the latyne buk" written by John Blair, Wallace's chaplain.<sup>58</sup> In one passage Harry avers that Thomas Gray, "then preyst to Wallace," recounted, in this Latin book, some daring deeds of Blair himself, which that clerical hero was too modest to chronicle. In this passage (Book x. 895) Harry seems to translate Gray, and it appears that he really may have had contemporary evidence before him. Later discoveries have corroborated, by documents, some of Harry's assertions. On the other hand, *les enfances Guillaume*, the boyish homicides of Wallace, the ghost which appeared to him, the love of the English queen for him, and many other matters, are mythical. It is a curious circumstance that whereas "William Waleys, thief," and his clerical accomplice are accused of stealing beer at Perth (June-August 1296), Blind Harry represents Wallace as lurking about Perth "intill a priest-like gown," disguised in a priest-like frock. The month dates do not tally: Blind Harry is vague about dates. But the name "Waleys" is not peculiar to Scotland; the Wallaces themselves had come north with the FitzAlans (the Stewarts). We know an Adam Waleys in Somerset in the reign of Edward I., and the thief of beer may have been one of Edward's band of English outlaws, as he was in company with Matthew of York. It is most improbable that the heroic Wallace bilked a tavern-keeper with an Englishman for his accomplice.

It is, however, highly probable that, as early as 1296, Wallace was at odds with the members of English garrisons in Scotland. They are not likely to have been conciliatory, and the younger son of Sir Malcolm Wallace of Elderslie in Renfrewshire was not a man to endure insult. Blind Harry tells us that, at Lanark, Wallace's wife was killed in a brutal manner by Englishmen,

and that he slew the sheriff for England, Hazelrig.<sup>60</sup> Sir Thomas Gray, in his 'Scalacronica,' says that Wallace was chosen "by the *comune* of Scotland" to make war on the English in May 1297, and that he began by slaying Heselrig, sheriff of Clydesdale, at Lanark.<sup>60</sup> As Gray's own father was wounded there, and lay all night between two burning houses, his son may be trusted for the circumstances. The Lanercost Chronicler makes Wishart, Bishop of Glasgow, and the Steward, the first movers, who called in William Wallace, hitherto the leading thief, or brigand (*latro*), of the country. He places the beginning of the rising in September, but here he merely refers to the events preceding the battle of Stirling Bridge.<sup>61</sup> In May, Wallace chased Ormsby out of Scone. In June, Edward was taking the oaths of Comyn, Earl of Buchan, of Simon Frazer, the Earl of Mar, and other Scots nobles, to serve under him on the Continent. By June 24, Percy and Clifford were moving against "the Scottish enemies of the king," doubtless meaning Wallace, and other burners of Lanark in May. The Celts were also in a disturbed state.<sup>62</sup>

The Highlands offered only a side-scene of Scottish disorder. On July 7, 1297, Percy and Clifford had penetrated to Irvine, in Ayrshire, had found the Scots as divided in council as later at Bothwell Brig, and had made terms with Wishart, Bishop of Glasgow, Robert Bruce, Earl of Carrick (the king to be), and the Steward,—also with Sir William Douglas, who had been Governor of Berwick when it was sacked by Edward. Young Bruce, in the beginning of the rising, had sworn fealty to England at Carlisle, and had devastated the lands of Sir William Douglas, who was out. Bruce then joined the rising!<sup>63</sup> In a mutilated document we read that these leaders are admitted to the king's peace. They represented that they had been told how Edward was going to press all the middle classes of Scotland into his foreign service, that they therefore banded together and came to meet and treat with Percy, and that they ask for stable assurance of peace. Cressingham next, from Berwick (July 23), informs Edward that Percy and Clifford have just announced the peace to which they had admitted the leaders at Irvine. But William Wallace, with a great company, is holding out in the Forest of Selkirk.<sup>64</sup> Cressingham intends not to move till Warenne arrives. Sir William Douglas, not having kept his troth to Percy, now lies a prisoner in Berwick,

*mout sauvage, et mout araillez*, "very wild and angry." Sir William, in fact, was a prisoner for life; but no man was ever better avenged than he, by his son, the good Lord James. Cressingham has also to announce that no money can be extracted from the Scots, while, except Berwick and Roxburgh shires, the whole country is up. Even on the Spey, the Bishop of Aberdeen, from Inverness, announces that Comyn, Earl of Buchan, cannot follow Edward to France, as he had promised, because Andrew Murray is out with a very large company of scoundrels (*felons*), firmly posted in woods and marshes. (July 24, 1297.) Macduff, too, in Warenne's opinion, had turned "traitor."

In fact, despite the capture of Douglas, and the apparent repentance of Bruce, the Bishop of Glasgow, and the Steward, things looked menacing in Scotland. Clifford and FitzAlan had orders to back Warenne (September 24), Edward sending directions to that effect from Ghent.<sup>65</sup>

From the documents and the 'Scalacronica' we may decide that Wallace lighted the torch in May, at Lanark; that Bruce, Douglas, the Steward, and the Bishop joined the Rising, but quailed before Clifford and Percy at Irvine (July 7); that Wallace, whether he was at Irvine or not, held out in Ettrick Forest; that the North was up under Andrew Murray; and that Comyn of Buchan, Macduff, and others were far from being certainly loyal to Edward. Warenne must now (August-September 1297) have lost time in attempting to secure the slippery Scots, who deferred sending in hostages, and demanded the restoration of "their laws and old customs, while that thief Wallace stirred up the people."<sup>66</sup> Warenne hereon lost patience, and Wallace, on his part, seized all the property of the Bishop of Glasgow, for his timidity and unpatriotic repentance at Irvine. Warenne now marched north from Berwick in earnest, for Wallace was north of Tay, besieging Dundee apparently, and Andrew Murray's *felons* were busy. Hearing of Warenne's advance, Wallace instantly occupied the ground on and about the Abbey Craig of Stirling. Holding this key to the Highlands, his retreat was secure, and he commanded the bridge over Forth, whereof we guess (by the evidence of a design on a contemporary seal) that it was of stone. Efforts at conciliation, by Sir James the Steward, and other Scots with the English, were futile. The date was September 10, 1297; the fight occurred next day. Heming-

burgh gives a curious account of the events. Though the Scottish *noblesse* were bound to Edward, their hearts, and their retainers, were with Wallace.<sup>67</sup> When Warenne, Cressingham, and the English army arrived at Stirling, and had halted on the south side of the Forth, the Steward and Lennox rode in, asking that overtures for peace might be made, and promising to appear next day with sixty men-at-arms. In the dusk, however, Lennox wounded an English forager, in an altercation, and the enraged English begged to be led across the Forth at once. Next morning 5000 English and Welsh foot crossed Stirling bridge; but, instead of holding the bridge-head, they marched back again! The reason was that Warenne, an old man, had not wakened, and lay long abed. Again the infantry crossed, again returned, when the Steward and Lennox arrived, almost unaccompanied. Their men, they said, would not follow them. Meanwhile two friars were sent "to that brigand Wallace," to treat for peace. "Go back," he replied, "and tell your masters that we came not here to ask for peace as a boon, but to fight for our freedom. Let them come up when they will, and they shall find us ready to beard them." Wallace had some hundred and twenty horse, and 40,000 foot. The English again clamoured to be led across the bridge; but Richard de Lundy, a Scot who had deserted the distracted gathering at Irvine, and was now in the English camp, pointed out that over the bridge only two men could ride abreast, and that Wallace would take them in flank. He was ready to show a ford, where sixty men could ride abreast, and make a diversion in the Scottish rear. Meanwhile Warenne would be crossing by the bridge.

Cressingham, "fat and foolish," cried out that they must not waste time and treasure, but attack at once. Warenne yielded, Lundy's advice was neglected, and the long thin procession marched to death, Marmaduke Twenge among the foremost. The spearmen of Wallace now rushed from their hillside, and seized the bridge-head: Marmaduke was charging into the mass, when he saw that the Leopards on the English banners were already turned to flight on the crowded bridge, where advancing horsemen were being driven back, pell-mell, by the spears of Scotland. A comrade bade him swim the river, as a last hope, for Scots and English were mixed and crowded in an inextricable mellay. "Never shall it be said that I drowned myself to pleasure any man," cried Marmaduke, and clove a wide way through the spears. His nephew

was wounded and fell; his squire, mounting the youth on his own horse, followed on foot, and they fought their way back through the trampling multitude. A great number of the English were slain, among them the detested Cressingham, whom the Scots flayed, dividing the morsels of his skin as evil relics.<sup>68</sup> The men of the Steward and Lennox now fell on the English, and Warenne, who had never crossed the bridge, intrusted the castle to Marmaduke, with promise of relief which he did not keep, and so fled to Berwick, like Sir John Cope. Warenne was old, but he did not spare his spurs, and foundered his horse.

This flight, inexplicable and disgraceful, occurred on September 11, 1297.<sup>69</sup> The Scots presently harried Northumberland, and "sacred service ceased in all monasteries and churches from Carlisle to Newcastle."<sup>70</sup> The light-armed levies of Wallace, however, were of no avail against the walls and ingenious artillery of Newcastle and Carlisle. The snowy weather which St Cuthbert miraculously provided in December was severely felt by the Scots. Whether they were guilty of *noyades*, tying monks and nuns back to back and tilting them off bridges into rivers, it is not easy to ascertain.

The story as given by Hemingburgh is very circumstantial, and relates to horrors committed by Wallace, in Scotland, at the beginning of his adventure. "It was their pastime to bind Englishmen in religion and women, hand and foot, and make them jump or throw them off bridges into the water, rejoicing at their death and ducking. Among whom were brought two canons of St Andrews, before that brigand, William Wallace, on the bridge at Perth. They looked for nothing but death, when God saved them, messengers arriving hastily from some of the Scottish nobles." The brigand, therefore, postponed his amusement, but gave orders that the canons should be strictly confined. They were ransomed, however, by friends, on condition that they should swear to leave the country, and never return. "One of them stayed with us, at Gisborough, for some time, and himself told the story of his peril."<sup>71</sup>

This anecdote suggests that English holders of Scottish preferences were detested in Scotland, and subjected to cruelties which Wallace rather enjoyed. The story agrees with Blind Harry's account of the ferocity of Wallace.

Hemingburgh has another tale of three canons of Hexham, to whom the Scots cried, "Show us your treasury or die." One of



the canons replied that the men who had lately plundered the goods ought best to know where they now were. Wallace then entered, upbraided his men, and asked one of the canons to say Mass. In Wallace's absence (he had gone to lay aside his armour at the elevation of the Host), the other Scots stole the chalice, but the hero apologised, admitting that he could not control his people. To the canons he gave a safe-conduct, in the name of King John.<sup>72</sup>

The Scots had glutted their revenge in England, and secured supplies, but they cannot have improved their discipline. Wallace had been elected to, or had assumed, a position of high rank. He and Andrew Murray had previously styled themselves "leaders of the army of the realm."<sup>73</sup> But, on March 29, 1298, Wallace appears as *custos regni*, and army leader in the name of King John, granting a charter and the constablership of Dundee to the hereditary standard-bearer, Scrymgeour. It must have been at this time that Wallace *nobilitavit*, as a verse in the Lanercost Chronicle says—that is, acquired high rank. Many of the Scottish nobles were with Edward in Flanders, many were in prison or were half-hearted. Wallace was the man of the hour, but he would be jealously regarded especially by Bruce, for Wallace expressly fought for King John, "over the water."

Wallace could not be everywhere, and just before Christmas 1297 Clifford harried Annandale, Bruce's territory. In England, the Prince of Wales held a Parliament (Oct. 16, 1297), where Edward's recalcitrant nobles, Norfolk and Hereford, extorted ratification of Magna Charta and the Forest Charter, with the important statute *de tallagio non concedendo*, practically securing the consent of the taxed to taxation. Edward was politic enough to accept the terms of the nobles. Great preparations for invading Scotland were made, but the attack was deferred—the English relieving Roxburgh and taking Berwick.<sup>74</sup> Edward now submitted his differences with France to the arbitration of the Pope. He returned to England (March 14, 1298), and he summoned the forces of the realm, and the Scottish nobles, to meet him at York, at Pentecost. The Scots, however, did not come, and Edward proclaimed a rendezvous at Roxburgh for June 23. Many of his Scots in Flanders had deserted him: Edward remonstrated with the French king against giving them aid, and against giving King John his royal title. He paraded before Philip his proofs of allegiance from the Scots, which included the homage of several

MacEth's, and Macgillivrays, and all "Clenafren," a Galloway clan which repented of its late doings under the flag of Balliol.<sup>75</sup> A truce was arranged with France (June 20, 1298), and we find Robert Bruce, the future king, busy in Edward's service in Galloway.<sup>76</sup> Edward now entered Scotland, with a huge force, including men-at-arms from Gascony. But his constitutional troubles were not over. The English Earl Marischal and Hereford declined to move till Edward, *in person*, ratified Magna Charta and the Forest Charters. Edward had confirmed these *when abroad*, and his nobles knew his peculiar genius for pettifogging. The king made the Bishop of Durham swear that he would do what was wanted, after his return, if he returned victorious. This was not satisfactory, and Edward later tried to wriggle out of his promises. He was a man of loopholes and escapes from his word, but this fact never shook his belief in his own loyalty.<sup>77</sup>

Edward now rolled his vast forces over the Lowlands, burning and destroying. At Kirkliston, near Linlithgow, he rested, while the Bishop of Durham took Dirleton Castle. Provisions were scant in the English army: the ships were delayed that should have brought supplies, and the Welsh came to blows with their English comrades. Edward even thought of falling back on Edinburgh, when, as we are told, two Scottish nobles, Patrick (of Dunbar?) and the Earl of Angus, sent in a boy to say that Edward would find his foes "at Falkirk in the forest of Selkirk."<sup>78</sup> These nobles had taken oaths to Edward,—were they now in his camp, or were they with Wallace? Edward set forth to seek his foes, and though bruised by his horse's hoof in bivouac, he mounted bravely, and, on July 22, found Wallace's force arrayed at Falkirk. The Scottish leader had adopted the formation of circles of spears, equivalent to our squares, with archers in the intervals. His cavalry was held in the rear. The battle began by a cavalry charge led by Hereford and the Earl Marshal. A peat-bog in the Scots front caused them to wheel westward; the Bishop of Durham, knowing the position of the marsh, led six-and-thirty standards round by the right. When the two bodies of cavalry approached the Scottish clumps of spears, the Scottish horse fled without stroke of sword—whether in terror, or because the nobles were ill-disposed towards Wallace. A few knights stood; among them was Sir John of Bonhill, brother of the Steward. He was thrown from his horse as he arrayed the archers of Ettrick, and the English cavalry were on him at once. But the Ettrick men,

with their short swords, fought and fell around him, unable to ward off cavalry by spears, with which they were not armed, but incapable of deserting their leader. They were men of great beauty and tall stature.<sup>79</sup> The archers thus perished gloriously, if vainly; but the English knights could not break "the dark impenetrable wood" of spearmen. The English archers, however, in safety, showered their shafts into the "schiltrons," or circles of spearmen.<sup>80</sup> The schiltrons were broken, the Flowers of the Forest had fallen, and could not reply to the English volleys; the English horse rushed through the gaps in the ranks: a very large number of the Scots were slain, and Wallace, who was mounted, barely escaped into the Torwood. Though many horses were slain by the Scottish spears (we even know the value of the steeds), only one Englishman of name fell, the Master of the Temple. Thus Edward gained, on a stricken field, the title of Hammer of the Scots. It was an archer's victory.

This disaster, probably, should not be regarded as a stain on the generalship of Wallace. Little credit can usually be given to the cry *nous sommes trahis*, though in this instance it is an English Chronicler who tells us that the Scots were betrayed by Angus and Dunbar, if that, indeed, is Hemingburgh's meaning. The story of the treason of Patrick, Earl of Dunbar (of Cospatrick's house), is not reconcilable with the fact that Patrick, on May 28, was appointed Governor of Berwick for Edward,<sup>81</sup> while Angus was thanked for services against Wallace, in November 1297. Wallace had intended to employ the strategy later recommended "in good King Robert's testament," to retire, wasting the country, and waiting for his opportunity, a night surprise. Edward, receiving the tale of the two peers, turned, and surprised Wallace himself. Probably Wallace should have withdrawn into the deeps of the Torwood, as soon as he saw the advancing banners of the English. But he arrayed his men in the best known formation, that in which the spears of Switzerland and Flanders defeated the chivalry of France or Austria. "I have brought you to the ring, dance as you may," he said, in a phrase variously cited.<sup>82</sup> The flight of Wallace's scanty cavalry may have been due, as we said, to treachery, or to cowardice. The legends about divided counsels, and Comyn's treason, and the Steward's insolence to Wallace, are examples of the myths which Fordun and other late writers invented, or borrowed from popular tradition.

A question arises as to Bruce. For which king did he stand at this moment? Probably, after hesitating, for Edward. On June 4, Bruce's lands in Essex were distrained upon for debts to the English king.<sup>83</sup> On July 3, Bruce, from Turnberry, requests protection for men of his going a journey in Edward's service.<sup>84</sup> But when Edward, after Falkirk, had visited St Andrews and Perth unresisted, an English detachment marched on Ayr where Bruce lay: he then fled, and burned his castle. Manifestly the conscience of that ever-shifting politician condemned him. In spite of Edward's great victory at Falkirk, his success was far from being assured. Wallace, indeed, either retired voluntarily from his position as Guardian (as Fordun, writing long after the event, declares), or was deposed, while the younger Comyn of Badenoch, Soulis, Bruce (later king), and Lamberton, the new Bishop of St Andrews, shared the authority which the hero laid down. Edward had intended to overrun Galloway, after Falkirk; but, for lack of supplies, returned to England through Annandale, taking, by the way, Bruce's castle of Lochmaben. While he was at Carlisle, where he held a council, he was thwarted by the withdrawal of the surly nobles, Hereford and Norfolk. He attempted to conciliate his peers by gifts, *in spe*, of great estates in Scotland, but these were felt to be but airy promises. Rumours of Scottish agitation still kept Edward in the North; but after Christmas he returned to London. Norfolk and Hereford brought up again the question of the confirmation of the Charters: Edward promised a reply "to-morrow," and secretly withdrew from town. The earls followed him with a large force, when the king averred that his health required change of air. Finally, Edward offered to confirm the Charters, while keeping his old loophole, "*salvo jure coronæ nostræ*," "saving the rights of our crown." But the trick was now familiar; "*auditum displicuit*," and the angry nobles retired to their homes. A popular insurrection was feared; Edward yielded, and confirmed the Charters.<sup>85</sup> Though no part of Scottish history, these manœuvres illustrate the character of the enemy with whom Scotland had to do. The hands of Edward were full of business. On Friday, July 3, 1299, arrived legates from the Pope, with his award on the dispute between England and France. Edward was to marry the sister of the French king; and the Pope asked for the release of John Balliol into his hands. Edward's marriage was celebrated on September 10, and by November 11 he was holding a Parliament at

York, whence he moved to the border, to raise the siege of Stirling by the Scots. But, at Berwick, the nobles declined to advance, owing to the lateness of the season, and another broil on constitutional points. The Scots had been lying in the Torwood, whence they announced their knowledge of the truce with their French allies, and their readiness, for their part, to observe it. Edward made no reply, and Stirling capitulated, being placed by the Scots under the brave Sir William Oliphant, who held it after the Scottish nobles later came into the king's peace.

Edward's matrimonial affairs, in the autumn of 1299, had, in part, caused him to miss an opportunity presented by Scottish dissensions. Several months before Stirling fell, Hastings, from Roxburgh, had sent Edward almost the first information which we owe to the enterprise of a spy (August 20, 1299). We get a glimpse of light on the obscure movements of Wallace, and we see the germ of a feud between Bruce and Comyn. According to the spy, the new Bishop of St Andrews (Lamberton), Bruce, the Red Comyn, son of the Lord of Badenoch the competitor, Menteith, and Buchan have met in Selkirk Forest. There Sir David Graham demanded Wallace's goods, "as he was going abroad without leave." Wallace's brother, Sir Malcolm, gave Graham the lie; Comyn took Bruce by the throat; Buchan seized the Bishop of St Andrews; dirks were out—it was the deadlock scene in "The Critic," but they came to an agreement. The Bishop, Bruce, and Comyn were to be Guardians of the realm, Lamberton keeping the castles. Then they scattered. This confirms, so far, Blind Harry's tale of Wallace's journey to France, which has other confirmation in papers found upon the hero when finally taken.<sup>86</sup> But, as we saw, Edward missed this chance in the autumn of 1299, and his expedition of the winter of that year was frustrated by the nobles, to whom he was reconciled, by concessions, in the spring of 1300.

Scotland now seemed stronger than before Falkirk fight. Stirling was theirs, the key of the Highlands; and from Carlaverock they threatened Carlisle and raided Cumberland, while Edward was struggling against a constitutional opposition. But, in June 1300, he mustered an army at Carlisle. The bearings of the chivalrous host are blazoned in the 'Roll of Carlaverock,' which gleams with azure and argent, sable, gules, and or, and rings with sonorous Norman names. To-day, in the green and grey of a pastoral low-lying land, the ivy-clad towers of Carlaverock, mirrored in the moat,

and the chambers of later date, marked with the delicate touch of the French Renaissance, form a picture of solitude and melancholy peace. But, in July 1300, Edward led against Maxwell a great and glittering array, while above the splendid armour of the age floated pennons and banners embroidered by ladies' hands. To resist all this chivalry and all the engines, the Cat, and the rest, that had been fashioned at Carlisle, the Scottish commander, Sir John Maxwell, had but sixty men. The English battering-rams and catapults broke down the walls, and a flag of truce was displayed. Stories differ as to Edward's treatment of the garrison, but assuredly prisoners were spared, including the Marischal, Keith.<sup>87</sup>

Soon after arrived from the Pope to Edward a letter, in which he defended the cause of Scottish independence, manifestly by arguments provided by Scots in Rome. Now the Pope sent this letter to the Archbishop of Canterbury for delivery to Edward. For many excellent reasons the Archbishop could not deliver the letter till Edward, after taking Carlaverock, had marched to Irvine and returned again. Towards the end of August the weary prelate, after perils of Scots and perils of Solway sands, at length handed in the unwelcome papal letter.<sup>88</sup> The Pontiff reminded Edward that Scotland from ancient times belonged to the Church. "The meaning was that Scotland was a free sovereignty, with no subjection save such as all sovereigns owed to the Church of Rome. . . ." <sup>89</sup> As for Edward's claims, his own father had acknowledged military aid from Alexander III. as only granted "by special grace." Alexander III., again, had publicly proclaimed that he owed fealty to Edward, *not* for Scotland, but for lands held in England (as is stated in the Register of Dunfermline). Once more, Edward must remember that he did not assume the wardship of the Maid of Norway, which was his right and duty if Scotland had really been his fief. Edward is then reminded of that awkward fact, the Treaty of Birgham. The later acknowledgments of Edward's claims by the Scottish nobles were extorted by fear, *qui cadere potuit in constantem*—namely, by the presence of Edward's army. An allusion is then made to Scottish ecclesiastical independence and to Scotland's possession of the arm of St Andrew, which Edward himself once adorned with a golden bracelet. If Edward thinks he has a case, let him send his documents in proof to the Pope. The papal court had obviously been instructed by Scottish diplomatists. The archbishop who carried the letter is said to have

dropped some words about Jerusalem and Mount Sion. "I will not be silent either for Mount Sion or Jerusalem," replied Edward (Walsingham). However, he proposed to consult Parliament, and meanwhile, partly to please the King of France, granted a truce from October 30 to Whitsuntide 1301.<sup>90</sup>

The Pope's letter was really of value to him. The perpetual jealousy of the English peers was diverted from the royal head to their other old enemy, "papal aggression." Edward prepared once more that interesting collection of myths on which he rested his claims. From Lincoln, in the February of 1301, the barons of England sent a reply to the Pope's letter in such fiery terms of resistance to papal jurisdiction as may be readily conceived.<sup>91</sup> Edward's own pleadings need not detain us. They are as fabulous and disingenuous as usual, though in putting in a miracle wrought by Æthelstane, Edward may have meant a humorous set-off against the Pope's remarks about the Scots relics of St Andrew. A sense of humour, however, was not a marked quality of the greatest of the Plantagenets, and he may have firmly believed that Athelstane with his sword cleft a flinty rock near Dunbar. Edward must have known the facts about William the Lion's "homage to Richard" after the renunciation of the Treaty of Falaise,<sup>92</sup> and he must have known that the Pope knew. Thus it is rather chivalrous than accurate in Sir Herbert Maxwell to write that Edward, "entertaining no doubts" as to the validity of his claim, "played a noble part in its defence."<sup>93</sup> Edward added to the list of Scottish atrocities their burning schoolboys in school.

The Scottish campaign of 1301 was marked by nothing of special interest, and a truce was arranged from January 26, 1302, to St Andrew's Day in that year. In 1302, Bruce went over apparently to Edward<sup>94</sup>—attended his Parliament at least—and the Pope, changing sides, severely rebuked the Bishop of Glasgow, as the chief cause of the troubles in Scotland.<sup>95</sup> Edward had lately released Wishart, the bishop, on receiving his oath of fealty. But while Edward never kept faith if he could help it, the Scottish bishops never failed to break their oaths. Wishart, the patriotic Bishop of Glasgow, with Lamberton, the Bishop of St Andrews, was the most accomplished perjurer of his age. In 1300 he "did the oath" with the Consecrated Host, the Gospels, the Cross of St Neot, and the fragment of the Vera Crux in the Black Rood of St Margaret. Edward, as we have said, relied a good deal on this

relic. But of all men a bishop knew his way best among oaths. Probably there was some oath that he *did* respect, but Edward, after a long series of experiments, never found out what it was. Swearing was then, as it were, a matter of magic. A man chose the one saint, or relic, or formula that would bind him — and kept it a profound secret. Other oaths he took with a light heart. Edward himself, a remarkably upright man, disliked breaking an oath—without a papal dispensation. The Pope had thus a hold over the greatest of the Plantagenets, but, in 1303, the Bishop of Glasgow was a rebel again.

In the summer, probably, of 1302, Sir Simon Frazer, Edward's keeper of Selkirk Forest, fled from Wark with the horses and arms of a friend, and joined the Scots. He met Comyn, and, in February 1303, defeated the English at Roslin, near Edinburgh.<sup>96</sup> It is not certain whether Wallace was present. Perhaps because Comyn was Scottish, Bruce was already all the more English: by December 1302 he had risen to be sheriff of Lanarkshire.

Meanwhile, by the Treaty of Amiens, France deserted the Scottish cause. This was Edward's opportunity. Roslin was revenged, and Edward again overran Scotland, in 1303. There was no organised resistance: Comyn and Sir Simon Frazer were skulking in hills and woods; Bruce had turned English. Edward marched into Moray, almost unresisted, and rested at Kildrummie, in Aberdeenshire. He wintered at Dunfermline.

As an interlude in the record of defeats and treasons, it is curious to study the mode in which the Prince of Wales campaigned this year. He took a lion about with him in a cart: its food cost fourpence daily! His clothing and armour were exquisite, and his medicine-chest was admirably furnished, while falcons supplied him with sport, when he was not netting partridges. His penoncells were of beaten gold, silk was his humblest wear; he lost a good deal of money at dice. His need for a setter in May is not obvious, but he had a setter sent from town; while he paid £2, 18s. for the binding of a French 'Life of the Blessed Edward.' He played a practical joke on his fool by ducking him, but consoled him with a gift of four shillings. Such was princely campaigning in a country where the Unblessed Edward was to see another face of war.<sup>97</sup>

In the early spring of 1304 Edward again took the field. Comyn had gathered a force to guard the passage of Forth, and, if possible, preserve Stirling, which still held out for Scotland. He broke down



the bridge, but Edward found a ford; the Scots withdrew, and, on February 9, Comyn, and whosoever represented the Government of Scotland, surrendered on terms, at Strathord<sup>98</sup> (February 9, 1304). The Bishop of Glasgow, John Comyn, Simon Frazer, and the Steward, were sentenced to be exiled for various periods; but their exile was to be shortened, as we show later, if they would capture Wallace. For the rest, Scotland now lay at Edward's feet.

In this campaign of 1304, Edward's main object was to take Stirling Castle, which held out after the coming of the nobles into Edward's peace. As we have seen, it was commanded by Sir William Oliphant. The siege can be traced in the documents, whence we draw the colours for a picture of war. On April 12, 1304, Edward was at Kinghorn. He wrote to the Prince of Wales, bidding him strip the lead from the roofs of churches, "provided always that the churches be not uncovered over the altars." This was characteristic of Edward: it was also characteristic in him to pay honestly for the lead from the refectory of St Andrews. The material was needed for the siege of Stirling Castle.<sup>99</sup> Four days later, Edward was at Inverkeithing and wrote to Bruce, who was managing his siege-train, and was involved in technical difficulties about waggons. At Stirling, Bissett cut out the boats of Sir William Oliphant's garrison, and Edward made over to Gilbert Malherbe all the property of that good knight. Carpenters were sent for to England, stores were impounded at Glasgow, and so resolute did Edward now appear that the Bishop of St Andrews, Lamberton, came in and swore fealty. Of course he presently broke his oath, indeed he at once set about conspiring on the spot with Edward's now trusted Robert Bruce. Day by day the Scottish nobles made their peace, day by day fresh munitions of war and reinforcements of engineers and cross-bowmen arrived for Edward. Wallace could bring up no relief for Oliphant: he himself was being hunted by Edward's Scottish nobles. With Wallace no terms were to be made: he must surrender unconditionally. Such heavy and ingenious artillery, such storms of Greek fire, had never been seen in Scotland, as Edward brought to bear on Stirling Castle. At last the battered fort became untenable: Oliphant, after resisting all England and all recreant Scotland for nearly four months, hauled down his flag, but even still Edward plied the walls with a new engine, "the Warwolf."<sup>100</sup> On July 24 Oliphant gave up the place, and was admitted to terms. He and his men marched out, stripped to their smocks, and had to

beg pardon on their knees ; after a humiliating ceremony they were led off in irons. Among their names are Oliphant, Polwarth, Haliburton, Ramsay, and Napier.<sup>101</sup>

Though he indulged in this revenge, Edward, on the whole, showed a sagacious clemency. He slew not, though he imprisoned, and he desired to send some knights (as Sir Simon Frazer) abroad, in token of his displeasure. The Bishop of Glasgow (who had, of course, broken his fourfold oath) had a similar sentence. Very different were to be the tender mercies of the House of Hanover.

Of Wallace, since Falkirk, we have heard little. In August 1299 he was intending to leave Scotland, as we learned from the report of Hastings' spy. He is said by Blind Harry to have gone to France, and a safe-conduct from Philip of France shows that he meant to proceed to Rome.<sup>102</sup> He had returned to Scotland, and with Wallace alone did Edward decline to make terms : if Wallace surrendered, it must, as we said, be unconditionally.<sup>103</sup> Wallace was lurking about the Forth, when Bruce was doing Edward's business with zeal. By a most disgraceful condition, blackening his clemency, and branding the honour of every man who accepted it, Edward decreed that "Messire Jehan Comyn, Messire Alexander de Lyndseye, Messire David de Graham, and Messire Simon Fraser, who are to go into banishment, and all other folk of Scotland in the king's peace, shall bestow their toil between now and the twentieth day after Christmas to take Messire Williame le Waleys, and give him up to our king, that the king may see how each man will bear himself herein, and may show better favour to the man who takes him, in the matter of shortening his exile, or lowering his ransom."<sup>104</sup> When that hound, James Mòr, tried to win favour by taking his old fellow-Jacobite, Allan Breck (1753), he merely lowered himself to the posture proposed by Edward for Comyn, Lindsay, Graham, and Simon Frazer, knights of the age of chivalry.

Wallace was taken, near Glasgow, and tradition has affixed on Sir John Menteith the stain of treachery. He, or one of his accomplices, is said to have turned the loaf over, as a sign to the English that the hour had come to seize the unsuspecting hero. In later days to "whumple the bannock," when a Menteith sat in the company, was a deadly insult. The facts about the alleged traitor are, that he was the second son of Walter Stewart, fifth Earl of Menteith. He was a party to the Bruce "band" at Turnberry Castle, in Sep-

tember 1286. In 1296 he was taken by the English at the rout of Dunbar, and, in August 1297, was released from an English prison, following Edward to his foreign wars. On October 1301 he is denounced by Ian Macsufne, one of the Celts in English service, as hostile to Edward. In September 1303 he appears as negotiating on the Scottish side. By March 20, 1304, Menteith must have made his peace with Edward, for he was granted the castle, town, and sheriffdom of Dumbarton. As an officer of Edward's, it was now, in a sense, Menteith's duty to secure Wallace, if he could. But, supposing that a very strong sense of duty urged him on, he need not have taken blood-money, a reward of £100 in land. This reward is noted in the same memorandum as "forty marks to the varlet who spied out William Waleys."<sup>105</sup> The Lanercost chronicler, who is contemporary, says, "Wallace was taken by a Scot, Sir John Menteith."<sup>106</sup> Later, rewards of many kinds were showered on Menteith, who was active in the pursuit of Robert Bruce, after the battle of Methven. Still later, Menteith rejoined the patriotic party. The reader has here the materials for an opinion as to how far tradition is right when it execrates this politician.<sup>107</sup> No authentic information proves that Menteith was either a close friend or a deadly private foe (as Fordun alleges) of the national hero. But his conduct seems lacking in delicacy. The story is much clouded by legend, like the details of Wallace's trial, if trial he had. He was accused of being "*fidelitatis immemor*," forgetful of his fealty, which he had never sworn; while men who had broken oath again and again were pardoned, or even admitted to favour. His letters as *Custos Regni*, his slaying of Hazelrig, his proposal of accepting the French king as monarch, his invasion of Northumberland, his burning of churches and murders of the religious, his refusal to submit to the king's peace, were all charged against him. Not having submitted to the king's peace, and being an outlaw, Wallace has no defence. He is therefore to be hanged, disembowelled, beheaded, his head is to be set on London Bridge, his limbs are to be exposed at Newcastle, Berwick, Stirling, and Perth (August 23, 1305).<sup>108</sup>

So died the great popular hero of Scotland. It is conceivable that if he had surrendered even at the eleventh hour, Edward might have spared Wallace. The bitterness of his offence was probably his refusal to do fealty, to come into the king's peace, to waver for an hour in his loyalty to Scotland and her king over the water. Again, the horrors attributed to the Galwegians, in the harrying of

the North, and the alleged murders of the religious, were the last offences that Edward could overlook. Wallace died as Archibald Cameron was to die, in 1753, untried, by the same brutal method, and for the same crime. Like the limbs of Montrose, the limbs of Wallace were scattered "to every airt." The birds had scarcely pyked the bones bare before Scotland was again in arms, which she did not lay down till the task of Wallace was accomplished. We know little of the man, the strenuous indomitable hero. He arises at his hour like Jeanne d'Arc; like her, he wins a great victory; like her, he receives a sword from a saint; like hers, his limbs were scattered by the English; like her, he awakens a people; he falls into obscurity, he is betrayed, and slain. The rest is mainly legend. He seems ruthless and strong, like some sudden avenging Judge of Israel; not gentle and winning like the Maid, but he shares her immortality.

For the scattered members, long ago irrecoverable, of the hero no stately grave has been built, as for the relics of the great Marquis of Montrose. But the whole of a country's soil, as Pericles said, is her brave men's common sepulchre. Wallace has left his name on crag and camp—

"Like a wild flower,  
All over his dear country."<sup>109</sup>

#### NOTES TO CHAPTER VII.

<sup>1</sup> Stevenson, *Hist. Doc.*, i. 4.

<sup>2</sup> There is a blank for one name—Joannes . . . —in a letter of the Guardians, May 13, 1288 (*Stevenson, Hist. Doc.*, i. 49).

<sup>3</sup> Bain, ii. 186.

<sup>4</sup> The Lanercost chronicler, who detests women, avers that Yolete played the warming-pan trick, feigning to produce an heir, really the babe of a play-actor. The Earl of Buchan detected the ruse (*Lan. Chron.*, p. 118).

<sup>5</sup> Stevenson, *Hist. Doc.*, i. 22.

<sup>6</sup> Palgrave, *Doc. Illus. Hist. of Scot.*, p. lxxx.

<sup>7</sup> There are other proofs. See Sir Herbert Maxwell's Bruce, p. 41.

<sup>8</sup> He had already, in May 1287, obtained a dispensation worded generally (*Stevenson, i. 35*).

<sup>9</sup> November 6, 1289. *Fœdera*, R. C. ed., vol. i. pt. ii. p. 719.

<sup>10</sup> *Fœdera*, R. C. ed., vol. i. pt. ii. p. 730.

<sup>11</sup> *Fœdera*, vol. i. pt. ii. p. 735.

- <sup>12</sup> Innes, Lectures, pp. 76, 212.
- <sup>13</sup> *Fœdera*, vol. i. pt. ii. p. 737.
- <sup>14</sup> It is hard to understand the long residence of the queen in Orkney, and why did the Scots, for six weeks at least, delay meeting her there? Bain, ii. 107; *Fœdera*, i. 741.
- <sup>15</sup> *Fœdera*, vol. i. pt. ii. p. 741. 1290.
- <sup>16</sup> For this romance see Proceedings of Scottish Society of Antiquaries, x. 403-416. The burned woman was revered as a saint.
- <sup>17</sup> *Fœdera*, R. C., i. 741, 743, 747.
- <sup>18</sup> Bain, ii. 109, 110; Palgrave, pp. viii-1, 14-21.
- <sup>19</sup> Compare Palgrave, *loc. cit.*, with Robertson, ii. 502-505.
- <sup>20</sup> Palgrave, p. cxvi. <sup>21</sup> *Fœdera*, i. 752.
- <sup>22</sup> Stevenson, i. 227, 228; date, May 4.
- <sup>23</sup> *Fœdera*, i. 762 *et seq.*; "The Great Roll of Scotland."
- <sup>24</sup> Hemingburgh, ii. 34. Hemingburgh (or Hemingford) was a contemporary, and a canon of Gisborough in Yorkshire.
- <sup>25</sup> Dr Gardiner says that this entry in the English Chronicle was made fifty years after date, and "only covers some act of alliance." Student's History of England, p. 63.
- <sup>26</sup> Freeman, 1st edition, i. 142, note.
- <sup>27</sup> Dr Gardiner says, "This was only a repetition of the acknowledgment . . . to Eadward (924) and Cnut." But he had admitted that it is uncertain whether superiority was acknowledged, in 924—*op. cit.*, pp. 63-104.
- <sup>28</sup> Robertson, ii. 401, 402. There is an excellent treatise on the whole theme, 'Feudal Relations of the Kings of England and Scotland,' by Mr C. T. Wyckoff (Chicago University Press, 1897).
- <sup>29</sup> The date 1237 is printed 1287 in Robertson, ii. 406.
- <sup>30</sup> Burton, ii. 208 (ed. 1867); ii. 120, 121 (ed. 1873); *Fœdera*, i. 763.
- <sup>31</sup> *Fœdera*, R. C. ed., vol. i. pt. ii. p. 766 (June 3).
- <sup>32</sup> *Fœdera*, i. 767.
- <sup>33</sup> See Stevenson, i. 318.
- <sup>34</sup> See Burton, ii. 130, 131, 1873, note, where the pleadings and the statement of Sir Francis Palgrave are summarised. See also Robertson, ii. 33. Earl David's daughters were never the heiresses of the Crown during the life of Alexander II. "The claim of Bruce is only another instance of the effrontery with which the most groundless pretensions were put forward."
- <sup>35</sup> This appears to be the result of genealogies in 'Family Records of Bruces and Comyns,' by M. E. Cumming Bruce. Cf. Bain, ii. xx.
- <sup>36</sup> Alexander had issue, however, later.
- <sup>37</sup> Palgrave, pp. xviii, 14. Precisely the same statement about the assent of the *probi homines* is made for Bruce in '*Fœdera*,' vol. i. pt. ii. p. 777. The memorial of the seven earls, discovered by Palgrave, adds nothing to the testimony, as they admit that they don't know what has become of the documentary evidence. They only expand the statement, they do not prove it. The alleged event occurred fifty-four years before 1292.
- <sup>38</sup> Bain, ii. 154, 155.
- <sup>39</sup> See examples of Edward's personal generosity to Balliol. Bain, ii. 157.
- <sup>40</sup> April 1294. Bain, ii. 160.
- <sup>41</sup> This plea had been running since February 3, 1289. Stevenson, i. 71. The Gascon merchant had been condemned to death in Scotland for piracy, and was pardoned, and had his bill paid! It is a queer confused affair.

<sup>42</sup> Hemingburgh, ii. 40-46.

<sup>43</sup> July 5, 1295. Hemingburgh, ii. 77-89, Documents.

<sup>44</sup> It is notable that representatives of Scots Burghs seal the documents in the transactions with France.

<sup>45</sup> October 16, 1295. Bain, ii. 166. It is strange that, on the very same day, Edward promised that, when his war with France was over, he would restore to John the three castles, Berwick, Roxburgh, and Jedburgh, which he had demanded at his hands. *Fœdera*, i. 829.

<sup>46</sup> Display of military force at Upsettlington. Bain, ii. 167.

<sup>47</sup> Hemingburgh, ii. 90.

<sup>48</sup> Stevenson, ii. 25.

<sup>49</sup> Hemingburgh, ii. 99.

<sup>50</sup> *Fœdera*, i. 791.

<sup>51</sup> Hemingburgh, ii. 104 (April 27, 1296); Stevenson, ii. 26.

<sup>52</sup> Stevenson, ii. 38.

<sup>53</sup> The legendary writers have so clouded the history of Bruce, that modern readers still seem surprised by the story of his astonishing versatility and caprice, in these years. But Lord Hailes, in the last century, had no illusions about Bruce, and popular opinion merely proves the tenacity of myth. Dr Stevenson (1870) wrote of the transactions of this period, "Whenever the name of Robert Bruce is mentioned, it is nearly always connected with some measure hostile to his country" (Historical Documents, i. liii).

<sup>54</sup> Hemingburgh, ii. 110.

<sup>55</sup> The loot is recorded—see Bain, ii. 221.

<sup>56</sup> A word of doubtful origin. Fordun, later, calls documents with pendent seals *literæ ragmannicæ*. A kind of game of forfeits bore the same name.

<sup>57</sup> Stevenson, ii. 31.

<sup>58</sup> See Mr Moir's edition, Scottish Text Society, p. xi.

<sup>59</sup> Fordun, "Hislop."

<sup>60</sup> *Scalacronica*, p. 123.

<sup>61</sup> Chron. Lan., 190. Here the chronicler is backed by Edward's own charges against the Bishop. "He abetted Bruce and Wallace, and worked them up into rising against the king" (Palgrave, p. 343).

<sup>62</sup> See Appendix C, "The Celts in the War of Independence."

<sup>63</sup> Knyghton, i. 373.

<sup>64</sup> There is a work called "Wallace's Trench" at Hangingshaw on Yarrow. For letters on these events cf. Stevenson, ii. 192-235; Bain, ii. 238-241.

<sup>65</sup> Stevenson, ii. 231.

<sup>66</sup> Hemingburgh, ii. 133, 134.

<sup>67</sup> Hemingburgh, ii. 134.

<sup>68</sup> *Scalacronica* and Chron. de Lan. mention this odd proceeding in different terms.

<sup>69</sup> Hemingburgh, ii. 133-140.

<sup>70</sup> Hemingburgh, ii. 141.

<sup>71</sup> Hemingburgh, ii. 130, 131.

<sup>72</sup> Hemingburgh, ii. 144. The safe-conduct is also given by Andrew Murray. The document seems valid, Hemingburgh having no partial affection for Wallace. But Andrew Murray had fallen at Stirling Bridge, and his father was then a prisoner in the Tower. Bain, ii. 300. So a jury found, later, but there is another undeniable document, *after* Stirling fight, in Murray's name. Probably he really fell at Falkirk. His posthumous son resisted Edward Balliol.

<sup>73</sup> Letter to Mayors of Lubeck and Hamburg, Oct. 11, 1297. Murray continues to act, though we have an assertion of his death (Wallace Papers, Stevenson, p. 159).

<sup>74</sup> Hemingburgh. Stevenson, ii. 248-256.

<sup>75</sup> Bain, ii. 253. The earliest mention of a *clan* known to the writer. See Appendix C, "The Celts in the War of Independence."

<sup>76</sup> Bain, ii. 255.

<sup>77</sup> Hemingburgh, ii. 174.

<sup>78</sup> Hemingburgh, ii. 177.

<sup>79</sup> Hemingburgh, ii. 180.

<sup>80</sup> Dr Gardiner says that Edward learned the use of the long-bow in his Welsh campaign. See Mr Oman, 'History of the Art of War in the Middle Ages,' pp. 400, 560-568. No doubt the South Wales men drew a good bow, but the experiments of Mr C. J. Longman show that Giraldus Cambrensis drew a better, in his vaults of Welsh archery. See Badminton Book of Archery.

<sup>81</sup> Stevenson, ii. 283; Bain, ii. 262; Stevenson, ii. 241. Mr Tytler accepts the story of treachery, not so Lord Hailes.

<sup>82</sup> Walsingham has amusingly misunderstood it. See Gray in 'Scalacronica.' At this date, Gray leaves the impression that he is condensing Hemingburgh and other chroniclers, rather than giving his father's reminiscences.

<sup>83</sup> Stevenson, ii. 285.

<sup>84</sup> Bain, ii. 255.

<sup>85</sup> Hemingburgh, ii. 182, 183.

<sup>86</sup> For the spy, see Bain, ii. 525, and in full in National MSS. of Scotland, ii. 8. A Scottish spy, Robert Skort, possibly a double spy, was hanged (Bain, ii. 293).

<sup>87</sup> Bain, ii. 295.

<sup>88</sup> Hemingburgh, ii. 189-196. The Pope wrote to the Archbishop of Canterbury on June 28, 1299 (Stevenson, ii. 376). His letter to Edward is of the following day (Fœdera, i. 907). In September 1300 Edward appeals to the clergy for documents in support of his claims.

<sup>89</sup> Burton, ii. 209, 1873.

<sup>90</sup> Hemingburgh, ii. 188; Fœdera, i. 924.

<sup>91</sup> Fœdera, vol. i. pt. ii. p. 926.

<sup>92</sup> Fœdera, vol. i. pt. ii. p. 933.

<sup>93</sup> Robert the Bruce, 109.

<sup>94</sup> Bain, ii. 342, 343.

<sup>95</sup> Fœdera, vol. i. pt. ii. p. 942.

<sup>96</sup> Hemingburgh, ii. 222, 223. As to the magnitude of this victory, Scots and English chroniclers differ.

<sup>97</sup> Bain, ii. 360-369.

<sup>98</sup> Bain, ii. 470; Palgrave, cxxxvii.

<sup>99</sup> Stevenson, ii. 481.

<sup>100</sup> Bain, ii. 405.

<sup>101</sup> Fœdera, vol. i. pt. ii. pp. 965, 966.

<sup>102</sup> Wallace Papers, p. 163.

<sup>103</sup> Wallace Papers, p. 167; Palgrave, pp. 284 and cxlvi.

<sup>104</sup> Palgrave, p. 276.

<sup>105</sup> Palgrave, p. 295.

<sup>106</sup> Lan. Chron., p. 203.

<sup>107</sup> Fraser, Book of Menteith, i. 433-449.

<sup>108</sup> Wallace Papers, pp. 190-193, August 23, 1305. The MS. is only a copy, but seems to be authentic. It may be observed that, to the last, the facts in Wallace's career are obscure. There is a warrant for his delivery from the Tower dated August 18, 1305. And there is record of fifteen shillings paid for the carriage of his dead body to Scotland, dated by Dr Stevenson as of September 29, 1304. Stevenson, ii. 485; Bain, ii. 454. Doubtless Stevenson erred.

<sup>109</sup> Wordsworth.

## CHAPTER VIII.

## THE WARS OF BRUCE.

WITH the death of Wallace, and the universal submission of the Scottish magnates, every obstacle to Edward's policy seemed to have disappeared. There was no *prétendant* to the Scottish crown whose claims had a shadow of popularity. Nobody cared for the descendant of Donald Ban as king; Bruce had at last by his eager services given stronger proofs of his loyalty to England than repeated oaths on relics and sacred swords could afford. The English king had only to organise his conquest, and the Union would be accomplished. The end of Edward had been as excellent as his means to that end had been tortuous. Nemesis, not *pède claudo* but with hurrying foot, was approaching; meanwhile, he organised his new realm. Ten Scottish representatives of various ranks were summoned to his Parliament. They were chosen by the bishops, abbots, earls, barons, and "community." Among them were the versatile Bishop of St Andrews, Lamberton, and (elected by Edward in place of the absent Earl of March) the notorious Sir John Menteith. With twenty-two Englishmen they agreed to certain regulations. The old Celtic laws of "Scots and Brets" were to be disused. We have already quoted the sums payable for manslaughters in various ranks from these "Laws." It would be interesting to know whether their existence implies the recognised presence of "Brets" in Scotland. A report on King David's laws, with suggestions for their reform, was to be laid before Edward. Inconvenient persons were to be "courteously" removed to the south of Trent. Oaths of futile solemnity were administered to the commissioners (September 23, 1305).<sup>1</sup> John of Brittany, Edward's nephew, was to be a kind of viceroy, aided by a chancellor, a chamberlain, and a comptroller. Eight justices were ap-



pointed,<sup>2</sup> and the sheriffs, as a rule, were Scots. The castles were in English hands. Edward made public proclamation that Scots travelling to his London Parliament were to be well and courteously treated.<sup>3</sup> He set about repairing the injuries and healing the wounds of war. Grants of oak-trees for timbering the priory of St Andrews, and the wasted cells and churches of Elgin, and of Ettrick Forest, were made, and Stirling Bridge, so often injured, was restored. Commerce was reviving, and the useful captor of Wallace received trading privileges, which Edward gave grudgingly he admits, and would have granted to none other than his valued Menteith.<sup>4</sup> New castles were built, and old castles were strengthened and provisioned. Everything seemed to be working smoothly, and we may wonder how all would have ended had a dagger-stroke not intervened.

The only probable element of disturbance appears to have been the resentment of ousted lords of lands, such as James, son of Sir William Douglas, and of their tenantry. If the new English holders of fortified estates, such as de Clifford, could conciliate the commons, if the troops of occupation would behave courteously, there seemed no ground for popular discontent. The new landlords were scarcely more alien in blood than some of the old had been. The chronic resistance of the clergy had, however, to be reckoned with by Edward, who carried as far as the Prince of Orange the policy of winning men by trusting them. Thus the Bishop of St Andrews, six days after Bruce's murder of Comyn, was actually requested, with others, to keep the realm till John de Bretagne could take office in Lent.<sup>5</sup>

It certainly looked as if Scotland might now have been united to England, with no particular sense of wrong and resentment, had it not been for the ambition of Bruce. For two or three years Bruce had been subservient enough. But an unknown incident had occurred, in June 1305, which was to divide the kingdoms for four hundred years. Robert Bruce, as we saw, had been managing the siege-train with which Edward battered Stirling Castle. His father had just died, and Bruce, after all his faults against Edward, was being admitted to his inheritance. Yet, on June 11, 1304, while Bruce was aiding Edward to take Stirling Castle, while Lamberton had just been pardoned and admitted to Edward's peace, the pair entered into a treasonable "band" together.<sup>6</sup> By that band, each partner was to aid the other, "against all men," under heavy

pecuniary penalties. This meant that Lamberton was still working for the independence of the Scottish Church, and that Bruce was still hankering after the Scottish crown. In 1305, before April 1, Bruce was with Edward at Westminster, and obtained the forfeited lands of de Umfraville in Carrick. In August he may have witnessed the end of Wallace. In September he was bidden to appoint a keeper of the strong castle of Kildrummie, in Aberdeenshire, for whom he shall be responsible. Bruce, therefore, seemed trustworthy to those who neither knew about his band with Lamberton, nor were willing to be warned by his extraordinary series of vacillations.<sup>7</sup> The exact course of events which presently converted Bruce from an adherent of Edward into a sacrilegious homicide with no safety save as a crowned king cannot be ascertained. The version given by Fordun is, of course, late, and prejudiced in Bruce's favour. The version of Hemingburgh may be prejudiced, but it *is* contemporary, and is supported by the contemporary Sir Thomas Gray, whose father, severely wounded at the siege of Stirling, had been concerned in all the affairs of the age.

According to Fordun, Bruce was at Edward's court in December 1305–January 1306. He then made overtures to John, the Red Comyn, son of Comyn the competitor, a man descended from Donald Ban and from David of Huntingdon. Bruce and Comyn, as we saw, had been at daggers drawn in Etrick Forest years before, when both were Guardians of Scotland. Bruce had deserted that post of honour and danger. Comyn had stood longer by his country. Comyn, on all grounds, was a most dangerous rival to Bruce, if the question of a king for Scotland ever came up again. To Comyn, then (says Fordun), Bruce opened his mind: Barbour, on the other hand, makes Comyn open his mind to Bruce. "Support me, and take my estates; or give me your estates, and I will support you." Comyn accepted the former alternative. A band was made, oaths were exchanged. Comyn revealed the plot to Edward (displayed the band, says Barbour). Edward dropped a word of it over his wine. Barbour makes Bruce deny the band and persuade Edward that his seal had been used without his knowledge. Gloucester, according to Fordun, heard of Edward's word, and sent to Bruce a "symbol letter,"—twelve pence and a pair of spurs. Bruce took the hint, and, having his horse shod backwards, for there was snow on the ground, rode to the North,—this child-like scheme of hiding his track is obviously

a pure fairy-tale. On the Border, Bruce intercepted and slew a messenger from Comyn, bearing a denunciatory letter to Edward. This letter was superfluous, on the hypothesis, Comyn having already betrayed Bruce. That adventurer reached his castle of Lochmaben, met Comyn in the Church of the Minorite Friars at Dumfries, accused him of treachery, received the lie, and dirked his man in a sudden passion. It would seem that Comyn was not in armour.

Hemingburgh's tale is that Bruce, in Scotland, being jealous of Comyn, sent his own brothers, Thomas and Nigel, to bid Comyn treat with him at Dumfries. The king's justices were in session, there, and it was natural for both Bruce and Comyn to be present. The rivals met and embraced in the church. Bruce then accused Comyn of betraying him to Edward, Comyn returned a soft answer; but Bruce stabbed him at the altar, *and stole his horse!*<sup>8</sup>

Gray also makes Bruce send Nigel and Thomas from Lochmaben to Dalswinton to bring Comyn to Dumfries, with orders to stab him as they rode. Comyn was so pleasant that they could not harm him: "He gave us such kind greeting, and such fair gifts, and showed so open countenance, that in no manner could we do him injury." "Let *me* meet him!" said Bruce. At their interview Bruce made the offer reported by Fordun. Comyn said that he must keep his oath, and Bruce stabbed him. The friends of Bruce "made sikker," whether "Kirkpatrick's bloody dirk" was employed or not. An uncle of Comyn's struck at Bruce, who was in armour, and took no hurt.<sup>9</sup> The uncle was slain, as Hemingburgh also reports.

An odd piece of English evidence remains to be considered. "Matthew of Westminster" says that Bruce tampered with several Scottish nobles as to their support of his claims in resistance to English tyranny; but, while many consented, Comyn refused. Now there exists a manuscript—the original of it was probably contemporary—which contains an account of Scottish affairs at this juncture in the style of a parody of the Bible. The parody, though in the worst taste, is decidedly clever. It represents Bruce's action as the result of a general stir among the Scottish magnates, who said, "Let us make a king unto ourselves like the other nations, to break the yoke of the English from our necks." Buchan, Ross, and Dunbar refused the crown, but Bruce accepted, saying, "Behold, I send you forth as wolves among lambs." Comyn, as in Matthew of Westminster, resisted, saying, "We have no heritage or peace in Robert,

and no king but Cæsar, king of the English." Two false witnesses reported this to Bruce, who therefore stabbed Comyn in church. Lord Bute holds (though an eminent scholar disagrees) that Matthew of Westminster quotes, in several places, this strange piece of contemporary journalism.<sup>10</sup> We may take it, perhaps, that this version of Bruce's behaviour—his anger because Comyn resisted a plot to crown him—was current in England in 1307, the parody ending before the death of Edward I.

While Fordun's tale is a *Märchen*, Gray's version implies deliberate murderous intention; but it is clear that Bruce had made no preparations for holding out against Edward. Mr Hume Brown<sup>11</sup> seems to think that Bruce's immediate action shows that he "had long maturely considered" his part. Then, was the murder of Comyn premeditated? Again, Edward was not entertaining suspicions of Bruce (as in Fordun's legend), for, two days before the murder (Feb. 8), he was bidding the Treasurer discharge Bruce of Scutage, supposed to be due from his father's estate.<sup>12</sup> Edward would not do this for a denounced traitor, *who, moreover, had acknowledged his guilt by sudden flight*. Nor was Comyn conscious of treachery to Bruce, or he would have declined to meet his victim. Consequently we may suppose that a sudden quarrel broke out between men who, long before, had flown at each other's throats, and that Bruce's act was an unpremeditated but not an unrepented manslaughter. The inveterate waverer was thus baptised into heroism by blood; he redeemed his character by a crime; and a life of strenuous excellence began in a sacrilegious homicide.<sup>13</sup> The Rubicon was now crossed with a vengeance. Bruce, from Lochmaben, summoned his party, and the Bishop of St Andrews sent to him Sir James Douglas, a young knight with a long debt of vengeance for his father Sir William, and for his lost lands. In Glasgow the six-times-perjured bishop, Wishart, received Bruce gladly. Bruce hurried to Scone; it was essential that Scotland should have a crowned king, and without the Stone of Destiny, but with the mystic aid of a lady of Clan Macduff, the Countess of Buchan (who had fled from her husband, of Edward's party<sup>14</sup>), Bruce was crowned.<sup>15</sup> Such were the strange kingly beginnings of the royal race in whose interest the plea of legitimacy has been most eagerly urged.

Weeks before Bruce's coronation, Edward was preparing for a new conquest of that indomitable country on whose soil he was

never again to set his foot. He is said to have heard of Bruce's homicide while on a hunting-party among the Wolds near the Itchen, in Hampshire.<sup>16</sup> Edward now bade farewell to "respective leniency," and acted in the spirit of "fire-eyed fury." Except Wallace, he had not capitally punished any of the Scottish leaders, though most of them had broken oath upon oath. He was now determined to destroy, with the cruelties of the law of treason, all who were in any way accessory to a perfidious and sacrilegious murder. His forces, under Aymer de Valence (Earl of Pembroke), Robert Clifford, and Henry Percy, were over the Border, and were warring with such fortunes as are to be narrated, when Edward solemnised, by a great pageant, his purpose of reducing Scotland. In Westminster, at Pentecost, he gave the accolade to three hundred new knights, among whom he distributed gold, purple, and fine linen. The apple-trees were cut down in the Temple Gardens to make space for the pavilions of the glittering crowd of young knights who were to perish holding the Castle Perilous of Douglas, or when Randolph climbed the Castle crag of Edinburgh, or in Bruce's onfall at Perth, or in the marsh under Loudon Hill, or in the mellay and the rout when

"The Burn of Breid,  
Did run fu' red."

But all these things "lay on the knees of the gods," while the fated Prince of Wales watched his arms in the church at Westminster; and so great was the clamour of trumpets, and the melody of flutes, that men could not hear the anthems echoing from the choirs. So crowded was the church next day that two knights died, and many fainted,—evil omens, yet the king vowed "to God and the Swans" that, "living or dead," he would enter Scotland and avenge Comyn, adjuring the prince to carry his body, if he died, over the Border,—as the mummy of Joseph was borne into the Holy Land by the returning Israelites. All were to march together after the Feast of St John.<sup>17</sup> Meanwhile Bruce was stripped of lands, honours, and even of Christian dues, for, later, he was solemnly excommunicated by Papal authority, a circumstance which produced no effect whatever on the mind of Scotland. Only his friends remained: his nephew, Thomas Randolph (presently to desert him for a season), the good Lord James of Douglas, Lennox, Atholl (destined to the gibbet), Errol, and the

ancestor of the House of Kilmarnock, with Somerville of Carnwath, and a brother of Simon Frazer. Many of their descendants were, in uttermost calamity, to be as true as they to the blood of Bruce.

We are enabled to follow the hurrying events of 1306 by a double clue. The State Papers of Edward give us one line, the heroic poem of Barbour gives us another. We find Aymer de Valence, Edward's general, at Berwick, in May, while Edward is as eager for him to catch the Bishops of Glasgow and St Andrews as ever was Henry VIII. to trepan Cardinal Beaton. Bruce had been ravaging Galloway, where the Celts were hostile,<sup>18</sup> but, in search of Aymer, he retired beyond Forth. Aymer lay in Perth; Bruce challenged him to come forth. Hemingburgh for England, Barbour for Scotland, both report that Aymer refused to fight that day, but promised to do battle on the next. Bruce's men accepted the proposal, and set about cooking, foraging, and erecting shelters, in the wood at Methven. The weather was midsummer, and the bivouac was welcome. But Aymer sallied forth on the scattered Scots, and, despite the prowess of Bruce, and Seton (who, later, was taken and hanged), he routed the enemy and captured many prisoners. Among others Thomas Randolph was taken, a nephew of Bruce. He saved his life by becoming Edward's man. On June 16, we find Edward rejoicing at good news, especially at the capture of the Bishop of Glasgow. To his invaluable John Menteith he grants the earldom of Lennox. On August 4, we find brief record of hangings of prisoners taken at Methven. Laymen, peasants, knights, and clerics were hanged. Simon Frazer's head was impaled beside that of Wallace.<sup>19</sup> The Bishops of Glasgow and St Andrews are discovered in irons, at the castles of Porchester and Winchester.<sup>20</sup> On August 9, he of St Andrews was confronted with his band to Bruce, and his oath of fealty to Edward, made three months earlier than the band. He had the astonishing coolness to declare that, when formally admitted of Edward's council, he did not reveal the guilty secret of the band, because he had forgotten all about the transaction!<sup>21</sup> Edward is accused of cruelty for inflicting on his lay prisoners, Atholl his cousin, Nigel Bruce, and others, the extreme horrors of the law against treason. He spared, however, the lives of the perjured churchmen, though not of clerics less exalted: his vindictiveness did not exceed that of the Hanoverian Government in the age of Hume, Johnson, Horace Walpole, and Voltaire. Temple Bar

long displayed the heads of loyal men, as the heads of Wallace and Frazer had decorated London 450 years before. Edward, it is true, had pushed the policy of clemency and trustfulness very far: he had invariably been met by perjury and revolt. His character is not wholly amiable; but we must admit that he had now unprecedented provocation. His opponents were not fighting, as Wallace fought, for king and country: they were fighting, at this moment, "for their own hands."

We left Bruce a fugitive from Methven Wood. He took to the heather with a little company of lords and ladies. His queen had said, at Scone after the coronation, "Alas, we are but king and queen of the May! such as boys crown with flowers and rushes in the summer sports."<sup>22</sup> Of old, the king of the May was slain in a solemn sacrifice; the same doom seemed to hang over Bruce.<sup>23</sup> The true romance of his life began in his mountain wanderings. Barbour's book cannot be regarded as exact history. He repeats such incidents as Bruce's defeat of three armed traitors over and over again. But he had stories from actual survivors, he had popular ballads for his sources, and we may feel certain that if Bruce had not now played the part of the perfect knight, which Barbour assigns to him, he would not have overcome the despairing indifference to his cause. Of his sacrilege the Scots thought little. The clergy were staunch to him, from the highest to the lowest. The archers of Etrick now served Edward—Aymer was their new lord; Galloway was hostile to Bruce, so was Lorne, —the representative of the House of Somerled, Macdowal, the chief, taking up the blood-feud for his kinsman, Comyn. Some Celtic lords had long been Edward's men. Sir Nigel Campbell, of the kin of the future Lords of Lorne, was loyal to Bruce; but the people were against him, or not for him.

" All the Commons went him fra,  
That for their lives were full fain  
To pass to the English peace again."

Thus deserted and distressed, Bruce, after a desperate fight with Lorne's retainers, sent away the ladies of his party to his one strength, Kildrummie Castle in Aberdeenshire. By September 13 Kildrummie was taken, through the treachery of a man who cast a hot plough-iron into a heap of corn, says Barbour. Nigel, Bruce's brother, was captured, and died by the doom of traitors, for Edward

had forsworn mercy, and hanged, disembowelled, and quartered his noblest prisoners, and even priests, which greatly harmed his cause. The Queen had vainly sought "gryth" at St Duthac's shrine in Tain; the Earl of Ross handed her over to the English. The Queen's prison was "courteous" enough: she had sufficient attendance, and leave to hunt, and the best house in the manor of Brustwick for her abode. The Countess of Buchan, with Bruce's sister Mary, were much more strictly warded in "kages," within turrets, at Berwick and Roxburgh. But the "kages" are to be so constructed that the Countess "shall easily have *chambre cortoise* therein." As to Marjorie, Bruce's daughter, the order was rescinded. The "kage" of Lady Buchan can scarcely have been as bad as the *huche* in which Jeanne d'Arc was later cruelly confined. The Countess had servants ("not gay"), and *chambre cortoise*, but dwelt in an inner chamber of iron and wooden lattice, within a room of Berwick Castle. The ordinary story of a cage hung on the castle wall seems to be exaggerated.<sup>24</sup>

In Scotland, as we saw, Bruce was hewing his way westward, after Methven fight, and he only escaped by courage and skill of fence from the assault of Argyll's retainers at Tyndrum. He was heading for Kintyre, where he had a friend and ally in Angus Og of Isla, through whom he was to secure the aid of a branch of the House of Somerled, and the men of the Northern Isles.<sup>25</sup> Through this comradeship, the Islesmen, usually the deadly foes of Scotland, were to share in the glory of Bannockburn. The realm between Tyndrum and Kintyre is a land of mighty hills, deep penetrating salt-water lochs, and angry rivers. In this wilderness Bruce kept the hearts of his men high by tales of Hannibal's adventures,—

"Auld storsy of men that were  
Set in tyll hard assayis sair."

He sent on Sir Nial Campbell, to procure shipping, and himself crossed the desert hills, "in showers snell," as far as Loch Lomond. It was a weary and perilous journey to walk round the loch, and horses they had none. But Douglas found a little boat, sunken under water. They baled it, it held but two passengers and an oarsman, and so they crossed the loch by threes at a time, some even swimming. On the farther side, Bruce read to his company the romances of "worthy Fërambrace and doughty Oliver." Bruce set the gallant example which his descendant, Prince Charles, was to follow so closely that parts of 'The Lyon in Mourning' read like a prose rendering of Barbour's 'Bruce.' Charles's crossing of Loch-



shiel, with Glenaladale, in a dug-out canoe, answers to Bruce's crossing of Loch Lomond. When all had crossed the loch, they hunted for venison, "but they got little for to eat." At this moment the Earl of Lennox (not Menteith) heard the cries and blasts of horns on the hills. He had received no news of Bruce since Methven fight, and deemed him slain; but now they met, and Lennox wept for joy, and Bruce

"For pity wept again  
That never of meeting was so fain."

Sir Nial had secured shipping for Bruce, who sailed to Kintyre, Lennox narrowly escaping from the galleys of the trusty Menteith, who, having been so well rewarded for taking Wallace, was now hard on the track of Bruce.<sup>26</sup> This energetic man was, no doubt, only doing his duty in his sphere of usefulness. But it is not difficult to understand his traditional unpopularity. On September 25, 1306, Edward bade Menteith compel the people of Kintyre to supply the English who were there besieging Dunaverty Castle.<sup>27</sup> This castle had been given to Bruce by his good friend, Angus Og of Isla.<sup>28</sup> The sea was clouded with English ships, and with the galleys of Lorne. Bruce and Douglas fled to Rachrin, or Rathlin, an isle on the Irish coast.<sup>29</sup> From Rachrin, Douglas made a successful foray on Arran, whither Bruce followed him. To three blasts of Bruce's horn, Douglas and Boyd rallied eagerly: here, in a richer isle than Rachrin, they looked across the sea to Bruce's own lands in Carrick, and to his own castle of Turnberry (Feb. 1307). Thither he sent a spy, who was to light a beacon if things looked well. All looked as ill as might be; Turnberry was held by Percy, so the spy lit no fire, yet, at nightfall, a mystic blaze shone over Turnberry, as the flame of Athene burned above the brow of Achilles. This was the fire of Fate: Bruce followed the gleam—how lighted or tended no man knew—and the tide of his fortunes turned from that hour.<sup>30</sup> Bruce landed, and found his spy, Cuthbert, waiting for him in sore distress. He knew not who had lit the beacon, and lured over the king. But there was no returning. Urged by his brother, Edward, Bruce made havoc of the sleeping English in the hamlet below the castle. Nor did Percy sally from the fort, in fear of a night surprise,—indeed Bruce seized his horses and silver plate.<sup>31</sup> But Bruce's other brothers, Thomas and Alexander, landing with an

Irish force, were defeated by Dougal Macdowal, of Galloway, and the Bruces were hanged at Carlisle, whither Edward I. had been slowly carried for an invasion of Scotland. Their heads were placed on spikes on Carlisle wall. Edward lay at Lanercost for the most part, while Bruce skulked in the recesses of Carrick and Galloway. Now Douglas, stealing to his own lands, wrought the massacre of "the Douglas Larder," on Palm Sunday. All through March 1307, Edward, at Lanercost, was levying men to hunt Bruce out of the desolate glens at the head of the waters of Galloway. All were to muster at Carlisle for the hunt.<sup>32</sup> Butetourte led a force in the valley of Nith; nineteen knights were under him. In Ayrshire was Aymer de Valence, Clifford was in the valley of the Cree, Mowbray hunted Glen Trool. John of Argyll had 800 light-footed gillies on the royal trail. "The nets are spread and the stakes are set." Barbour has told how the nets were burst, the hired assassins discomfited, the bloodhounds outwitted or slain, by the king's agility, strength, and courage. When an onfall was made, Bruce's men scattered among the wildernesses where the Covenanters were to find good hiding. It is a region now brown with heather, or green with pasture; a realm of lofty table-lands seamed with "lanes" of black water, or broken by the steepest of hills; but then there were woods for retreat, as well as caves in the cliffs of Loch Dungeon or Loch Trool. Here Bruce held his own, doing *miracula*, as Hemingburgh says, in the way of skill and endurance. Against him the arrows of traitors were pointless, and the instinct of sleuth-hounds was vain. At Lanercost Edward waited, fondly hoping for the great news of "King Hobbe's" capture by every messenger. No such news arrived. A sufficient English force rode up the Cree water to Loch Trool, but were met in a place of vantage. Bruce "took the hill of them," at a point where, having left their horses behind, they were entangled in a wood. A sudden charge headed by Bruce dismayed them, and Aymer de Valence withdrew to England.<sup>33</sup>

There exists a curious letter of May 15, 1307, in which an unnamed writer at Forfar tells some English official that Bruce never before had so much good-will as now from the Scots; that the preachers are of his party; that a prophecy of Merlin in his favour has been discovered; that Scots and Bretons shall henceforth live in amity "after the death of le Roi Covetous"; that the North is reported to be ready to rise, while quiet people will, as usual, take

the stronger side. If Edward dies, all will be lost, and already the English expedition against Bruce is in retreat.<sup>34</sup> This letter must have been written, not immediately after the Glen Trool affair, but after news came of a later victory by Bruce, at Loudon Hill, on May 10, 1307.

He had slipped out of Galloway, through the midst of his enemies, into Ayrshire. Aymer had challenged him to fight in open field, and in knightly fashion. There is an abrupt eminence, Loudon Hill, almost the only one as far as the eye can reach, over a wide expanse of moor. One side is steep rock, the other, on the north, slopes more gently, by a series of declivities, to what is now woodland and cornland, but was then marsh and moor. On a piece of comparatively level ground, half-way down on this side, Bruce is said by tradition to have posted his men, taking advantage of a marsh, and strengthening his flank by trenches. From the marsh, probably, issues a little burn which flows down the slopes, and up the "haughs" beside this rivulet Aymer is said, by tradition, to have led a cavalry charge. The security of Bruce's position enabled him to repel the English, and Aymer's horses galloped back with many an empty saddle, as, nearly four hundred years later, the cavalry of Claverhouse were to do on neighbouring ground. For it was from the crest of Loudon Hill that the watchmen of the Covenant saw Claverhouse approaching their conventicle at Drumclog, among the moors and marshes beneath the steepest side of the eminence,—“a yellow, benty, mossy, boggy place,” in a desolate land watched over by the formless far away masses of Cairntable and Wardlaw.

Bruce's victory, in open field, brought him fresh adherents.

On May 15, some one writes from Carlisle that Edward is well, but very wroth that Aymer has retired before “King Hobbe,” his humorous name for Robert Bruce. He adds the astonishing statement that James Douglas has sent for permission to come into the king's peace, but has changed his mind after Loudon Hill. If true,<sup>35</sup> this intelligence shows how critical was that victory. The affair of Loudon Hill, with minor successes of Bruce, determined Edward himself to move against King Hobbe. His approach might have driven Bruce to the Isles again, but this was not to be. The great Plantagenet died, at Burgh-on-Sands, with Scotland in full sight (July 7, 1307).<sup>36</sup> The story that he bade men carry his bones at the head of the army is late, and may be legendary.

Aymer de Valence, moving south from Ayr by the Glen Kens,

soon left Scotland—Lorne and his Highlanders guarding Ayr for the English. Edward II. advanced into Ayrshire, and retreated, either because he could not feed his army, or because he preferred a life of pleasure in England, in the fatal society of Piers Gaveston. John of Brittany was again made Governor of Scotland. The death of the great Edward, with his hopes broken and his work undone, and the kingship of his frivolous and distracted son, make the later successes of Bruce something less than miraculous. But we still ask how did he achieve any success? The nation, as a whole, was not yet with him (that his later forfeitures of his enemies proves),—patriotism, properly speaking, was as yet rudimentary. The commons had fallen away after Wallace's death; of the nobles, some were indifferent, many were bitterly hostile, holding Bruce in deadly feud. Rome, since 1304 no ally, was now an embittered foe, because of Bruce's sacrilege, and he lay under excommunication—then, and much later, a terrible position. Who composed Bruce's forces, while he wandered in Galloway? A few knights, probably, with some hundreds of broken men, from Kyle, Annandale, Carrick, and the Isles. They had, doubtless, private wrongs to avenge: the English army of occupation would bear hardly on a conquered and faithless subject people. Another cause which must have brought adherents to Bruce is given, with much fairness, by Hemingburgh. "Many joined Bruce from ill-will at the English justiciaries, by whom they had been put out of their lands in 1306. And because, in accordance with English law, the Scots have been punished by burning, by being torn to pieces at the heels of horses, and by hanging, therefore they rose like one man, preferring death to the laws of England."<sup>37</sup> Indeed no mortal can marvel at their choice. Not the cause of Bruce, but the abominable cruelties of English law, drew the Scots to the victor of Glen Trool and Loudon Hill. Moreover, Bruce had on his side a power which, in after-years, was ruinous to his house, "the false preachers," as the Forfar letter calls them, preachers who had been "attached before the justices" as abettors of war.

The pulpit was already a force in Scotland: the women, also, as Barbour tells us, were leal to a cause seemingly forlorn and to a very perfect knight. From them Bruce often received intelligence. Above all, he had his own vast bodily strength, his courage, his genius, his power of winning hearts, his generalship, and his knowledge of the country. Each little success of Bruce, or of Douglas, meant more soldiers under his standard. His party grew, and the indis-

cretions of Edward II. gave him his opportunity. Scotland was not freed purely by a far-seeing patriotism, but by the genius of a desperate man, by the clergy, and by the gradual discovery that the interests of individuals and of ordinary humanity were, on the whole, safer in Bruce's hands than in those of the English, and the detestable "English law."

When the winter drew on in 1307, Bruce moved to the North, where, as the Forfar letter shows, he had hopes of finding partisans. At Inverurie Bruce long lay sick and outwearied, and was harassed by the Earl of Buchan, a Comyn. But, in May 1308,<sup>38</sup> Bruce surprised and routed Buchan at Inverurie, wasting his lands with a severity which proved to men that the English party could no longer protect them. This was the famous "herschip of Buchan." The very forests were burned, and their blackened trunks, in the mosses, tell of feudal revenge.<sup>39</sup> Bruce won Aberdeen and Forfar Castle, and threatened Perth. Edward dallied, raised levies, dismissed them, and encouraged his generals to enter into truces with the enemy. In the South, the men of Etrick Forest and Tweed, whose lands had been given to Aymer de Valence, now came over to Bruce. Randolph was captured in Tweeddale, imprisoned, and finally reconciled to his uncle. Edward Bruce now defeated the English on the Cree. In Galloway the ancient clan of Macdowal was ever hostile to Bruce, whose House, since David I., had been interlopers in their lands. They were not disheartened, but returned in greater force, hoping to surprise Edward Bruce. Edward, however, had information of their approach, and what Barbour calls "great ferly"<sup>40</sup> (great marvel) followed.

Some English historians regard Barbour as "a great legendary storehouse, historically worthless."<sup>41</sup> This is, as a rule, an entire mistake. Barbour's estimate of numbers, for example, is sometimes corroborated to a tittle by the State Papers of Edward I.,<sup>42</sup> while Hemingburgh makes Bruce skulk in Glen Trool with a fancied force of 10,000 men, who could not possibly have been fed in the lonely wilderness. At this point of Edward Bruce's adventures in Galloway, Barbour cites his authority, an eyewitness, "Schyr Alane of Catkert by name," Sir Alan Cathcart. Relying on contemporary testimony, Barbour, like Knox, may confuse dates in his narrative; but, for facts, he is often the most trustworthy authority we possess. In this case he tells us how Edward Bruce concealed his infantry in a glen, and rode forth with fifty men-at-arms, well mounted, to attempt a

surprise. He came on the track of the advancing English, from the rear, and followed it in a mist. Suddenly the dense white fog which occasionally haunts these hills lifted, and he found himself within a bow-shot of men who outnumbered him by thirty times. But Edward Bruce,—

“That great yearning had  
All times to do chivalry,”—

swept down with his fifty horse in the spirit of William the Lion. He drove at the English ranks of men astonished by this elfin charge out of the mist, he “thirled” through them, and charged again, so that the English fled, with great loss. Thus, by sheer “hard fechtig,” Edward won Galloway, with thirteen castles, to his brother’s peace. As Galloway lies within striking distance of the English mustering-point of Carlisle, this service cannot be too highly estimated.

In March, probably, of the year 1309, Bruce routed the Macdoualls of Argyll, and Lorne’s men, on Loch Awe. Lorne’s force lay on the steep hillside above the narrow and precipitous outlet where Loch Awe narrows to a gorge, and pours its racing waters down the Pass of Brander. Lorne himself was in his galley on the neighbouring Loch Etive. Bruce warily sent Douglas round a spur of Cruachan to come upon the rear of the Highlanders. He himself, with his men, entered the pass and was attacked by arrows, and great rocks rolled down the crag. Bruce’s division charged up the hill, Douglas came round and fell on the Highland rear, the Argyll clansmen fled to a bridge over the Awe. Bruce won the bridge: the Highlanders were drowned or slain, and Lorne had to trust to his galley, like Argyll at Inverlochty. The date is March-June, and Lorne, in a letter to Edward, says that he is greatly outnumbered.<sup>43</sup> In summer 1309, Bruce took the Macdouall strength, Dunstaffnage Castle, near Oban. In March 1309, he had been able, it is said, to hold a Parliament at St Andrews, while the clergy warmly supported him in an assembly at Dundee (February 24, 1310). The vacillations of Edward II. betray themselves in the circumstance that, in a single year, he appointed six distinct governors of Scotland. On June 16, 1309, Edward met his council, and some refugees of Scotland, including Alexander of Argyll and John of Lorne. He bade Aymer de Valence meet him at Berwick, for an attack on Scotland; but, by August 21, he gave the Earl of Ulster a commission to treat for peace with Bruce. The Scottish

envoys were that incongruous pair, the loyal Sir Nial Campbell and the turn-coat Menteith.<sup>44</sup> The captor of Wallace is now found a convert to patriotism and Bruce.

The English ship was sinking and the rats left. Late in 1310 Edward invaded Scotland, while Bruce merely retired, stripping the country as he went. Edward was in the heat of his troubles with his barons: for Piers Gaveston he lost as much as did Anthony for Cleopatra. The varying fortunes of this sentimental infatuation made a definite Scottish policy out of the question. In August 1311 Bruce crossed the Border, harrying in a more clement fashion than had been in use of old. Thus he and his brother Edward, for two years, made war pay for war, and extracted indemnities from the northern English counties. Yet, even at this date, we find many Scots, even Annandale Scots, on the English side, and the plan of placing the father in one camp, the son in the other, prevailed, as in 1745. In August 1312, Bruce, taking advantage of discords among the English, seized Corbridge, and sent a force to Durham. The town was sacked and in part burned: the castle and abbey were too strong for the raiders to injure. The Durham people, however, hopeless of aid from Edward, bought a private truce till June 24, 1314, at the price of £2000, as did the counties of Westmorland and Cumberland. Hostages, sons of magnates, were delivered to Bruce as securities for part of the ransom. Douglas sacked Chester, but failed, and was wounded under Carlisle wall.<sup>45</sup> Times had changed, indeed, since King Hobbe was a fugitive skulking among the lochs and "lanes" of Galloway. To take Berwick was now his ambition, and an onfall was made by a night surprise (December 6, 1312). The Lanercost chronicler saw, and admiringly describes, the ingenious rope scaling-ladders, with grappling-irons at the top, whereby the Scots meant to scale the walls, the crests of which were not higher than a long spear. Unluckily a dog barked so loud that he woke the garrison, and saved Berwick, as the Roman geese saved the Capitol. The ladders were seized, and hung up by way of derision.<sup>46</sup>

Disappointed here, on January 8 (10?), 1312-13,<sup>47</sup> Bruce took Perth. It was commanded for England by the gallant defender of Stirling against Edward I., Sir William Oliphant, who, weary of prison, or not recognising in the slayer of the Red Comyn a worthy successor of Wallace, had taken service under the Leopards. Finding a point in the moat where men might cross by wading shoulder

deep, Bruce withdrew his forces by way of a ruse. During a week of retreat he had ladders fashioned, and then in the mirk of midnight silently returned. No cry of sentinels was heard from the walls, and Bruce himself, like Jeanne d'Arc at Paris, fathomed the moat with his lance-shaft. He discovered a place where the water was throat-high, he seized a ladder, and led the advance. A French knight in his company crossed himself, for the marvel that the king

“In such peril has him set  
To win a wretched hamlet.”

Then he ran forward, leaped into the ditch, and followed the king. The town was lightly won, with no massacre, and Bruce, according to his regular policy, levelled the walls.<sup>48</sup> Dumfries fell on February 7, 1313,<sup>49</sup> and Buittle, Dalswinton, and Lochmaben followed. Douglas, by a ruse, took Roxburghe Castle on February 28, 1313-14,<sup>50</sup> and the Peel on the following day. In the same Lent Linlithgow also fell. A patriotic labourer, Binny, filled a wain with armed men, covered them with hay, and so blocked the gate with his wain that the portcullis could not fall. The castle was taken and razed. Randolph scaled Edinburgh Castle rock on the side facing what is now Princes Street while a feint was made on the opposite wall.<sup>51</sup> The story of William François is well known. He, from the experience of an old love-adventure, knew a way up the face of the rock. But how, by descending the rock to the Nor' Loch, he came any nearer to “ane wench here in the toun,” it is not easy to conjecture. Save Tyre, captured by Alexander the Great, Barbour heard never of a strength taken so adventurously. Bruce, as was his constant policy, dismantled the castle. In the spring of 1313, Bruce recovered the Isle of Man, later bestowed on Randolph. Edward Bruce, in Lent 1313, invested Stirling Castle; on Midsummer Day a pact was made that it should be surrendered, if not relieved in one year.<sup>52</sup> This pleased Edward II. as much as it vexed Bruce. To fight the Scots in the open, after due preparation, was precisely what Edward desired, while a guerilla warfare suited the resources and levies of the Scots. But Edward Bruce's word was pledged, and men, reckless of perjury in civil affairs, held, in war, by chivalrous honour. Gaveston by this time was slain, and most of the barons, with musters from Ireland, Wales, and Aquitaine, followed Edward to the North, when the tryst at Berwick, for June 11, 1314, drew near.



Bannockburn, like the Relief of Orleans, or Marathon, was one of the decisive battles of the world. History hinged upon it. If England won, Scotland might have dwindled into the condition of Ireland,—for Edward II. was not likely to aim at a statesmanlike policy of union, in his father's manner. Could Scotland have accepted union at the first Edward's hands; could he have refrained from his mistreatment (as we must think it) of Balliol, the fortunes of the isle of Britain might have been happier. But had Scotland been trodden down at Bannockburn, the fortunes of the isle might well have been worse.

The singular and certain fact is, that Bannockburn was fought on a point of chivalry, on a rule in a game. England must "touch bar," relieve Stirling, as in some child's pastime. To the securing of the castle, the central gate of Scotland, north and south, England put forth her whole strength. Bruce had no choice but to concentrate all the power of a now, at last, united realm, and stand just where he did stand. His enemies knew his purpose: by May 27, writs informed England that the Scots were gathering on heights and morasses inaccessible to cavalry. If ever Edward showed energy, it was in preparing for the appointed Midsummer Day of 1314. The 'Rotuli Scotiæ' contain several pages of his demands for men, horses, wines, hay, grain, provisions, and ships. Endless letters were sent to master mariners and magistrates of towns. The king appealed to his beloved Irish chiefs, O'Donnells, O'Flyns, O'Hanlens, MacMahons, M'Carthys, Kellys, O'Reillys, and O'Briens, and to *Hiberniæ Magnates, Anglico genere ortos*, Butlers, Blounts, de Lacys, Powers, and Russels. John of Argyll was made admiral of the western fleet, and was asked to conciliate the Islesmen, who, under Angus Og, were rallying to Bruce. The numbers of men engaged on either side in this war cannot be ascertained. Each kingdom had a year wherein to muster and arm.

"Then all that worthy were to fight  
Of Scotland, set all hale their might;"

while Barbour makes Edward assemble, not only

"His own chivalry  
That was so great it was ferly,"

but also knights of France and Hainault, Bretagne and Gascony, Wales, Ireland, and Aquitaine. The whole English force is said to

have exceeded 100,000, 40,000 of whom were cavalry, including 3000 horses "barded from counter to tail," armed against stroke of sword or point of spear.<sup>53</sup> The baggage-train was endless, bearing tents, harness, "and apparel of chamber and hall," wine, wax, and all the luxuries of Edward's manner of campaigning, including *animalia*, perhaps lions.<sup>54</sup> Thus the English advanced from Berwick—

"Banners right fairly flaming,  
And pencils to the wind waving."

On June 23, Bruce heard that the English host had streamed out of Edinburgh, where the dismantled castle was no safe hold, and were advancing on Falkirk. Bruce had summoned Scotland to tryst in the Torwood, whence he could retreat at pleasure, if, after all, retreat he must. The Fiery Cross, red with the blood of a sacrificed goat, must have flown through the whole of the Celtic land. Lanarkshire, Douglasdale, and Ettrick Forest were mustered under the banner of Douglas, the mullets not yet enriched with the royal heart. The men of Moray followed their new earl, Randolph, the adventurous knight who scaled the rock of the Castle of the Maidens. Renfrewshire, Bute, and Ayr were under the fesse chequy of young Walter Stewart. Bruce had gathered his own Carrick men, and Angus Og led the wild levies of the Isles. Of stout spearmen, and fleet-footed clansmen, Bruce had abundance; but what were his archers to the archers of England, or his five hundred horse under Keith, the Marischal, to the rival knights of England, Hainault, Guienne, and Almayne?

Battles, however, are won by heads, as well as by hearts and hands. The victor of Glen Trool and Cruachan and Loudon Hill knew every move in the game, while Randolph and Douglas were experts in making one man do the work of five. Bruce, too, had choice of ground, and the ground suited him well.

To reach Stirling the English must advance by their left, along the so-called Roman way, through the village of St Ninian's, or by their right, through the Carse, partly enclosed, and much broken, in drainless days, by reedy lochans. Bruce did not make his final dispositions till he learnt that the English meant to march by the former route. He then chose ground where his front was defended, first by the little burn of Bannock, which at one point winds through a cleugh with steep banks, and next by two morasses, Halbert's bog

and Milton bog. What is now arable ground may have been a loch in old days, and these two marshes were then impassable by a column of attack.<sup>55</sup> Between Charter's Hall (where Edward had his headquarters) and Park's Mill was a marge of firm soil, along which a column could pass, in scrubby country, and between the bogs was a sort of bridge of dry land. By these two avenues the English might assail the Scottish lines. These approaches Bruce is said to have rendered difficult by pitfalls, and even by calthrops to maim the horses. It is whispered that calthrops for tourists are occasionally manufactured by modern local enterprise.<sup>56</sup> He determined to fight on foot, the wooded country being difficult for horsemen, and the foe being infinitely superior in cavalry. His army was arranged in four "battles," with Randolph to lead the vaward, and watch against any attempt to throw cavalry into Stirling. Edward Bruce commanded the division on the right, next the Torwood. Walter Stewart, a lad, with Douglas, led the third division. Bruce himself and Angus Og, with the men of Carrick and the Celts, were in the rear. Bruce had no mind to take the offensive, and, as at the Battle of the Standard, to open the fight with a charge of impetuous mountaineers. On Sunday morning Mass was said, and men shrived them.

"They thought to die in the *mêlée*,  
Or else to set their country free."

They ate but bread and water, for it was the vigil of St John. News came that the English had moved out of Falkirk, and Douglas and the Steward brought tidings of the great and splendid host that was rolling north. Bruce bade them make little of it in the hearing of the army. Meanwhile Philip de Mowbray, who commanded in Stirling, had ridden forth to meet and counsel Edward. His advice was to come no nearer: perhaps a technical relief was held to have already been secured by the presence of the army.<sup>57</sup> Mowbray was not heard,—“the young men” would not listen. Gloucester, with the van, entered the park, where he was met, as we shall see, and Clifford, Beaumont, and Sir Thomas Grey, with three hundred horsemen, skirted the wood where Randolph was posted, a clear way lying before them to the castle of Stirling. Bruce had seen this movement, and told Randolph that “a rose of his chaplet was fallen,” the phrase attesting the king's love of chivalrous romance. To pursue horsemen with infantry seemed

vain enough ; but Randolph moved out of cover, thinking perhaps that knights adventurous would refuse no chance to fight. If this was his thought, he reckoned well. Beaumont cried to his knights, "Give ground, leave them fair field." Gray hinted that the Scots were in too great force, and Beaumont answered, "If you fear, fly!" "Sir," said Sir Thomas, "for fear I fly not this day!" and so spurred in between Beaumont and d'Eyncourt and galloped on the spears. D'Eyncourt was slain, Gray was unhorsed and taken.<sup>58</sup> The three hundred lances of Beaumont then circled Randolph's spearmen round about on every side, but the spears kept back the horses. Swords, maces, and knives were thrown ; all was done as by the French cavalry against our squares at Waterloo, and all as vainly. The hedge of steel was unbroken, and, in the hot sun of June, a mist of dust and heat brooded over the battle.

" Sic mirkness  
In the air above them was,"

as when the sons of Thetis and the Dawn fought under the walls of windy Troy.<sup>59</sup> Douglas beheld the distant cloud, and rode to Bruce, imploring leave to hurry to Randolph's aid. "I will not break my ranks for him," said Bruce ; yet Douglas had his will. But the English wavered, seeing his line advance, and thereon Douglas halted his men, lest Randolph should lose renown. Beholding this, the spearmen of Randolph, in their turn, charged and drove the weary English horse and their disheartened riders. Meanwhile Edward had halted his main force to consider whether they should fight or rest. But Gloucester's party, knowing nothing of his halt, had advanced into the wooded park ; and Bruce rode down to the right in armour, and with a gold coronal on his basnet, but mounted on a mere palfrey. To the front of the English van, under Gloucester and Hereford, rode Sir Henry Bohun, a bow-shot beyond his company.<sup>60</sup> Recognising the king, who was arraying his ranks, Bohun sped down upon him, apparently hoping to take him :—

" He thought that he should well lightly  
Win him, and have him at his will."

But Bruce, in this fatal moment, when history hung on his hand and eye, uprose in his stirrups and clove Bohun's helmet, the axe breaking in that stroke. It was a desperate but a winning blow :

Bruce's spears advanced, and the English van withdrew in half-superstitious fear of the omen. His lords blamed Bruce, but

“ *The king has answer made them none,*<sup>61</sup>  
But turned about the axe-shaft, wha  
Was with the stroke broken in twa.”

*Initium malorum hoc* (“this was the beginning of evil”), says the English chronicler.<sup>62</sup>

After this double success in the Quatre Bras of the Scottish Waterloo, Bruce, according to Barbour, offered to his men their choice of withdrawal or of standing it out. The great general might well be of doubtful mind—was to-morrow to bring a second and more fatal Falkirk? The army of Scotland was protected, as Wallace's army at Falkirk had been, by difficult ground. But the English archers might again rain their blinding showers of shafts into the broad mark offered by the clumps of spears, and again the English knights might break through the shaken ranks. Bruce had but a few squadrons of horse—could they be trusted to scatter the bowmen of the English forests, and to escape a flank charge from the far heavier cavalry of Edward? On the whole, was not the old strategy best, the strategy of retreat? So Bruce may have pondered. He had brought his men to the ring, and they voted for dancing. Meanwhile the English rested on a marshy plain “outré Bannockburn” in sore discomfiture, says Gray. He must mean *south* of Bannockburn, taking the point of view of his father, at that hour a captive in Bruce's camp. He tells us that the Scots meant to retire “into the Lennox, a right strong country” (this confirms, in a way, Barbour's tale of Bruce suggesting retreat), when Sir Alexander Seton, deserting Edward's camp, advised Bruce of the English lack of spirit, and bade him face the foe next day.<sup>63</sup> To retire, indeed, was Bruce's, as it had been Wallace's, natural policy. The English would soon be distressed for want of supplies; on the other hand, they had clearly made no arrangements for an orderly retreat, if they lost the day: with Bruce this was a motive for fighting them. The advice of Seton prevailed: the Scots would stand their ground.

The sun of Midsummer Day rose on the rite of the Mass done in front of the Scottish lines. Men breakfasted, and Bruce knighted Douglas, the Steward, and others of his nobles.<sup>64</sup> The host then

moved out of the wood, and the standards rose above the spears of the schiltrons. Edward Bruce held the right wing; Randolph the centre; the left, under Douglas and the Steward, rested on St Ninian's. Bruce, as he had arranged, was in reserve with Carrick and the Isles. "Will these men fight?" asked Edward, and Sir Ingram assured him that such was their intent. He advised that the English should make a feigned retreat, when the Scots would certainly break their ranks—

"Then prick we on them hardily."

Edward rejected this old ruse, which probably would not have beguiled the Scottish leader. The Scots then knelt for a moment of prayer, as the Abbot of Inchafray bore the crucifix along the line; but they did not kneel to Edward. His van, under Gloucester, fell on Edward Bruce's division, where there was hand-to-hand fighting, broken lances, dying chargers, the rear ranks of Gloucester pressing vainly on the front ranks, unable to deploy for the straitness of the ground. Meanwhile, Randolph's men moved forward slowly, with extended spears, "as they were plunged in the sea" of charging knights. Douglas and the Steward were also engaged, and the "hideous shower" of arrows was ever raining from the bows of England. This must have been the crisis of the fight, according to Barbour, and Bruce bade Keith with his five hundred horse charge the English archers on the flank.<sup>65</sup> The bowmen do not seem to have been defended by pikes; they fell beneath the lances of the Marischal, as the archers of Ettrick had fallen at Falkirk. The Scottish archers now took heart, and loosed into the crowded and reeling ranks of England, while the flying bowmen of the South clashed against and confused the English charge. Then Scottish archers took to their steel sperthes (who ever loved to come to hand strokes), and hewed into the mass of the English, so that the field, whither Bruce brought up his reserves to support Edward Bruce on the right, was a mass of wild confused fighting. In this mella the great body of the English army could deal no stroke, swaying helplessly as Southern knights or Northern spears won some feet of ground. So, in the space between Halbert's Bog and the burn, the mella rang and wavered, the long spears of the Scottish ranks unbroken, and pushing forwards, the ground before them so covered with fallen men and horses that the English advance was

clogged and crushed between the resistance in front and the pressure behind.

“God will have a stroke in every fight,” says the romance of Malory. While discipline was lost, and England was trusting to sheer weight and “who will pound longest,” a fresh force, banners displayed, was seen rushing down the Gillies’ Hill, beyond the Scottish right. The English could deem no less than that this multitude were tardy levies from beyond the Spey, above all when the slogans rang out from the fresh advancing host. It was a body of yeomen, shepherds, and camp-followers, who could no longer remain and gaze when fighting and plunder were in sight. With blankets fastened to cut saplings for banner-poles, they ran down to the conflict. The king saw them, and well knew that the moment had come: he pealed his ensenye (called his battle-cry); faint hearts of England failed; men turned, trampling through the hardy warriors who still stood and died; the knights who rode at Edward’s rein strove to draw him towards the castle of Stirling. But now the foremost knights of Edward Bruce’s division, charging on foot, had fought their way to the English king, and laid hands on the rich trappings of his horse. Edward cleared his way with strokes of his mace, his horse was stabbed, but a fresh mount was found for him. Even Sir Giles de Argentinè, the third best knight on ground, bade Edward fly to Stirling Castle. “For me, I am not of custom to fly,” he said, “nor shall I do so now. God keep you!” Thereon he spurred into the press, crying “Argentine!” and died among the spears.<sup>66</sup> None held their ground for England. The burn was choked with fallen men and horses, so that folk might pass dry-shod over it. The country-people fell on and slew. If Bruce had possessed more cavalry, not an Englishman would have reached the Tweed. Edward, as Argentine bade him, rode to Stirling, but Mowbray told him that there he would be but a captive king. He spurred South, with five hundred horse, Douglas following with sixty, so close that no Englishman might alight, but was slain or taken. Laurence de Abernethy, with eighty horse, was riding to join the English, but turned, and, with Douglas, pursued them. Edward reached Dunbar, whence he took boat for Berwick. In his terror he vowed to build a college of Carmelites, students in theology. It is Oriel College to-day, with a Scot for provost. Among those who fell on the English side were the son of the Red

Comyn, Gloucester, Clifford, Harcourt, Courtenay, and seven hundred other gentlemen of coat-armour were slain.<sup>67</sup> Hereford, (later) with Angus, Umfraville, and Sir Thomas Grey were among the prisoners. Stirling, of course, surrendered.

The sun of Midsummer Day set on men wounded and weary, but victorious and free. The task of Wallace was accomplished. To many of the combatants not the least agreeable result of Bannockburn was the unprecedented abundance of booty. When campaigning Edward denied himself nothing. His wardrobe and arms; his enormous and, apparently, well-supplied array of food-waggons; his ecclesiastical vestments for the celebration of victory; his plate; his siege-artillery; his military chests, with all the jewellery of his young minion knights, fell into the hands of the Scots. Down to Queen Mary's reign we read, in inventories, about costly vestments, "from the fight at Bannockburn." In Scotland it rained ransoms. The 'Rotuli Scotiæ,' in 1314 full of Edward's preparation for war, in 1315 are rich in safe-conducts for men going into Scotland to redeem prisoners. One of these, the brave Sir Marmaduke Twenge, renowned at Stirling Bridge, hid in the woods on Midsummer's Night, and surrendered to Bruce next day. The king gave him gifts, and set him free unransomed. Indeed, the clemency of Bruce after his success is courteously acknowledged by the English chroniclers.<sup>68</sup>

This victory was due to Edward's incompetence, as well as to the excellent dispositions and indomitable courage of Bruce, and to "the intolerable axes" of his men. No measures had been taken by Edward to secure a retreat. Only one rally, at "the Bloody Fauld," is reported. The English fought wildly, their measures being laid on the strength of a confidence which, after the skirmishes of Sunday, June 23, they no longer entertained. They suffered what, at Agincourt, Créçy, Poitiers, and Verneuil, their descendants were to inflict. Horses and banners, gay armour and chivalric trappings, were set at nought by the spears and spears of infantry acting on favourable ground. From the dust and reek of that burning day of June, Scotland emerged a people, firm in a glorious memory. Out of weakness she was made strong, being strangely led through paths of little promise since the day when Bruce's dagger-stroke at Dumfries closed from him the path of returning.

Everything now went well with Bruce. Stirling Castle he dismantled; Hereford, who had taken refuge with Hamilton in Bothwell



Castle, was exchanged for the versatile Bishop of Glasgow, the queen, and her daughter Marjory, presently wedded to Walter the Steward. She became the mother of Robert, later Robert II. In August, Edward Bruce, Douglas, and Soulis raided and ransomed northern England: these raids were continually repeated, till northern Englishmen were almost or altogether fain to pass under Scottish rule. But John of Lorne, Bruce's old enemy, recovered Man, for a while, very early in 1315. All his days he troubled Scotland with his fleet. By another piece of bad fortune Bruce was driven back from Carlisle by Andrew de Hartcla, in August 1315.<sup>69</sup> Edward later dismissed Andrew from the governorship of Carlisle, in favour of John de Castre. But Hartcla either held his post or was soon reinstated, unfortunately for himself in the end. We also notice that the Earl of Atholl had been on the English side, Barbour says because of private feud with Edward Bruce, who loved his sister *par amours*. This disaffection of Atholl, like the wavering faith of Hartcla, was to have the gravest results. These arose from a Parliament held by Bruce, in which he confiscated the lands of all who would not come into his peace: this, of course, exasperated many persons of rank whose interests or affections looked towards England.<sup>70</sup> By this act, which seems natural to us, Bruce sowed the seeds of later ruin and reaction. The disinherited lords, in the following reign, were the instruments whereby Edward III. reduced Scotland even to a lower place than it had held under Edward I. Again, if the opinion be correct which holds that Clan Macgregor now lost its lands, as being of the party of the Lords of Lorne, then, in lack of estates, the Gregara became the "wicked clan" of disinherited outlaws.

It was not good feudal policy to drive unfaithful subjects desperate by confiscation. Even great nobles of that age, and gallant gentlemen, were of Dugald Dalgetty's mind, and changed sides, like Sir William Oliphant, from year to year. We have seen how often Bruce sinned against Edward, and was pardoned. Oliphant played a heroic part for both sides. Mowbray, who had held Stirling for Edward, after Bannockburn took service with Bruce. That king had scarcely a knight, save Douglas, who had not served Edward: Randolph is a typical example. Lamberton had changed parties four times, Wishart six times. Public opinion was lenient to these versatilities; and Bruce's forfeitures were, for many years after his death, fatal to his country.<sup>71</sup>

Some attempts at national reconciliation were now made; Scots and English Commissioners met to decide on terms of peace, but came to no agreement. In April 1315, a Parliament held at Ayr determined the succession. If Robert died without heir-male of his body begotten, then, by his daughter Marjory's consent, Edward Bruce was to be king. Failing Edward and heirs-male of his, Marjory (wife of the Steward) was to be crowned. If either Robert, Edward, or Marjory died leaving an heir who was a minor, Randolph was to be guardian.

The Bruces now entered on an unfortunate adventure. Edward Bruce sought a crown in Ireland (May 1315). That Robert permitted or persuaded him to take this course because he feared his ambition at home, is not probable. Edward was accompanied by Randolph and by Sir Philip Mowbray, who had held Stirling for Edward. The romantic tale of the Irish expedition is given by Barbour: it has no essential bearing on Scottish history. While Douglas harried England, Edward Bruce met various fortunes in the distressful and distracted isle of Ireland. Bruce himself left his own kingdom to the sway of Douglas and Walter Steward: he failed before Dublin, wasted the West as far as Limerick, was driven north by failure of provisions, and returned with Randolph to Scotland early in 1317. Probably the chief result of the expedition is Barbour's anecdote of Bruce's chivalrous—nay, more than chivalrous—conduct in halting his army rather than desert a poor *landar* (washerwoman) in child-bed.

“ This was a full gret curtesy,”

for the chivalrous sentiment did not always embrace the cause of the poor and lowly. The anecdote illustrates the noblest of Bruce's many sources of influence, his consideration for others. If Barbour's account of Edward Bruce's last battle and death, at Dundalk, is correct, Bruce's brother had far more of hot-headed valour than of generalship (October 5, 1318). He had assumed the title of King of Ireland.

During these Irish troubles Douglas had been making his name the traditional terror of the marches of England, as in the lullaby—

“ Hush thee, hush thee, do not fret thee;  
The Black Douglas shall not get thee !”<sup>72</sup>

The English retaliated by a landing in Fife. Here Sinclair,

Bishop of Dunkeld, rallied a fugitive local force and drove the English in flight. Bruce called him "his own bishop." Edward now attempted to do by diplomacy what he could not achieve by arms. He appealed to the Pope (John XXII.) Rome, as we saw, had once been strong on the Scottish side, but Bruce's murder of Comyn set him outside the pale of Christian charity. The consequent excommunications had been received in a cavalier spirit by the Scots. In April 1317, John composed, at Avignon, a bull exhorting the Scots to keep the peace. Bruce was alluded to as "our well-beloved son, the noble Robert Bruce, at present governing the kingdom of Scotland." Now Bruce would be addressed by no title but that of king, and the messengers of two cardinals, then in England, give a curious account of their interview with Bruce. They had a miserable journey. English reivers of the marches (probably in collusion with Bruce) seized them, captured their documents, stripped them, and let them go (September 7, 1317). Bruce, however, received them courteously, but could not answer before consulting his Parliament. He could not accept letters only directed to "Robert de Brus," for several barons of that name were aiding in the government of Scotland. Letters addressed to him as king he would respect, not others: these were obviously meant for some other Robert Bruce. In fact, if the envoys had carried such epistles to another king, they might have got another, and more disagreeable, answer. Bruce, however, spoke with a smile, and in friendly fashion, as the messengers acknowledged (*læta facie, et amicabile vultu*). He would not cease his operations of war, and the messengers declared that he had his countrymen's opinion on his side. Their letters enjoining peace simply could not be served on Bruce. The Scots were never tractable children of Rome.<sup>73</sup> Another messenger was now sent—Adam Newton of the Minorite Friars of Berwick—to serve, if possible, the papal bull in favour of a truce on the recalcitrant Robert. He travelled through England to Berwick, "not without much tribulation." Thence he went to Old Cambus, where he "found Robert de Brus, skulking in a wood with his accomplices, and with divers machines of his for the taking of Berwick." The messenger received a safe-conduct back to Berwick, where he had cautiously left his ecclesiastical ammunition of curses; but, returning from Berwick with his bulls, he was not permitted to see the king. The envoy, however, handed to Bruce's men the bull of truce with England, but Robert despised it, and

refused all documents in which he was not addressed by the royal title. The wretched messenger, in sad fear "for his mortal life," asked for a fresh safe-conduct to Berwick, but only received a warning to "get out of the country as quick as he might." Next morning he was thrust forth, and, on the road to Berwick, four ill-favoured ones robbed him of letters, clothes, and all. He was stripped *ad carnem*, "to the buff," and a nude ecclesiastic in sorry case entered the good town of Berwick.<sup>74</sup>

Edward had already prepared to invade Scotland, and Bruce to take Berwick. The town was betrayed to Douglas and Randolph: the resistance of the garrison was overcome in time, and Walter Stewart was made governor of the place.<sup>75</sup> A raid into the north of England prevented assistance from reaching the English defender of Berwick; but as Edward would certainly try to regain it, Bruce strongly armed the town, and lent to Walter Stewart a Flemish engineer and adventurer, John Crab. Meanwhile the Pope, who had heard of his envoy's ill-treatment, was apostolically engaged in fulminating curses against Bruce.

Possibly they took effect in the death of Edward Bruce at Dundalk (October 5, 1318), an event which made necessary a new settlement of the succession. This was fixed, in a Parliament at Scone (December 1318), on the infant Robert Stewart, son of Marjory, Bruce's daughter, and Walter, always provided that Robert Bruce died without male offspring. Moray was to be guardian, in the event of a minority. "The Act," says Mr Burton, "is an exposition of that pure law of hereditary descent which now renders the succession to the British throne as distinct and certain as any process in the exact sciences. If the principle had been admitted in England as distinctly as it was stated in the Scots Act, there would have been no room for the wars of the Roses." But the succession, in Scotland, was still far from being really secure against internal plots and external interference. Among regulations of this Parliament was a sardonic reference to Roman Law. "The *laws forbid* the faithful to comfort the *Barbarians* by supplies of arms and food," an extract from a regulation of the Emperor Marcian. Therefore "we forbid any export of supplies to *the English*," who are barbarians. The same statute of 1318 forbade English absentees to draw money from their Scottish estates; this was aimed at a disinherited lord, David de Strathbolgie, Earl of Atholl, who was of the English party, though his father had been

hanged for Bruce's cause. This Earl of Atholl became a curse of Scotland. At the same time the useful statute against "leasing making," or publication of rumours which might raise discord between king and people, was passed. The statute was vague, and was hardly consistent with the liberty of the press, had a press existed. This law became a serviceable, if scarcely a constitutional, weapon of authority: it was borrowed from the legal armoury of Edward I.<sup>76</sup>

The Pope was now Edward's chief resort. We find Edward informing the Pontiff that he has secret intelligence about noble Scots who wish to come into his peace. Edward expects disunion among his northern enemies, and favourable results both for himself and Mother Church.<sup>77</sup> Some treachery was budding: it ripened later, and Edward thus initiated the regular policy of all the Tudors, to purchase Scottish traitors. Meanwhile, in July 1319, Edward mustered his forces for an attack on Berwick. The mechanical ingenuity of medieval siege appliances was great: we hear of a ship which, steered under the wall, would let fall a bridge upon it from her mast; of a "sow," a kind of movable mine, which transported men to the walls under cover. Against these and other devices, John Crab, the Flemish adventurer, used engines for discharging stones. "Bot gynis for crakkis had he nane,"—gunpowder and cannon were still unknown in Scotland (Barbour). The walls of Berwick were so low "that a man with a spear might strike another up in the face."

Natheless the Scots held their own, a missile from Crab's engine "caused the sow to farrow," and slew or scattered the armed men within her: Stewart repelled a party which tried to fire one of his gates. Bruce wisely made a diversion, and Douglas and Randolph overran northern England as far as York. The archbishop raised his militia; but they were routed in the onfall styled "The Chapter of Myton," because of the slaughter of 300 ecclesiastics (Barbour). As a result of this raid, and, apparently, of consequent dissensions among the English under the walls of Berwick, the siege of that town was abandoned. What was more important, terms of peace were considered, and commissioners appointed, though the Pope was now especially busy in cursing Bruce, both with new formulæ of his own and with a revival of the old excommunication for Comyn's murder. A truce, however, was made between England and Scotland (December 22, 1319—Christmas 1321). The Scots

occupied part of their time in a reply to the Pontiff, composed at a Parliament held in Aberbrothock (April 6, 1320). The nobles (who attach their seals) and the whole lay *communitas* write a letter in the most explicit terms to his Holiness. After the usual prelude about Scythians and St Andrew, the Scots accuse Edward I. in much the same terms as he was wont to apply to the Scots. He burned monasteries, slew, devastated, and spared neither age, rank, sex, nor even the religious.<sup>78</sup> To Robert Bruce, as to another Judas Maccabeus, Scotland owes her freedom; but she will obey him only so long as he resists England. If ever he yields to England, another king will be chosen in his room. As long as a hundred Scots are on ground, so long will they fight, not for glory, wealth, or honour, but for freedom, which no good man loses save with his life. Therefore they request the Pope to remonstrate with Edward, to reconcile Christian princes, and to give them opportunity for the rescue of the Holy Land. The Scots themselves are eager to don the Cross. If war continues through the Pope's acceptance of Edward's pleas, the blame falls on his own head. The clergy, for obvious reasons, bear no hand in this admirably explicit remonstrance. Here sounds, perhaps for the first time in many centuries, the classic note of national freedom, which Barbour re-echoes, in words resembling a free version of the panegyric on liberty in Herodotus. Yet there were traitors in the camp.

Among those who sign the letter to the Pope are Soulis, Mowbray, and Sir David Brechin. In August of the same year (1320), these with other nobles were tried and condemned for treason in a Parliament held at Scone. Barbour "heard say" that their conspiracy against Bruce was discovered "throu ane lady," who revealed the scheme of Soulis. He was grandson of Soulis the competitor, whose claim was barred by illegitimacy. He was taken at Berwick and died in prison, the king granting his lands of Liddesdale to his own natural son, Robert Bruce (MS. charter). Several of his accomplices suffered the cruel English death of traitors, including Sir David de Brechin. To him the plot had been revealed, and, though he did not join in it, he did not denounce it. The body of Roger de Mowbray (who died during the trial) was condemned to be hanged, drawn, and beheaded; but Bruce did not actually treat a corpse as those of Cromwell and Ireton were handled. Sir Thomas Gray attributes the betrayal of the plot to Muryoch de Menteith, who in 1317 was in English service.<sup>79</sup>

The whole affair is obscure, but was perhaps a result of English intrigues. Edward certainly tried to work on such Scots as might feel timid about the results of their excommunication. They were few, and Edward had trouble in his own country from the Earl of Lancaster, who aimed at the Crown, and had begun to enter into a secret league with Scotland. He was defeated before joining hands with the Scots, and the two years' truce expired. Encouraged by his success over Lancaster, Edward disregarded the Papal attempts to make peace. The Scots raided England as usual, even to the south of Preston, while Edward mustered an immense army of invasion at Newcastle. Bruce did not meet him; he cleared the Lothians of valuables, and crossed Forth to Culross. Edward, as he wrote to the Archbishop of Canterbury, "found neither man nor beast." He was compelled to retreat, his men destroying Melrose and Dryburgh, slaying the religious, and desecrating the altar. They even stole a pyx—that is, if we may believe the late authority of Fordun. In autumn the Scots made reprisals—Bruce marching against Edward, who lay at Byland Abbey in Yorkshire. The English ran like hares before the hounds, says Sir Thomas Gray.<sup>80</sup> The English, according to Barbour, held the crest of a cliff, where Douglas attacked them, Randolph leaving his own command to serve as a volunteer. The English resisted stoutly, till Bruce sent his Argyll and Isles men to climb the brae, by the crags, not by the path.<sup>81</sup> The Highlanders swarmed up the ascent, like the Gordons at Dargai, took the English in flank and scattered them, Walter Stewart pursuing them to the gates of York. Edward had again to save his life by spurring, with loss of all his baggage. The military superiority which the Scots had acquired over a disunited and disheartened foe was never more clearly displayed than in this scarce-remembered rehearsal of the Heights of Abraham (October 14, 1322). Bruce dismissed, free of ransom, certain French knights, who, chancing to be in England, had seized the opportunity of breaking a lance. Douglas, their rightful captor, he recompensed by lands held on "The Emerald Charter," attested by the gift of an emerald ring. These raids, however brilliant, were never effective, for the Scots had no skill to besiege castles, such as York, where Edward took refuge. Yet the north of England, wearied by endless disaster, showed a tendency to come into the Scottish king's peace, as Edward discovered (January 1322-23). Andrew de Hartcla, now Warden of the West

Marches and Earl of Carlisle, had, in fact, entered into a secret covenant with Bruce, whereby he should aid him against all gain-sayers : there were also other provisions, inconsistent with Edward's sovereignty. Hartcla died the death of a traitor, suffering with intrepidity, and publicly explaining, if not defending, his conduct.<sup>82</sup>

Edward's obstinacy was now vanquished by perpetual disgrace and defeat. After some difficulties, a truce for thirteen years was ratified (May 30,<sup>83</sup> 1323). The Papal excommunication, though lightly enough regarded, still hung over Scotland. Randolph therefore went on a mission to the Pope at Avignon, with the result that his Holiness actually recognised Bruce as king. Lord Hailes is charmed by the artful approaches of Randolph's diplomacy, who induced the Pontiff "to give the title of king to one excommunicated person by the advice of another." Edward, of course, was highly displeased. It was a more popular but really less important fact that, on March 5, 1323-24, Bruce's new queen gave birth to a son, David. Scotland in any case, however, was obviously fated to undergo, as usual, the evils of a minority. Irritated, perhaps, by this unexpected birth, and by the Pope's trimming, Edward called to his court Edward Balliol, from his Norman estates. Though not, for the moment, useful, Edward Balliol was still a card in the English hand. The death of Walter Steward (April 1326) was a set-off against the birth of a Crown Prince. Randolph, that improvised diplomatist, now made an offensive and defensive alliance between France and Scotland.

At a Parliament at Cambuskenneth (1326) the burghs were represented, to vote a grant.<sup>84</sup> The expenses of war, though often recouped by plunder, had been heavy. The Parliament granted the tenth of all rents. The king is to impose no other *collectæ*, and to moderate exactions of *prisæ et cariagia*. The grant was to cease with the king's life.<sup>85</sup> This is the most notable fact in the hitherto scanty constitutional history of Scotland. "There was a compact between the king and the Three Estates ; a claim of right ; redress of grievances, a grant of supplies, and a strict limitation of the grant."

The January of 1327 saw the abdication of Edward II., whose cruel murder was not long delayed. The truce was now either broken, or menaced, by the Scots ; young Edward III. summoned his forces to Newcastle ; Douglas and Randolph crossed over the western Border, and Edward III., with a large force and foreign



mercenaries, marched on the smoke of their burnings. It is to this expedition that the description of a Scottish raiding force, given by Froissart, borrowing from an earlier writer, applies. Every one has heard of the *griddle*, a round thin iron plate, and bag of oatmeal, which each man carried—and of the oatcakes and jerked beef of the amateur commissariat. Unhampered by baggage-trains or waggons, the Scots moved too swiftly for the English regular forces with their knightly luxuries. The English held the fords of Tyne, to stop the Scots in retreat; but a sudden spate separated their forces, and delay meant famine. Finally the Scots were found in an impregnable post above the river Weir. Edward made chivalrous proposals, "Cross and fight me, or let me cross and fight you." The Scots did not anticipate the follies of Flodden and Dunbar: they were led by Douglas and Randolph, not by a hot-headed king, or by Presbyterian preachers. Edward could only lie in watch, and the Scots withdrew in the dark to a place yet stronger. Thence Douglas led a night onfall, and nearly caught King Edward. Again the Scots withdrew secretly, bridging a morass with brushwood. Pursuit was hopeless, and the young English king is said to have wept tears of anger. Though Bruce is reported to have been prevented by leprosy from joining in this raid, he was really invading the North of Ireland, where his purpose was defeated by Irish treachery.<sup>86</sup> Other raids followed; then came proposals for peace, and for a match between David, Crown Prince of Scotland, and Joanna, a sister of Edward III. The end was "the shameful Treaty" of Northampton (May 4, 1328). The English copy of this treaty is not known to exist, but the Scottish duplicate is at Edinburgh, "with the seals of the three lay Plenipotentiaries still pretty entire."<sup>87</sup>

The provisions of the Treaty of Northampton may be summarised thus: There is, the marriage of David of Scotland and Joanna of England. Peace between the countries, saving the Scottish king's duties to his ally of France. Bruce is recognised as king. All documents involving Scottish servitude to England to be given up; but to be returned by the Scots if Scotland fails to pay £20,000 in three annual instalments. The King of England is to persuade the Pope to relax his severities against Scotland. Nothing is said here of the restoration of the Black Rood, or of the Stone of Scone, which the citizens of London would not allow to be moved.<sup>88</sup> Edward, however, bids the Dean and Chapter of Westminster hand over the stone to the sheriffs of London, obviously for transport to

Scotland.<sup>89</sup> Lands which fell by war or forfeiture into either king's hands were not to be restored to the former owners, save in the cases of three English noblemen, Henry Percy, Henry de Beaumont, representing the Earl of Buchan, and Thomas Wake, Lord of Liddesdale. From this affair of disinheriting *enaueint grant mal*, says Sir Thomas Gray.<sup>90</sup>

On July 12, 1328,<sup>91</sup> little David, aged five, married Joanna, a virgin in her seventh year,<sup>92</sup> at Berwick, amid rejoicings. We may conceive that there was no ill-feeling between the warriors who met, and fought their battles o'er again. They were of similar blood, Norman and English, often they were united by kinship; and war, to the knights, was both a business and a sport. We have seen the illustrious king only when engaged in the intrigues of his early, or the adventures and battles of his later, life. In peace, or rather in the intervals of fighting, it is certain that the courteous knight who risked an army rather than desert a poor laundress in her hour of need, the lover of romances of chivalry, the narrator who could tell of other deeds than his own,—was very dear to ladies. The Countess of Buchan is reported not to have been moved by mere patriotism when she represented the House of Macduff at the coronation, and the records leave no doubt about other affections. But no gossip of the court has reached us.

The Bruce of peace is found busy with castle-building and ship-building on the west coast. As his MS. charters prove, he had a care for his navy. Thus, in 1325, in his charter giving the Isle of Man to Randolph, he stipulates for service of six galleys of four-and-twenty oars. In a charter giving Eigg and Rum to Roderick MacAlan, a ship of twenty-six oars with men and supplies is demanded. Duncan Campbell is to provide galleys of twenty-two and eighteen oars. In 1315, after Bannockburn, Bruce had revisited the hills and sounds where he had run the gauntlet of the gillies of Lorne and the cruisers of Menteith. Lorne was now an exile in Edward's service, Menteith had been admitted to the favour of the Scottish king; but Bruce's faithful friend of Clan Donald, Angus Og, was Lord of the Isles. The king, however, thought it wise, in 1325-26, to erect a strong castle at Tarbet, the line of land which prevents Kintyre from being actually insular.

Bruce, in the feeble health of his later days, lived at Cardross, on the Clyde, and the Constable's accounts give the sums paid for

mason's work, for glass to the windows, for painting the chambers, for the falcons used in hawking, for bringing a court jester, named Patrick, out of England, for salmon, lampreys, wine, and other supplies. "The king's great ship" often occurs in the accounts, and Robert probably yachted in the beautiful Firth of Clyde. Like Edward II., when Prince of Wales, the king kept a lion, naturally in a cage: the cage cost £1, 3s. As Bruce had a goldsmith's *atelier* erected at Tarbet Castle, it is probable that he, like his unhappy descendant James III. of Scotland, interested himself in the finer crafts. There are entries for gardeners' wages, and possibly the old king declined on horticulture. So simple was life that fragrant birchen boughs were strewn on the floors of the chambers when Douglas and the Bishop of St Andrews came to view the buildings at Tarbet, but probably the place was not yet ready to accommodate guests of rank. Such are the details of daily life that survive from the early old age of the great king.<sup>93</sup> His relations to the noblesse have been discernible throughout all his history. To his friends he was generous; his foes he did not commonly trust. The blood-feud with the Comyns of course alienated them; they were deprived of their lands, like the Macdoualls, and the son of John Balliol. The Umfravilles, Atholl, Soulis, Percy, Wake, and many others, forfeited their Scottish estates. By these forfeitures, property accrued to Randolph, with his earldom of Moray, to Douglas, Angus Og, Sir Nial Campbell (who married Mary Bruce), Sir Christopher Seton, Sir Andrew Murray (son of Wallace's comrade, and later Regent), the Hays, the Steward, Sinclairs, Gordons, Flemings, Scrymgeours, and other houses. The coming reign, or rather the coming anarchy, after Bruce's decease, was due to the deaths of Douglas and Randolph, and the invasion of disinherited lords, under Edward Balliol.

The cares of Bruce were ending. He died, just before completing his fifty-fifth year, on June 7, 1329. His body was buried at Dunfermline, under a marble tomb, brought from Paris. The frenzy of the Reformation treated Robert's grave exactly as the frenzy of Huguenotism and of Revolution, in France, handled the statue and the relics of Jeanne d'Arc. The beautiful relics of the heroic age in Dunfermline were razed by godly hands in 1560; in 1821, excavations revealed what only a wilful scepticism can well doubt to have been the ashes of Bruce, the Maker of the Nation.<sup>94</sup> The Reformers, in this case, of course, were Protestant (now Bruce

had been a Papist), but probably had English sympathies. Yet it is unlikely that they thought at all of Bruce: they destroyed, after the manner of their kind, for love of plunder and of ruin.

The career of Bruce is bisected by the slaying of Comyn. Before that deed, he is unscrupulously and perfidiously self-seeking, nor are great traits of excellence in any kind recorded of his youth. After the deed in the Grey Friars' Church, Bruce displays unflinching resolution, consummate generalship, brilliant courage, perfect courtesy, consideration, reading, humour, and wisdom. Patriotism, new-born in his time, was then, in a great degree, attachment to such a king, as well as to country.

Froissart narrates, in his own charming manner, how the dying Bruce told Douglas of his vow to fight in the wars of the Lord, if ever he had peace at home. But age and death are upon him, and he bids Douglas carry his heart, after his decease, and lay it in the Holy Sepulchre. Douglas set forth, but, hearing of war between Alonzo of Castile and the Moors of Grenada, took part with the Christians, was surrounded by the Paynim ranks, and cast the heart of Bruce into the midst of them,—“Go first, as thou wert wont to go!” Douglas fell; but the heart was rescued and brought home to Melrose Abbey, where it was buried, by Lockhart of the Lee. The heart now stands in the shield of Douglas, and, with a fetterlock, in that of Lockhart (whose name is originally territorial, *de Loch Ard*). Such is the legend, true in essentials; but a Papal bull, permitting the excision of the royal heart, avers that it is to be carried, not to the Holy Sepulchre, but into battle with the Saracens.<sup>95</sup> According to Charles Stuart, Comte d'Albanie (son of the enigmatic Charles Edward Sobieski Stuart), when he was serving in Spain with the Carlists, he was shown a rock to which the living tradition of the death of Douglas is still attached.<sup>96</sup> From this gallant Douglas came the power of the Douglas family, which first appears as potent in his father's time. Its origin is disputed; the name itself, of course, is territorial. The great, turbulent, daring, and too often treacherous House left the deepest marks in the history of troubles yet to come.

The civil effects of the reign of Bruce, so glorious in its military aspect, are comparatively obscure. Parliament, we have seen, presented grievances, and made a limited grant (1326). The incessant wars, offering an opportunity to pirates, closed the ports, and Berwick, the chief commercial emporium, struggled with adverse

circumstances. Ransoms and plunder brought some wealth into the country, and it was found possible to complete and dedicate the great Abbey Church of St Andrews. On the other hand, the Lowland Abbeys were sacked and defaced, if not wholly destroyed, by the English. Henceforth Scotland looked chiefly for art and culture to France, not to her nearer southern neighbour. The nation might seem to have been perfectly trained in war; but when the stage was cleared of Bruce, Douglas, and, later, of Randolph, the military quality of the Scots was lowered with the lowered standard of patriotism, and of self-sacrifice for the national cause. A people cannot easily keep at the level of its great moments: with the death of a Bruce or a Cromwell a new generation is apt to prove decadent. Bruce could not bequeath his genius and his energy; but his glorious memory and inspiring tradition he could, and did, leave to a stout-hearted if for long a distracted nation. What Lowland prophet, what Highland seer, could have foretold that, within a generation, the son of Bruce and the heir of Douglas would combine to sell Scotland to the successor of Edward I.? Yet this was to be. The nobles might, and the nobles did, repeat the perfidies of Menteith; but, till Protestantism altered the national sentiment of Scotland, till David Beaton was foully slain, till Knox came on the scene, till France was suspected of ill faith, the Scottish people, man, woman, and child, were ready to die rather than bow the neck to England.

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NOTES TO CHAPTER VIII.

<sup>1</sup> The futility of the oaths, and the precise details of the episcopal perjuries, may be read in Palgrave, pp. clxii-clxxxiv. Wishart of Glasgow's perjuries are reckoned by Edward at six—eight seems a fairer calculation. The Bishops argued that to fight Edward was as meritorious as to take part in a crusade.

<sup>2</sup> Bain, ii. 457.      <sup>3</sup> Bain, ii. 460.      <sup>4</sup> Bain, ii. 465.      <sup>5</sup> Bain, ii. 471.

<sup>6</sup> The band is in Palgrave. Documents, p. 323.

<sup>7</sup> These are tabulated by Sir Herbert Maxwell. Robert Bruce, pp. 121, 122. Most of them had long been familiar to all students of Tytler and Hailes, but they seem to have come as a surprise on several of Sir Herbert's critics.

<sup>8</sup> Hemingburgh, ii. 245.      <sup>9</sup> Feb. 10, 1306. Scalacronica, pp. 129, 130.

<sup>10</sup> The Marquis of Bute in "Note on a Manuscript," Proceedings of Scottish Society of Antiquaries (1885), pp. 166-192. Matthew of Westminster is a mere name for the writer of part of 'Flores Historiarum' (Rolls series, i. xii).

<sup>11</sup> History, p. 152.

<sup>12</sup> Bain, ii. 471.

<sup>13</sup> Hemingburgh avers that Bruce, after stealing the horse, and flying, returned,

threatened to burn out the justices, drove them from the country, and had the still breathing Comyn deliberately butchered on the steps of the high altar! The English versions aim at blackening Bruce; the late Scottish versions, written seventy or eighty years after the event, aim at blackening Comyn. Against him, as we must reject the story of his betrayal of Bruce to Edward, we know nothing. His career had been infinitely more reputable than that of his murderer. Mr Tytler, by a curious error, says that Comyn tried to make Edward suspicious of Bruce, and cites Hemingburgh. But Hemingburgh only says that Bruce accused Comyn of this conduct. Tytler, i. 86 (1864).

<sup>14</sup> English writers, like Matthew of Westminster and the journalist who writes a parody of the Vulgate, make the Countess Bruce's leman.

<sup>15</sup> March 27.

<sup>16</sup> See the tantalising memoranda as to the man "who brought the news about Bruce," about search for papers at Lochmaben, &c. (Palgrave, p. 294).

<sup>17</sup> Flor. Hist., iii. 131.

<sup>18</sup> Chron. Lan., pp. 203, 204.

<sup>19</sup> Chron. Lan., p. 204.

<sup>20</sup> Bain, ii. 485-487.

<sup>21</sup> Palgrave, pp. 323-325.

<sup>22</sup> Hemingburgh, ii. 250; Flor. Hist., iii. 130.

<sup>23</sup> For slaying the king of the May, see Mr J. G. Frazer's 'Golden Bough.'

<sup>24</sup> Palgrave, pp. clxxxix and 358. The English chroniclers, Rishanger and Matthew of Westminster, are responsible for the story of the exposure of the Countess *outside* the wall. *Huches* were arranged *inside* rooms of castles; see several examples in 'Les Miracles de Madame Sainte Katherine de Fierbois,' during the Hundred Years' War. Mr Burton thinks that a cage "is rather anomalous within the tower of a castle." Thus, however, were *huches*, in fact, constructed. The author is informed that a *huche* is preserved at Canterbury.

<sup>25</sup> This Angus Og was brother of Alexander of Isla, then a partisan of England. See Appendix C.

<sup>26</sup> Sir William Fraser, in the Book of Menteith (i. 451), makes no allusion to those feats of the hero.

<sup>27</sup> Bain, ii. 491.

<sup>28</sup> The date, in the letter to Menteith, makes against Barbour's theory that Bruce was on the hills in *winter*. But there may be very rough weather in September, between Loch Awe and Loch Lomond. Bruce presently left Dunaverty for Rachrin, an islet off the Irish coast, and on January 29, 1307, we find Menteith still hunting for him. Bain, ii. 502, 503.

<sup>29</sup> For a possible visit to Norway, see Bain, ii. xlix, note.

<sup>30</sup> Sir Herbert Maxwell, with more of practical sense than poetry, suggests that the "muir-burn," or heather-burning, caused the blaze. But if heather-burning was then, as now, the practice, Bruce would have known that. Joseph Tain told Scott (on whatever authority) that the practice of muir-burning "was then unknown." See "Lord of the Isles," canto v. note vi. The scene of the fire is the Bogle's Brae. Similar mystic lights are not unfrequent in the burial isle of the Macdonalds, opposite Ballachulish.

<sup>31</sup> Hemingburgh, ii. 251.

<sup>32</sup> Bain, ii. 509.

<sup>33</sup> Sir Herbert Maxwell's narrative here is picturesque, but the facts as given by him more vaguely occur in Barbour. They are vouched for by local tradition, which makes Bruce charge down the side of Lamachan, and take the English in a narrow path above a precipice overhanging Loch Trool.

<sup>34</sup> Bain, ii. 513.

<sup>35</sup> Bain, ii. 526.

<sup>36</sup> Rymer, *Fœdera*, vol. i. pt. ii. 1018.

<sup>37</sup> Hemingburgh, ii. 265.

<sup>38</sup> For disputed dates see Bain, iii. xii, and his Note 2.

<sup>39</sup> Tytler, citing Statistical Report, xi. 420.

<sup>40</sup> "True Thomas lay on Huntley bank,  
He spied a *ferly* with his ee."

<sup>41</sup> J. R. Green, *History of the English People*, i. 375.

<sup>42</sup> Maxwell, Robert Bruce, p. 152. For documentary evidence of Randolph's return to Bruce's party, and of the utter collapse of the Macdowals (1309), see Bain, iii. xiii. The dates of the war in Argyll are discussed on p. xiv.

<sup>43</sup> Bain, iii. xiii-xv, 16. This, of course, was not a victory over Clan Diarmid. Sir Nial Campbell was of Bruce's party, and Lorne was then a Macdouall or Macdougall, not a Campbell possession. The graves of men slain, perhaps in this fight, are crowded on the left bank of Awe, just above the bridge.

<sup>44</sup> Bain, iii. 18, 19.

<sup>45</sup> Hemingburgh, ii. 294.

<sup>46</sup> *Lan. Chron.*, p. 221. The chronicler cites St Augustine and St Ambrose for the geese of the Capitol.

<sup>47</sup> Fordun ap. Hearne, p. 1006; Bain, iii. xviii.

<sup>48</sup> The Lanercost Chronicle says that the best burghesses were slain, the English garrison spared, and Oliphant was sent bound to the Isles. This last is an error. Bain, iii. xviii; *Chron. Lan.*, pp. 221, 222.

<sup>49</sup> Bain, iii. xviii.

<sup>50</sup> Bain, iii. xix.

<sup>51</sup> *Chron. Lan.*, p. 223.

<sup>52</sup> Mr Hume Brown says that Edward Bruce was pressing Stirling hard "in the November of 1313" (p. 157). Mr Bain, following Barbour, says "from Lent to Midsummer 1313."

<sup>53</sup> Mr Oman reckons 50,000 as near the mark for Edward's whole army, 10,000 being cavalry—"Art of War," p. 573.

<sup>54</sup> Barbour's estimate is, no doubt, exaggerated. But the Lanercost chronicler calls the expedition "very great and splendid." The author of 'Vita Edwardi' declares that Lancaster, Warrene, Warwick, and Arundel sent their retainers, if they declined to march themselves. Geoffrey le Baker insists on the numbers and magnificence of the array. Mr Bain reckons the English force at not less than 50,000. Bain, iii. xxi.

<sup>55</sup> Lochans, or pools, to the east, are marked on maps of the last century. Oman, p. 571.

<sup>56</sup> Mr Oman makes Bruce cover his whole line with these "pottes."

<sup>57</sup> *Scalacronica*, p. 141.

<sup>58</sup> *Scalacronica*, p. 141.

<sup>59</sup> Barbour, bk. xi. l. 615. Quintus Smyrnæus.

<sup>60</sup> Peres de Mounz, according to Gray in 'Scalacronica,' p. 141. Is he "Peres de Mounz"? Stevenson, ii. 267-269.

<sup>61</sup> Barbour is quoted for "I have broken my good battle-axe," but the phrase is not in Barbour.

<sup>62</sup> *Vita Edwardi*.

<sup>63</sup> *Scalacronica*, p. 142.

<sup>64</sup> Probably as knights-banneret, like Barisdale at Prestonpans on the field of fight.

<sup>65</sup> Baker places the archers in the second line, whence they were apt to hit their friends in the back. He says that they were ordered to aim high, a dropping fire, over the heads of their countrymen. But probably other archers were *en potence*, at right angles to the main English force, and these Keith could take in flank. They would be "on the slopes of Greystale," commanding the Scottish right. If Edward had 30,000 archers, as Mr Oman thinks, he had plenty to spare.

<sup>66</sup> Barbour. *Scalacronica*, p. 143.

<sup>67</sup> Barbour.

<sup>68</sup> The account of Bannockburn here given follows Barbour and the 'Scalacronica,' and is confirmed by the 'Lanercost Chronicle.' There are difficulties of detail. Grey makes Bruce deal his axe-stroke *before* Randolph's fight, and, in place of Bohun, names Peris de Mountforth. The handling of the archers, as has been shown, varies in different authorities. Sir Herbert Maxwell's views, based on local knowledge and on papers by Sir Evelyn Wood, have usually been followed. The author has also twice visited the ground. Unluckily, there is hardly a statement as to details made in one version which another version does not explicitly or implicitly contradict. The Lanercost chronicler (who had consulted an eyewitness) makes fighting open with "an artillery duel," the bowmen loosing their shafts on either side. One English chronicler represents their party as fatigued and half-starved and in expectation of a night surprise ('Vita Edwardi'); another, Baker, says that they passed the night before the decisive day in revelry, with cries of "Wassay! Drinkhail!" About the pits with which Bruce is said by Barbour to have honeycombed the plain there are most contradictory statements. That he did make pits, however, is generally agreed, and is attested by Baston, a captured English Carmelite poet—

"Machina plena malis pedibus formatur equinis."

Baker, who had a taste for war, places the English archers in the second line; Walsingham in the first. There is no reconciling the accounts of Gloucester's death. All agree that the Scots fought on foot, in *schiltrons*, or clumps of spears, and that they steadily preserved their formations, not rushing from their lines. The Lanercost chronicler speaks of the sea-tide rushing up the Bannock burn and drowning the English!

<sup>69</sup> Rotuli Scotiae, i. 152, 153; Bain, iii. xxi-xxiii.

<sup>70</sup> Acts of Scot. Parl., ed. Record Commission, i. 104.

<sup>71</sup> See Robertson's 'Index of Charters' (1797), most of the charters being lost. These noted in the Index bestow, on various adherents of Bruce, lands which had belonged to Ingram de Gynes, to Nicholas Moyses, to John Comyn, to John Weston, to Edward de Gourlay, to William Charteris, to John Balliol, to James Thorthorwald, to John of the Isles, to Henry Percy, to Ingram de Umfraville, and so on. See Appendix E, "Bruce's Charters."

<sup>72</sup> See details of these forays in Bain, iii. xxiv.

<sup>73</sup> Fœdera, ed. Record Commission, vol. ii. pt. i. p. 317.

<sup>74</sup> Fœdera, vol. ii. pt. i. p. 340; vol. ii. pt. i. p. 351.

<sup>75</sup> Berwick town fell on March 28, 1318; the castle about July 20. As early as February there were dangerous disputes between the garrison and the burgesses, one of whom betrayed the town. Bain, iii. 112.

<sup>76</sup> Hailes, Annals, ii. 97.

<sup>77</sup> Fœdera, vol. ii. pt. i. p. 388.

<sup>78</sup> This is expressed much more strongly in the original than in Lord Hailes's paraphrase.

<sup>79</sup> Scalacronica, p. 144. This Murdoch was Earl of Menteith. He received forfeited lands of Soulis. See Fraser, Book of Menteith, i. 97; and Stevenson, Illustrations of Scottish History, i. 9, 10; Bain, iii. xxvii, 136. It is interesting to note that Bruce conferred some of Mowbray's lands on Nicholas Scrymgeour, the standard-bearer. His house was of singular loyalty, and Alexander Scrymgeour was one of the gentlemen hanged in 1306 by Edward I. (Bruce's Charters in MSS. of Earl of Haddington, Advocates' Library).

<sup>80</sup> Scalacronica, pp. 149, 150.

<sup>81</sup> Scalacronica says that the Islesmen were present.



<sup>82</sup> Lanercost, p. 248, Bruce's Charter to William Blount; Haddington MSS. 1325; Bain, iii. 148, Covenant between Bruce and Hartcla.

<sup>83</sup> Bain, iii. xxxii and 150.

<sup>84</sup> They had already set the burgh seals to King John's negotiations with France in 1296. Bruce, in the least constitutional way, made grants of royal burghs—Cromarty, Elgin, Forres, and Nairn—to Hugh de Ross and Randolph. Under Bruce's son Parliament declared such transactions illegal. Innes, Lectures, pp. 116, 117.

<sup>85</sup> Innes, Sketches, p. 216; Act. Parl. Scot., i. 9, 115.

<sup>86</sup> Bain, iii. xxxiv, 167, 217.

<sup>87</sup> Tytler, i. 182 (i. 156, 1864). Some quite recent English historians have tried feebly to throw doubt on the authenticity of this treaty. Exchequer Rolls, i. ciii.

<sup>88</sup> Lanercost, p. 261.

<sup>89</sup> Hailes, ii. 142, Note.

<sup>90</sup> The treaty, attributed to the queen-mother and her paramour Mortimer, was most unpopular in England where it was known, for it seems not to have been generally promulgated (Tytler).

<sup>91</sup> Bain, iii. xxxv. Cf. Fordun a Hearne, 1016.

<sup>92</sup> Tytler, i. 183.

<sup>93</sup> Exchequer Rolls, i. cxx *et seq.*

<sup>94</sup> Unluckily the local humourist seems to have added apocryphal relics—a hanging crime, to Joseph Ritson's mind.

<sup>95</sup> Theiner, Monumenta Vetera, p. 251.

<sup>96</sup> Bain, iii. xxxvii.

## CHAPTER IX.

## REACTION.

“HE enlargeth a nation, and straiteneth it again.” In the reign of David, crowned at Scone on November 24, 1331, Scotland was not much more fortunate than England had been under Edward II. Long minorities were the sorrow of Scotland : this minority coincided with the sway of an energetic prince in England, and with the explosion of such internal discontents as revolution produces. The period is one from which patriotism averts its glance. In place of a united resistance to a powerful neighbour, we have to observe a mass of selfish intrigues, redeemed by gallant persistence on the part of a few nobles, and of the people. The policy of the Tudors, rather than that of Edward I., ruled the counsels of Edward III. In the forfeited lords, whom Robert Bruce had dispossessed, the English king found instruments ready to his hand. These nobles played the part of Angus and the Douglasses under Henry VIII., though with a better excuse, for, by blood and inheritance, they were at least as much English as Scottish.

David II. was not only crowned but *anointed*. There exists a letter of Pope John XXII. to Robert Bruce, in which he grants this privilege, insists on its mystical efficacy, as manifested when the spirit of the Lord came upon the newly anointed Saul,—and exacts a double recompense for his grant of the grace of oil.<sup>1</sup> Twelve thousand gold florins were paid to the Pope, apparently for this grace.<sup>2</sup>

The infant king’s coronation oath contains a vow “to extirpate all heretics with all his might.”<sup>3</sup> The erroneousness of the popular idea that Presbyterians or Covenanters “suffered for freedom of conscience” is demonstrated by the fact that these men later clung fondly to a similar oath. Only *they* were now “The Trew Kirk of

God"—all other Christians were heretics.<sup>4</sup> This anointing seems to have introduced an unhappy element in Scottish history. Randolph, since Bruce's death, had acted as Regent with great vigour, perhaps even with brutality if we can accept late accounts of his conduct, but age and disease were beginning to approach him. In these days men grew old early. Ghosts of ancient questions were now arising to perturb Scotland. In 1330, Edward Balliol came to the English court, whence he was to act as that inveterate plague, a Pretender. On the last day but one of the year 1330, Edward III. demanded from David the restitution of the Scottish lands of Wake, Lord of Liddel, and Beaumont, Earl of Buchan. These estates, with Percy's, were to have been restored by a provision of the Treaty of Northampton, but Percy alone had been reinducted.

David, or rather the Regent, now made delays: on April 22,<sup>5</sup> 1332, Edward again urged the perfectly just claims of his lords, and, by August 9, 1332, we find Edward appointing Percy to keep the Border peace, as he hears that Beaumont and other disinherited knights are about to take the law into their own hands. The contemporary Lanercost chronicler avers that they had an understanding with the king.<sup>6</sup> This is probable: in any case they had already evaded an actual crossing of the marches, by sailing from Ravenspur for the North, which Edward knew.

His conduct is singular. The claim of the disinherited knights was acknowledged by the Treaty of Northampton. Highly disadvantageous to Scotland it was, putting Wake, for example, in possession of the passes of Liddesdale. But a treaty is a treaty, and no one could have blamed Edward for enforcing it. He acted a less straightforward part, when he invited, or admitted, the disinherited claimant of the Scottish crown to his court. He winked at a raid, instead of enforcing a claim openly, and bade Percy keep the peace of the marches, when Atholl, Beaumont, Edward Balliol, and their men were landing in Fifeshire. Unhappily Randolph had died suddenly at Musselburgh, on July 20, 1332: there were suspicions of poison, attributed by late legend to an English priest, but sudden or opportune deaths were always set down to poison.<sup>7</sup> The new Regent, a nephew of Robert Bruce, a sister's son, had, according to the Lanercost Chronicler, been an instigator of Edward Balliol, though now an opponent of his claims.<sup>8</sup> He bore the unlucky title of Mar. A nephew of Bruce, he had long resided in

England, and proved exactly as valuable to his country as Bobbing John was to do, the Mar of 1715.

To oppose Balliol, Mar was encamped on the north side of Earn, near Dupplin: March was advancing to his aid from the south. Balliol, after a successful skirmish on landing, and a success in seizing Scottish supplies and arms at Dunfermline, lay on the south side of the Earn, at Forteviot, and, by all accounts, had but a comparatively small force—some 2000 men—with an adequate array of archers. Balliol's position seemed desperate, and his victory was so astonishing that chroniclers of both parties tell of "miracles," and of "the vengeance of heaven." Now, at last, the belated curses on Bruce came home, says the Lanercost writer. Mar, according to Sir Thomas Gray in 'Scalacronica,' occupied in great force an eminence on the north side of the Earn. The disinherited lords were so discouraged, that they begged Beaumont to retreat, deeming it impossible to cut their way through to Perth, which was their aim. Beaumont replied that they were in their right, that none knew the counsels of God, and that chivalry forbade them to retire. They therefore determined to cross the ford at night, and to attack the hill occupied by Mar from the rear. An English writer avers that traitor Scots had pointed out the ford, and blame was later cast on Murray of Tullibardine.<sup>9</sup> The Scots kept no watch, despising their foes, and singing some rude refrain about the tails of the English, *Angli caudati*, an old scorn.<sup>10</sup> This surprise appears to have been only partial, for at daybreak, first a charge was led by young Randolph, and then the mass of the Scots came on, eager, but disorderly, attacking the English uphill. The bulk of the Scots confused their own advanced party, but at the first shock the English were borne back, till Stafford cried, "Turn your shoulders, not your breasts, to the spears."<sup>11</sup> The arrows of the English archers now fell in a hail literally blinding.<sup>12</sup> The archers were extended, for the first time it seems, so as to envelop the flanks of the Scots, blinding them with a snow of shafts, and "rolling them up in one hopeless mass."<sup>13</sup> The heap of slain men was higher than the length of a lance: "in one little hour you might see arise a hill of dead bodies."<sup>14</sup> We can imagine a ponderous undisciplined rush, men massed in a seething crowd, the arrows laying them low before they came to hand-strokes,—such was the fortune of war with Bruce dead, and Randolph. Such it was to be when Tine-man led a rehearsal, again and again, of the Dervish charge at

Omdurman. The victors in this battle of Dupplin were under Balliol, Henry de Beaumont, Gilbert de Umfraville, Wake of Liddel, David de Strathbogie (the English Earl of Atholl), Talbot, Ferrers, and Zouche. Among the slain were young Randolph, Earl of Murray, Murdoch, the Earl of Menteith (who is said to have given intelligence of the Soulis plot), Robert of Carrick, a bastard of Bruce's, Alexander Frazer, and the Regent Mar (Aug. 12, 1332).

On the other side, the claims and grievances of the leaders are elucidated by Lord Hailes and Mr Burton. Tedious as genealogies may seem in a brief history, the pedigrees and pretensions of these men are of interest as proving the still chaotic condition of Scotland. Henry de Beaumont claimed the great earldom of Buchan as husband of an heiress of Comyn, Earl of Buchan. Umfraville claimed the earldom of Angus (he was of the line of the Angus said to have betrayed Wallace at Falkirk) and the barony of Dunipace, his predecessor having been forfeited by Bruce. Wake claimed Liddel through his grandmother. The Earl of Atholl drew his descent from Donald Ban, also from the House of Macduff. An ancestor had wedded an English heiress with wide lands in Kent. The grandfather of the claimant had been of Bruce's party, and was executed in London in 1306. His son sided with Edward II. He had also married a co-heiress of Aymer de Valence, and *his* son, the claimant, in addition to his English estates, had Comyn claims, Valence claims, and those of Atholl and Macduff. Now large cantles of Atholl's lands had been given by Bruce to Campbell of Lochawe. There were many similar pretensions. The whole affair illustrates the un-Scottish character of the Scottish *noblesse*.

Looking at Bruce's charters, we find that lands given to B had, as a rule, previously been held by A, and now was the opportunity of these disinherited men, mainly of Norman origin, whose sense of Scottish national patriotism was less than rudimentary. Adventurers also engaged, to gain something in the scramble. Edward Balliol's attack on Scotland was practically an Anglo-Norman filibustering expedition winked at by the home Government, the filibusters being neither more nor less Scottish than most of our *noblesse*.

After Dupplin, Edward Balliol seized Perth and fortified the town. March, of Gospatric's fickle house, coming up too late for Dupplin fight, invested Perth, but losing the command of Tay,

and diverted by a Galloway outbreak under Sir Eustace Maxwell, took his forces to the South. Balliol, "Edward I. of Scotland," was quietly crowned at Scone (September 24, 1332). There could not be a greater or more sudden revolution in human fortunes. All the labour of Bruce seemed to be lost. His favourite bishop, Sinclair, who had once routed an English invading force in Fife, was present at the coronation of Balliol. The Earl of Fife lent the traditional prestige of Clan Macduff.

Content with his success, Edward Balliol moved southwards, and his back was no sooner turned than the Frazers and the Earl Marischal recaptured Perth, hanging, it is said, the traitor Tullibardine. Probably the Frazers succeeded by aid of Fife, who had just helped to crown Balliol, and had been left by him in command.<sup>15</sup> Thus paltry, and thus complex, were the intrigues of men who (except in this case of Macduff) were of no nationality, but fought for their own lands and their own hands. The blood of William Wallace was extinct; but to his comrade, Andrew Murray, a son had been born after that hero's death. That son, Sir Andrew, was now chosen as Guardian by the national party. But Murray failed in his first adventure. Balliol had gone to Roxburgh to hand himself and his crown over practically to Edward. Murray followed, and attempted to capture him, but was defeated, and lay in captivity till he should be ransomed.<sup>16</sup> At Roxburgh (November 23) Balliol acknowledged Edward for his liege lord, covenanted to give him Berwick and lands of £2000 on the Border, and offered to marry Joanna, the child-wife of the child David II. If he did not follow Edward in arms when summoned, he was to lose all Scotland and the Isles.<sup>17</sup> Yet Edward was in treaty with representatives of Scotland! Then came another dramatic turn in events. Balliol went to Annan, and there (December 16, 1332) he was surprised by the young Earl of Moray (second son of Randolph), by Simon Fraser, and by Archibald, youngest brother of the Good Lord James of Douglas. They fell on Balliol's sleeping court in the dawn, they slew Comyn and Mowbray, while the usurper, half naked, fled to Carlisle, where he kept his melancholy Christmas, a vassal and a fugitive.<sup>18</sup>

The Scots having been bought and sold by the two Edwards, now began to break over the Borders, whereon the English king accused them of infringing what was already waste-paper, the Treaty of Northampton. Balliol recrossed the Border; Edward

III. summoned his levies to Newcastle (March 21, 1333). Archibald Douglas, brother of Bruce's Douglas, ravaged Gillsland: this Douglas is "Tineman," famous in legend and song, though the name is often given to Archibald, fourth earl, much later. Sir William Douglas, "the Knight of Liddesdale," *not* the bastard, as is erroneously said, of the Good Sir James, was, however, taken in resisting an English raid, and was imprisoned for two years.<sup>19</sup> Archibald Douglas, Tineman the Unlucky, was now Guardian of the realm, whose young king was conveyed (at what date is disputed) for safety to France. Edward III. seized the Isle of Man and threatened Berwick in May. Berwick had been ceded to Edward by Balliol in the Treaty of Roxburgh, but the usurper had not the power to hand over this important commercial city. Berwick was now much stronger than it had been in the days when a man below the walls could spear an enemy above them. The two Edwards, in May, began the leaguer of the place. Sir Alexander Seton commanded in the town with all the loyalty of his house; but the castle had been intrusted to the fickle Earl of March, unequally wedded with the famous daughter of Randolph, Black Agnes of Dunbar. The details of the siege are confusing. It is admitted that the Scots made a bold resistance. At last, however, they agreed, just as Mowbray had done at Stirling, to surrender if not relieved by a given day. To this effect Thomas Seton, son of the commander of the town, was handed over as a hostage with others. The arrangement was all in favour of England. To bring the Scots to fight in open field, where England had the advantage in cavalry and archery, was ever their aim. The Scots, on the other hand, knew very well, were it but from the rhyming Latin lines of "Good King Robert's Testament," that their strength lay in a guerilla warfare waged from the recesses of the hills against an army which, in the devastated plains, could obtain no supplies.<sup>20</sup> It was thus the Scots policy to lose Berwick rather than risk another Bannockburn under the walls. But such a policy is with difficulty maintained by impetuous and high-hearted men.

If we follow Sir Thomas Gray, who understood war, a vast army of Scots came to the relief of Berwick, crossed Tweed in view of the English host at the Yare ford, threw men and provisions into the town, and then began to burn and pillage Northumberland under Archibald Douglas. They had executed what

they considered a technical relief, had freed Berwick from her promise to surrender, and were now attempting to divert Edward by destroying the country behind him. Edward III. did not take this view of the legal situation. Berwick, he argued, had not been relieved, and he summoned it to surrender, the time of respite being expired. The Scots argued that supplies and men under William Keith had been brought in, and that Berwick was in fact relieved. Edward replied by hanging a hostage, Thomas Seton, on a gibbet within view of the town and under his father's eyes. Horrified by this act, the parents of the other hostages made new conditions. They would yield if two hundred men were not thrown into the town within a fortnight. Keith, Prendergast, and Grey were given safe-conducts to seek Douglas and bring his army to relieve Berwick. Archibald Douglas listened to their prayer and returned. The result (July 19) was the terrible defeat of Halidon Hill. The Scot still feels a certain pride as he passes Bannockburn. The Englishman as he fares north through Berwick probably does not reflect that on the high ground to the left Bannockburn was avenged. Between the heights occupied by the two armies lay a marshy hollow. The Scots were obliged to descend a long slope and wade the marsh, and then they had to climb a steep hill, all under the fire of the English archers.

As at Bannockburn, there was a first victim : a huge Scot, named Turnbull, with a big black dog, challenged any Southern. He and his hound were slain by a knight of Norfolk, Robert de Venale.<sup>21</sup> We know the names of many leaders on the patriotic side : it is a roll of honour. In the first line was John, Earl of Moray, son of Randolph ; James and Simon Frazer ; Walter Stewart ; Ranald Cheyne ; with Grants, Gardynes, Gordons, Meldrums, Boyds. In the second line were the Steward of Scotland ; Fleming ; William Douglas ; Duncan Campbell of Lochawe, Lindsay, and Keith the Marischal. The third line was headed by Archibald Douglas, with the Earl of Carrick. The fourth line was composed of the Highland levies of Ross, Strathearn, and Sutherland. It seems probable that the archers on the English flanks literally blinded the Scots, who, charging uphill, with heads turned aside, chiefly anxious to slay Edward Balliol, were rolled up into one mass, without keeping their divisions.<sup>22</sup> The English, who had fought on foot, then mounted and pursued, causing great slaughter with their maces.<sup>23</sup> The Earls of Lennox, Ross, Sutherland, and



Menteith fell ; old Lennox had been of Bruce's earliest allies. The Scottish Earl of Atholl (John Campbell) lost his life, with the Frazers, Graham, Lindsay, Allan Stewart, William Douglas (son of the good Lord James), and Tineman himself.<sup>24</sup> Randolph escaped to France, the Steward to Bute (July 19, 1333).

Berwick, of course, surrendered, and was practically for ever lost to Scotland. Lord March, the governor, "not much devoted to either side," was taken into the favour of Edward III. Balliol transported Scottish preachers to England, and brought English preachers into Scotland. Men thought that the Scottish war was ended ; the Scots were broken and leaderless. But while Randolph lived, while the young Steward was safe, the cause of Scotland was not lost. A few castles stood out : Bruce's sister Christian held Kildrummie ; Malcolm Fleming secured Dumbarton ; Vypont lay in Lochleven Castle ; and John Thomson kept the peel of Lochdown in Carrick : this chief had served with Edward Bruce in Ireland. Later (May 1334) King David was carried to France. Balliol now intended to hold a Parliament in Scotland, and we find Edward III. telling the (English) Earl of Atholl that Henry Percy, Ralph Neville, and others are to attend it.<sup>25</sup> England desired the ratification of the promises which Balliol had made, as we saw, at Roxburgh. This was granted by Balliol, in a Parliament held at Edinburgh (12th February 1333-34). The "disgraceful proceedings" (as Lord Hailes calls them) of this convention go on the lines of the promises made at Roxburgh.<sup>26</sup> Edward Balliol acknowledged fealty and subjection to his English namesake, and surrendered Berwick as an inalienable possession of the English crown. Among the bishops present at this Parliament were Glasgow, Aberdeen, Galloway, Ross, Dunblane, Brechin, and the once warlike William Sinclair of Dunkeld, who had rallied a Scottish and routed an English force in Bruce's day. Among the barons were the lately disinherited, but now triumphant, Beaumont, Earl of Buchan ; the (English) Earl of Atholl ; Talbot, Earl of Mar, one of Edward Balliol's early allies ; Alexander de Seton ; Alexander de Mowbray ; William de Keith ; and the lately converted Dunbar, Earl of March, who had held Berwick against Edward III. There was much turning of coats. "The king's own bishop," William Sinclair, is hardly more notorious than the Bishop of Dunblane, who as Abbot of Inchafray marched barefoot, crucifix in hand, along the Scottish ranks before Bannockburn. Where, now, was

the spirit of those who, but a few years ago, would fight for freedom while a hundred Scots were left on ground? Edward III. held Balliol tightly in hand. We find him warning the Scottish king to keep, in prosperity, the promises made in adversity, and to give to Warenne the forfeited lands of the Earl of Strathearn.<sup>27</sup> At Newcastle, on June 12, 1334, Balliol surrendered to the English crown the forests of Jedburgh, Selkirk, Etrick, with the counties of Roxburgh, Peebles, Edinburgh, and Dumfries, Linlithgow, Haddington, and their burghs and castles.<sup>28</sup> The usual "disinherited earls," Wake, Beaumont, Atholl, Talbot (Mar), with March, sign this humiliating document. Edward appointed officials in his new domain, but preserved the laws of Scotland. Balliol did homage for the whole of Scotland (at Newcastle, June 18, 1334), and it seemed as if, by a turn of Fortune's wheel as miraculous as that which carried Bruce to triumph, Scotland was finally laid at England's feet.

Happily for Scotland, Balliol's disinherited allies now quarrelled with him, and among themselves. Alexander de Mowbray claimed his late brother's succession, to the prejudice of the heiresses, his nieces. Balliol granted him the estates, but Beaumont (Buchan), Talbot, and the English Earl of Atholl, all connected with the Comyns, sided with the ladies. Sir Andrew Murray had returned from English captivity: Balliol was thus between angry allies and the national Scottish party. To conciliate his allies he dispossessed Mowbray, and gave to Atholl the lands of the forfeited Steward of Scotland. Mowbray, thus in turn alienated, openly joined Sir Andrew Murray, and the pair besieged and captured Beaumont, whom they sent into England.<sup>29</sup> Talbot also was made prisoner. The Steward ceased to skulk in Bute, where he had lain since Halidon Hill, and threw himself into Dumbarton Castle. Thence he brought his Renfrew retainers over to the national cause, aided as he was by Campbell of Loch Awe. Randolph's son, Earl of Moray, who had been a refugee in France since Halidon Hill, returned, and, with the Steward, was recognised as Regent by the national party. The Steward, a lad of nineteen, was popular, and was heir to the crown; in Moray the fame of Randolph was revived. The Earl of Moray drove Atholl into the wilds of Lochaber; there he surrendered, and, forfeiting his English estates, joined the cause of Scotland. His motives are obscure; his excuse was "fear for his life."<sup>30</sup> He may have hoped to revive the claims of the Red Comyn, whose daughter was his mother. Meanwhile, the Knight of

Liddesdale had been ransomed from an English prison, and with the Earl of Moray and the Steward was in arms, while Macdowal of Galloway joined the national cause.<sup>31</sup>

The strength of Balliol's party had ever been the union, based on common interests, of Talbot, Beaumont, and Atholl. Now, one of these allies was hostile, and two, so to say, were cancelled. We might expect fortune to desert Balliol, and Scotland to recover herself under Randolph of Moray and the Steward. But the cross-work of rival interests only became more complex. It is too intricate for a statement at once brief and lucid, and the knot is not cut by a decisive stroke as at Bannockburn. There was no real end to the struggle with England, only a trailing war of partisans dragged on, mitigated, now and again, by truces, procured by French diplomacy. The general aspects and results may be summed up. Patriotism, national sentiment, among the conspicuous Scottish leaders, almost disappeared, though it survived in the hearts of the people. We have said that, even at the hour of the famous letter to the Pope, there was more of loyalty to a leader, Bruce,—to a concrete type of the country and the cause,—than to fatherland. Now, in 1334-35, and for many long years to follow, no such royal representative of the nation was before the eyes of men. Their private and fickle interests came into play, and chiefs, like Sir Eustace Maxwell, change sides perpetually, with or without visible reason. In later Scottish history we find certain great houses tolerably loyal for generations to a creed or a king: the Argylls always Whig; the Grahams usually, and the Oliphants invariably, Cavalier. But in this chaos of the fourteenth century, men and houses shift, like the shaken elements in a kaleidoscope. Sir Andrew Murray, the Randolphs, the House of Loch Awe, are national; but even the Douglasses fail, and even the Steward's faith is shaken. Examples arise in the course of the narrative. On Atholl's adoption of the national party, or soon after, the Earl of March, a recent convert to the English side, went over again to the patriotic party with his famous wife, Randolph's daughter, heroic Black Agnes of Dunbar, and of the "fatal love-shafts." March's lands, in fact, were in the southern district ceded by Balliol to England.

Late as the season was (November 1334) when Balliol's party broke up, Edward III. overran southern Scotland, and Edward Balliol held Christmas royally, in Renfrew, the centre of the Steward's country. He was aided by William Bullock, an ecclesiastic

of military genius, who, again, was to desert him, it seems, with singular treachery. Alan de Vypont had kept, since Halidon Hill, Lochleven Castle till his English assailants raised the siege; and, in April 1335, the national party held a Parliament at the castle of Dairsie, near Cupar. On a high wooded bank above the Eden, and near one of the few churches built in a revived Gothic manner at the time of Laud, may be seen the ruined walls of this ancient fortress. Hither came Randolph, March, Sir Andrew Murray, the Knight of Liddesdale, and the Steward. Some of these men were soon to turn their coats, and Atholl, while he impressed the Steward too favourably, estranged Randolph and the Knight of Liddesdale by his arrogance.<sup>32</sup> Atholl may have cherished pretensions to the Crown: certainly nothing decisive was settled at the Parliament. In July 1335, Edward III., with Balliol, landed a huge force in the Forth, marched to Perth, and made a campaign of ravage in a land left desolate. There was a chivalrous action on the Borough Muir of Edinburgh, where March, Randolph, Sir Alexander Ramsay of Dalwalsey (a famous and unhappy partisan), with the Knight of Liddesdale, defeated a body of foreign lances, under the Count of Namur.<sup>33</sup> Later, Randolph was taken near the Border, while escorting his foreign prisoners, and for six years was lost to Scotland.<sup>34</sup> The English king and Balliol were now devastating the North,—“none but children in their games dared to call David Bruce their king,”—and despair, with Randolph’s absence, caused Atholl to make a treaty with Edward III., in which he represents the Steward as taking part.<sup>35</sup> All Scots (with exceptions that were to be named) were admitted to the English peace; Atholl’s English estates, which had been forfeited, were restored; and he was made governor of the country under Balliol. But the sister of the Bruce still held out in Kildrummie; Atholl besieged the castle; the gallant Sir Andrew Murray, with March and the Knight of Liddesdale, went to her rescue.<sup>36</sup> It was inspiring to find, among those who had not bowed the knee to Balliol and to England, a Bruce, the brave châtelaine of Kildrummie, a Murray, the child of the hero of Stirling Bridge, and a Douglas, the Black Knight of Liddesdale. The knights gathered a true-hearted band in Lothian and the Merse, and marched to relieve the last strength of Scotland, the besieged castle of Bruce. They found Atholl in the forest of Kilblain, when they slew him under an oak—some authors say by surprise, some by

the desertion of his men. He perished fighting as bravely as he had lived ill (November 30, 1335).

Balliol assigned the wardship of his child, with vast lands, to John, Lord of the Isles; and the great western Celtic principality, whence Bruce had drawn his own division at Bannockburn, was now hostile to the national cause.<sup>37</sup> The patriots, at a Parliament in Dunfermline, recognised Andrew Murray as Regent. Brief and ill-kept truces ensued, and the usual summer campaign of Edward III. was evaded by Murray in the way recommended "in Good King Robert's Testament" (1336). Winter brought the Scots from their fastnesses; Edward's castles were, in some cases, taken: raids were pushed into England, and, despite a hideous famine, the Scots were supported by the near prospect of war between England and France.

Alarmed by the election of Andrew Murray, and the death of Atholl,—dreading, too, that France (whose crown he coveted) would aid Scotland,—Edward III. again invaded that unhappy country. He had sent his brother, John of Cornwall, to help Balliol at Perth, and there, says Sir Thomas Gray, the Earl of Cornwall *mortuit de bele mort*. Edward himself then arrived at Perth with the suddenness of a surprise. Thence he marched to the relief of the Countess of Atholl, besieged in Lochindorb Castle by Sir Andrew Moray. Here Fordun places an extraordinary tale, which is one of the many reasons for distrusting his authority even when, as is now the case, he is writing of his own times.<sup>38</sup> After speaking of the rescue of Lady Atholl, and Edward's harrying of Moray, Fordun brings Edward III. back to Perth, which he fortifies. At this time John of Cornwall ravages districts already in Edward's peace, and destroys churches. Edward rebukes him, John replies, and Edward slays him.<sup>39</sup>

On Edward's return to England, the Scots recovered certain castles, raided in England, and attempted, unsuccessfully, to take the Castle of Edinburgh. Edward was now engaged in another scheme of ambition. He had for some time been on unfriendly terms with France, and had sent an embassy to ask for the alliance of the Emperor. In October 1337, he formally published his claim to the French crown, through his mother, Isabella, sister of Charles IV. (died 1328), and daughter of Philip IV. But the crown had gone into the Valois line, and to Philip VI., son of Charles of Valois, son of Philip III. (died 1285). The Salic law, excluding women, was contrary to Edward's claim, hence the origin of the Hundred

Years' War. Thus both France and Scotland were united in resistance to English ambition. Though but seldom successful as allies, yet the two countries, by diverting English efforts at opportune moments, succeeded in securing their common freedom. Yet, by the tenacity of tradition, the exiled Stuarts still quartered the arms of France, as kings of England, even when James II. was supported in France by the generosity of Louis XIV.

The rupture with France, in October 1337, made the chances of Scotland seem less forlorn. At this juncture the Ancient League with France, so rich in heroic failures, was indeed the salvation of Scotland. But it was necessary to keep their communications with France open, and this was done by holding the castle of Dunbar against English forces under Salisbury. The commandant, Black Agnes, daughter of Bruce's Randolph, and wife of the fickle March, was equal to her task. The story goes that she stood on the battlements, contemptuously wiping away, with a napkin, the dust raised by the ponderous missiles of the English. A blockade ensued; but Sir Alexander Ramsay, who dwelt in the fastnesses of Hawthornden, sailed by night from the Rock of the Bass, and relieved the castle. Salisbury withdrew in June 1338, by Edward's orders.<sup>40</sup> The successes of Ramsay, here and on the Border, were matched by those of his future murderer, the Knight of Liddesdale. The death of Sir Andrew Murray left the Regency to the Steward, who, sending the Knight of Liddesdale for French aid, began the siege of Perth. This was Balliol's favourite seat; but Edward III., for some reason, summoned him to England, where we soon find him intrusted with the command of the North. Meanwhile William Bullock, Balliol's right-hand man, being bought by the Steward, through the Knight of Liddesdale, surrendered Cupar Castle, and carried his genius into the Scottish camp.<sup>41</sup> Liddesdale had brought French vessels which seized the English victualling ships on the Tay: he himself was wounded in the siege of Perth; but the tenacity of the Rev. William Bullock (says Wyntoun) despised the supernatural terrors of an eclipse of the sun, heartened the Scots, and secured the surrender of Perth. Mr Tytler dates the eclipse July 7, 1339. Fordun dates the surrender of Perth, August 17. Stirling also fell (between June 1441 and May 1442).<sup>42</sup> Edward III. was idly busy in France, and a truce gave a needful respite in 1340. In April 1341, Bullock devised (it is said) and Liddesdale executed an old romantic trick

of war. The portcullis of Edinburgh Castle was blocked by the waggons of pretended wine-merchants, Scots men-at-arms in disguise; the Knight then rushed in with a chosen band, and the Castle of the Maidens fell.<sup>43</sup>

A few weeks later,<sup>44</sup> David Bruce with his wife Joanna landed in Kincardineshire: Scotland had again a king, a lad of eighteen, with far more of romance than of conduct. His lack of sense soon displayed itself with tragic results. Ramsay of Dalwalsey had surprised Roxburgh Castle, on Easter morning (1342)—“at the very hour of the Resurrection,” says Sir Thomas Gray; Fordun says at cock-crow on Easter Eve,—the same thing. Douglas had kept Palm Sunday no better, and Jeanne d’Arc, with all her piety, assaulted Paris on the day of Our Lady’s Feast. But Gray is scandalised, and attributes the mischief that followed to the profanity of Ramsay. The king foolishly made him Sheriff of Teviotdale, superseding the Knight of Liddesdale, who held the office for good service in the district. Can the Knight have already been under suspicion? Liddesdale avenged himself on Ramsay, and began one of the regular feuds which were to devastate Scotland. He seized Ramsay on the bench, at Hawick, dragged him over the hills to Hermitage Castle, in Liddesdale, and there starved his gallant rival to death. It is said that corn, dropping from a granary, protracted Ramsay’s life for many miserable days. Fordun’s narrative avers “that he is said to have lived seventeen days without any bodily sustenance,” and died, “fortified by the partaking of the Saving Host”—a strange story (p. clxii). Bullock, in like wise, on some suspicion, was seized by Sir David Barclay, and starved to death;<sup>45</sup> while Barclay was later assassinated, at the instigation of the Knight of Liddesdale, who had another feud against him. That ruffianly Flower of Chivalry was pardoned, and reinstated, for laws were torn up; authority was in abeyance; every man who had the power did what was right in his own eyes, and the welter of feudal anarchy had begun. Through centuries the history of Scotland is a tale of high-handed outrage and family feuds, and the recklessness sprung from the long lawless minority of Bruce’s late-born son was perpetuated through the hapless minorities of the Stuart kings. The passionate pride and treachery of the nobles is stamped as deeply on Scottish as on Italian annals. It was through the aid of the Steward that the Knight of Liddesdale was reconciled to the king, and Lord Hailes moralises, “Thus was the first Douglas who set himself above the

law pardoned through the generous intercession of the Steward." Their houses were to prey on each other for a century.

Randolph, Earl of Moray, had some time before won his freedom through an exchange of prisoners: ineffectual raids and sieges followed; but a truce between France and England included Scotland,—it was to last from February 1343 till Michaelmas 1346. It is probable that a conspiracy to restore Balliol was now begun, and it is conceivable enough that Bullock was engaged in it with the Knight of Liddesdale, hence Bullock's arrest and death. Certainly, in 1343, the Knight of Liddesdale, now a reckless man, was treating secretly for an entry into Edward's peace, and was to be "secured in a reward." In the following year the Scots did not observe the truce, and Balliol was intrusted with the task of opposing them in northern England. Apparently Liddesdale was in treacherous relations with him, and it is conceivable that this had for some time been the private posture both of himself and Bullock.<sup>46</sup> That the Black Knight made a foray into England disproves no suspicion of this kind.<sup>47</sup> Like Ker of Kersland (1707), the Knight may have taken this step "for the sake of decorum," in Ker's remarkable phrase—namely, to keep up his credit in Scotland. The truce ended, and in October 1346, when Edward III. was besieging Calais, David invaded England. For this task he had made serious preparations. We have seen that Edward Balliol had purchased, as supporters of his claims, these "auld enemies of Scotland" the children of Somerled, the Celts of the West and the Isles. To John of the Isles Balliol had given the domains held by Angus Og, the comrade of Bruce, with the territories of the Steward. On David's return from France the Steward recovered his own, and much of John's land was given to Angus MacIan of Ardnamurchan, whose house frequently proved serviceable to the crown. But John of the Isles and Ranald Macdonald resisted eviction, and David, in the fervour of his desire to invade England, pardoned the two recalcitrant chiefs. John received the Lewis, Islay, Jura, Mull, Coll, Tiree, Morvern, Lochaber, Durar, and Glencoe; Ranald was confirmed in Uist, Barra, Egg, Rum, and Garmoran.<sup>48</sup> David's army was now reinforced by the Celts. But, near Perth, at the monastery of Elcho, Ranald was slain by the Earl of Ross. His sister, Euphemia, wife of John of the Isles, was his heiress, and John now claimed succession. But Ross, after murdering Ranald, withdrew his levies; the Islesmen, in



grief for Ranald, deserted; and David marched south without them. To judge by the Lanercost chronicler's tone, this invasion was a mere attack of wolves upon lambs. "The sons of iniquity spake among each other, saying, 'Go to, let us scatter the English, that their name may be lost,' and this seemed good in their eyes!" "These sons of Belial, the Scots, gathered to make war on the Lord's people," — the innocent English, who, having annexed southern Scotland, were now trying to get possession of France.

David, "being deceived of the Devil," gathered 2000 men-at-arms, 20,000 *Hobelers*, or armed townsmen, and 10,000 footmen and archers. They took the castle of the Liddel, and a deplorably tedious lamentation is made for the execution of Walter de Selby, one of the robbers of the messengers of the cardinals to Robert Bruce.

This good gentleman was a *routier*, or highway knight.<sup>40</sup> Though his son was spared, Selby's head was cut off, to the horror of the Lanercost rhetorician. The Scots, in fact, plundered Lanercost itself, and the chronicler actually brings up against David a scandal of his nursery days.<sup>50</sup> David went about burning royally; but his army was not all that it might have been. The Knight of Liddesdale now advised a retreat with the booty, but his counsel was slighted. Perhaps a rumour of his dealings with Edward had gone abroad, and he was no more trusted than the traitor Sir George Douglas in the time of Henry VIII. The Scots observed that they had taken for the Knight the castle of the Liddel, and that now they must be permitted to help themselves. The Knight, in a foraging expedition, fell in with, and scarcely escaped from, an English party. He arrived, *satis calefactus*, "warm enough," at the Scottish camp, within sight of Durham, where he announced the neighbourhood of the English under Henry Percy, Thomas of Rokeby, and the Archbishop of York. David exclaimed, "Miserable monks and pig-drivers!" His army was in three divisions: he led the centre, Randolph the right; the Knight, the Steward, and March led the left wing. On the English part, Percy commanded the right wing, thrown forward in advance, with Angus, Scrope, and Musgrave. Neville, with the Archbishop of York, was in the centre. Rokeby was on the left, with the archers of Lancashire. Coupland, Sir Thomas Gray, and d'Eyncourt were also on the field. The English, having formed on the Red Hills in such a position that the Scots could only approach

(like the English at Bannockburn) with a narrow and crowded front, dismounted, and fought on foot. Their archers were thrown forward on the flanks *en potence*, so as to envelop the Scottish advance. The king's division, the right, was especially straitened for room; the left, under March and the Steward, was better accommodated. The English archers loosed volley on volley from the flanks. Sir John Graham in vain asked for a cavalry charge on the archers, as at Bannockburn; he dashed among them with a handful of his own men, but his horse was shot. The whole English force now came on, a crucifix carried in the van. The centre, entangled in enclosures, was attacked; the nobles dropped thick round David, who was wounded by two arrows. There died Moray, the last male heir of Randolph; Hay and Keith, the Constable and the Marischal, Charteris and Strathearn, and thirty barons. David was grappled with by John de Copeland; he dashed out the squire's teeth with his dagger, or gauntlet; Copeland took him, however, and was rewarded with an estate of £500. He was murdered, not long afterwards, by English enemies. March and the Steward escaped unhurt, though many of their name and following fell.<sup>51</sup> David is thought to have resented the Steward's retreat as a desertion. By this resentment and distrust may have been caused David's later intrigues against his country and his destined successor. He was, naturally, suspicious of the heir to the crown. Menteith, the Knight of Liddesdale, and Fife were taken: the last was condemned, but not executed as a traitor; while Menteith was executed in the cruel customary fashion. So ended the Battle of Durham, or Neville's Cross (October 17, 1346), for long used as a day to date from in Scottish records. Scotland was now in as evil plight as after the taking of William the Lion—her king a prisoner, her lords leaderless. There are traces of an intrigue by which Lionel, a son of Edward III., is to aid Edward Balliol, doubtless in hopes of succeeding him on the Scottish throne, of which he did not yet despair.<sup>52</sup> The nation did not abandon hope. The Steward became Regent. William Douglas, Archibald's son, returning from France, drove the English out of Douglasdale and Ettrick; Teviotdale rallied to him, and expelled the toothless Copeland.

Edward had taken Calais, but funds were lacking, and a truce with France, carried on, by renewal, till 1354, included Scotland. David's ransom became the central question. In 1352 (July 17),

the Knight of Liddesdale bound himself to serve Edward in all his wars, "except against the Scots, unless at his own pleasure," for the reward of the Hermitage, and lands in Annan and Moffatdale.<sup>53</sup> There were also secret negotiations between David and Edward, David furtively acknowledging Edward as his Lord Paramount. In 1353, the Knight of Liddesdale's stormy career was ended. He was slain by William, Lord Douglas, his godson, in Ettrick Forest at Williamshope, on Yarrow. The kinsmen had jealousies about Liddesdale, and a ballad says—

"The Countess of Douglas out of her bower she came,  
And loudly there she did call,  
It is for the Lord of Liddesdale  
I let the tears down fall."

Tradition, ever in love with romance, makes her prefer the dark Knight to her wedded lord.<sup>54</sup> The Knight's body was carried to the chapel of Lindean, between Abbotsford and Selkirk, where a few tombs of the Kers of Faldonside remain, and a tradition of the plague, probably not "the first pestilence," that of 1350. Later the Knight was laid to rest in Melrose Abbey: he had been an example of later Douglasses, neither tender nor true.

During David's absence as a captive in England, the Steward and the Scots may not have been very anxious for his return. Many lawless acts had been done in his absence. He himself was Anglicised, and had taken an English mistress. But, in July 1354, a treaty for David's ransom was made at Newcastle. Ninety thousand merks sterling were to be paid in nine years. A truce included Edward Balliol. Twenty hostages of rank were to be given. *Sterling* coin was demanded, for "the new Scottish money was inferior in weight and fineness to the English."<sup>55</sup> But these arrangements for peace were interrupted by France. A French knight arrived with men-at-arms, and with 40,000 *moutons d'or* for Scotland. This led to a Scottish raid, and an ambush, in which our friend Sir Thomas Gray was taken prisoner with his father: in prison he wrote his often-cited work, 'The Scalacronica,' and we may presume that his father was his authority for the period within his memory. The French and Scots then took Berwick town; the French were dismissed with thanks—on Scottish soil they were never popular allies down to the Forty-Five. The castle at Berwick had foiled the assailants, when the town fell, and all was recovered by Edward, in January 1356. In the same month Edward Balliol

delivered his crown of gold, and a sod of Scottish earth, to Edward. He received an annuity of £2000, on the customs of Kingston-on-Hull, and St Botolph. Old, fatigued, childless, the warrior of Dupplin Moor fell back on pike-fishing, and took some jack of 3 feet 6 inches in length.<sup>56</sup> Edward had now the homage of David, and the resignation of Balliol in his muniment-chest. He invaded Scotland, after taking Berwick, but the Scots merely withdrew, following the lines of "Good King Robert's Testament." Douglas, by pretended negotiations, duped Edward into a ten days' halt, while the Scots burned or carried off their property, and Edward, discovering the plan, ruined the eastern Lowlands. He destroyed the fair Abbey Church of Haddington, "The Lamp of the Lothians"; he reached Edinburgh, but his victualling fleet had perished, and his retreat, on a small scale, resembled that of Napoleon from Moscow. Each forest poured out nimble Scots, who harassed the hapless English army, and so ended the foray of *The Burned Candlemas*. A cessation of arms followed, and Douglas, being on a foreign pilgrimage (expiatory, perhaps, for the dark Knight's slaying), took the opportunity to fight for France at Poitiers. In January 1357, the interrupted efforts for peace were renewed. David Bruce was carried to Berwick, the treaty of ransom (100,000 merks in ten years) was ratified in October 1357, and the Estates of the realm—lords, churchmen, and burgesses—bound themselves to pay by annual instalments. One clerical commissioner was Barbour, author of the poem of 'The Bruce.' Hostages were given, including the Steward's eldest son. The ransom was crushing, and the details of taxation are curious.<sup>57</sup>

The ransoming of David, both as to the total sum and other details, proved most oppressive. The country had been drained of money for the ransoms of the captives of Neville's Cross, and for their expenses in England. Moreover, three great nobles and twenty young men of rank had to be maintained in England as hostages, till the 100,000 merks were paid. On the king's return Parliament met at Scone, and devised a singular financial expedient for raising the money. All the wool in the realm was to be sold to David at a stipulated price, four merks the sack (two-thirds of the market price), and he, it seems, was to sell in the dearest market, and pay his ransom out of his differences.<sup>58</sup> An inquest was to be held on all real and personal property (with a few exceptions); and

a sort of universal census was to be taken, each individual being asked voluntarily to contribute as much as he could. Measures were taken to prevent the evasion of the first article by the exportation of sheep or lambs. Moreover all lands, rents, and customs which the king had granted to others were to be resumed, for the maintenance of the throne. The great customs were trebled. Pardons and remissions granted by the Steward, during David's long absence, were revoked, and it seems that, in the feuds and forays of the Regency, there had been much to punish, whereas much had been forgiven. Obviously such measures must provoke discontent, both in the suffering people and in the Steward and the adherents of that heir-apparent of the Crown.

There was ever a suppressed feud between the king and the Steward, whose measures, after Durham fight, were not favourably eyed by David. The king was childless, and jealous,—hence came his constant trips to England, and negotiations for fixing the succession on Lionel, Edward's son. Edward wisely granted commercial privileges to Scotland; English universities were opened to the youth of the Northern realm. We here touch on a curious point in secret history, which has been misunderstood by some authorities. Sir Thomas Gray tells us, in the 'Scalacronica,' that, at a date which appears to be the spring of 1363, the Earl of Douglas, thinking that David "was not good lord to him," collected forces, with the assent of the Steward and the Earl of March. They sent a petition to David, "with their seals hanging to it" ("Ragman's Rolls"), demanding that he should not waste on other expenses the money raised for his ransom. David put down the confederates, and married Margaret Logie, who had already been four times a bride. David had lost his wife in 1362, and now married *seulement par force d'amours*.<sup>59</sup> Now if we turn to Bower we find him averring that, in 1363, David called a Parliament at Scone, and suggested that, on his own death (without heir of his body, no doubt), Lionel, son of Edward III., should become king. We have already seen that there are hints of such an ambition on the part of Lionel. The Estates replied that, "Never would they have an Englishman to rule over them." On this, or some other grudge, says Bower, arose the conspiracy of the Steward and others, who appended their seals to *literæ ragmannicæ* (as in "the Ragman's Roll"). David put down the revolt, and took an oath of fealty from the Steward, in May 1363, the Steward re-

nouncing his "band" with March, Douglas, and his own sons.<sup>60</sup> Mr Tytler and Lord Hailes, following Bower, make events pass as he narrates, and then take David to London, in November 1363, where he executes a project of a secret treaty, whereby the King of England is to succeed him if he dies without heir of his body. Thus the order of events in most histories is the Parliament of Scone (March 1363), the revolt of the Steward (ended May 14, 1363), David's project of secret treaty with Edward (November 1363).

But this is not really the order of events. The date of the Steward's formal vow of allegiance to David is May 14, 1363.<sup>61</sup> Now it is plain that a rebellion which ended in May 1363 could not have been caused by a treaty of surrender to England proposed by David on March 3, 1363-64—that is, in 1364, new style. What really occurred was this: in spring 1363, March, Douglas, the Steward, and others were at odds with David, partly on private quarrel, partly because of his wasting the money raised for his ransom. His journeys cost thousands of pounds. David put down the insurrection on May 14.<sup>62</sup> David then (October 6) went to London, and *two* projects were drafted between him and Edward and their Privy Councils. By one (November 27), the *King of England* was to succeed David, if he died childless. By the other project, David's heir was to be *a son of the King of England*, not being the Prince of Wales—that is, probably Lionel. This, the second project, undated, but of November-December 1363, was the scheme actually laid by David before his Parliament, in March of the following year (1364). They bluntly and decisively refused to assent.<sup>63</sup> Thus David did *not* moot the second scheme to the Estates, in March 1363, and so cause a rebellion, after which he entered into a still worse scheme. He contemplated both schemes *after* the rebellion, and preferred the second. Douglas was consenting to the projects for restoration by England of all Bruce's castles and towns; perpetual peace between the realms; remission of the ransom; Scottish service in France; restoration of the disinherited earls; the succession of a son of Edward's, and so forth.<sup>64</sup> There is also, of November 27, the project by which—not a son of the King of England, but—the king himself shall succeed, if David has no heirs male.<sup>65</sup> By this plan the ransom will be forgiven; the title of kingdom of Scotland will be preserved; the Stone of Destiny is to be carried to Scone, and the King of England

crowned there, as King of Scotland; all Parliaments of Scotland will be held within that realm; the Church and laws are to be maintained; all governors and officials are to be Scots; merchants' franchises are guaranteed, and *the Earl of Douglas is to be restored to his paternal estates in England*, or receive an equivalent.

The affair is tolerably clear. Douglas was present when this scheme was framed, and was consenting. His price was to be paid. David would either have an heir male by his new bride; or England, with Douglas, would oust the Steward, and his large but dubious offspring. Thus Douglas was obviously bought to assent to the removal of the succession from the Steward, to a king or prince of England. He certainly was in London with David, in November 1363, for he then and there received a silver gilt cup from the English king.<sup>66</sup> Douglas then went on pilgrimage to Canterbury. He was not at Scone, when David broached the scheme to the Parliament there, in March 1364, by new style: by old style, 1363.

The rising of Douglas, March, and the Steward was, therefore, *before*, not *after*, David's startling proposals—as Sir William Fraser justly observes. During that rising (May 1363), David nearly captured Douglas, at Lanark. But, when he had put the insurrection down, David, it now seems certain, intended, by securing the succession of an English prince, to oust the blood of Bruce in the person of the Steward. He therefore managed to detach Douglas from the interests of the Steward, and of Scottish independence. Thus Douglas's gilt cup, given to him in London, in November 1363 (value £10, 1s. 6d.), destroys his credit, if not as a patriot, at least as a stickler for an independent Scotland. The son of the Bruce, the nephew of the good Lord James, are here found united in an attempt to set an Englishman on the Stone of Destiny.<sup>67</sup>

We may urge that, while David and Douglas both perceived the inestimable advantages of a Union, they both anticipated war on account of the dubious legitimacy of the Steward's children. But it is not less probable that David was jealous of the Steward, and that Douglas wanted his family's old English estates. Hitherto, as has been said, Scotland has a scanty constitutional history, because her kings, living within their income, made no unconstitutional demands. David Bruce did not live within his income, and the remaining years of his reign have a certain constitutional and financial interest. The parliamentary results will be later summarised.

David's acquiescence in the succession of an English king or prince was probably due to two causes. First, if the plan were accepted, he was to be relieved from the payment of his ransom, and from the risk of returning to prison if that ransom was not paid. Secondly, in addition to a monarch's natural jealousy of his heir, David suspected the Steward of lack of zeal at Neville's Cross. Again, the Steward had rebuked and alarmed him, in the spring of 1363. Finally, there was ill-will between the Steward and the new Queen, Margaret Logie, *née* Drummond.<sup>68</sup> But David's plan for escaping all his troubles by securing an English successor to the throne was a failure, and the rest of his reign was a series of financial expedients, and of troubles with the Steward, whose daughter had married John of the Isles. The Highlands were unquiet, John of the Isles was especially insubordinate, and the Steward was at least suspected of being in league with his son-in-law. Meanwhile the policy of Edward III. was to keep a steady pressure on Scotland by demanding instalments of David's ransom. A truce of four years would soon run out. During that truce, Edward tempted the Scots by allowing every kind of privilege to their merchants, wandering students, and pilgrim knights. Nobles, the king, and the queen went and came: sometimes the knights were on their way to take foreign service, that regular resource of the Scots; sometimes, under pretence of pilgrimages, they were engaged in secret diplomatic adventures. The money and the military force of Scotland were thus leaking out of the distracted country.

On one side lay bankruptcy, under pressure of the ransom; on the other side were the seductions of yielding to a rich and powerful neighbour, favoured by the degenerate son of Bruce. In these perilous circumstances, while great lords behaved like petty and arrogant monarchs, the Estates of the realm displayed a tenacity and resolution as creditable as the martial courage shown at Stirling Bridge and Bannockburn. The scheme for upsetting the succession, as it had been planned by Bruce, the Estates would never accept; but they strained every resource to free the land by paying off the king's ransom. The most notable of the recurrent financial schemes may be matter of remark. In January 1364-65, a Council at Perth offered great concessions to England. They would restore the disinherited lords. They would yield the Isle of Man and the estates of Edward Balliol to a son of Edward III., if the balance of the royal ransom were remitted. If not,



they made three alternative proposals for the gradual payment of the ransom. Wool was to be taxed for the purpose, and an impost of sixpence on the pound was to be universal. Edward granted a four-years' truce, on June 20, 1365, and the 100,000 merks was to be paid in yearly instalments of £4000. On July 24, 1365, a new Council was held at Perth. John of the Isles and Douglas were among those present, with the Steward; but the burghs were not represented, the chief merchants being absent, on business, in England. Edward's terms were granted, if no alleviation could be procured. On May 8, 1366, a Council at Holyrood finally and absolutely refused as "insufferable" Edward's demands for homage, the succession, and the dismemberment of the realm. In July 1366, a Parliament at Scone considered a new valuation of lands: even the property of burgesses and husbandmen was now to be valued for the purpose of buying the necessary peace—permanent, or at least for twenty-five years.<sup>69</sup>

But the money could scarcely be raised: the commissioners were forcibly resisted at Clackmannan by a Bruce, by Leslie and Lindsay in the Mearns. David's private expenses were swallowing the contributions: he was in debt on every side, and actually in danger of arrest in England. Edward showed his intentions by disdainfully alluding to Robert Bruce as "the person who had pretended to be King of Scotland," nor did he give David his royal title. He actually held much of the south of Scotland,<sup>70</sup> and over the country hung the clouds of bankruptcy and imminent war, or the alternative of absolute submission. In a Parliament at Scone (27th September 1367), a desperate remedy was devised. All alienations of crown property since the days of Bruce were simply annulled and revoked,—a measure full of injustice, and corresponding to "repudiation." Edward only increased his demands, which were again refused by a Parliament at Scone, in June 1368. John of the Isles and the Earl of Ross had been "contumaciously absent" from the Parliament of 1366. By 1368 John was in open rebellion, in resistance to the new taxation. He had divorced Euphemia, the sister of the murdered Ranald, who was slain at Elcho monastery by Ross, just before the battle of Neville's Cross, and he had married Margaret, daughter of the Steward.<sup>71</sup> To the Steward and his sons was now assigned the task of subduing their kinsman, the Lord of the Isles.

Warlike preparations were made, against the expiral of the truce.

Nine months later, the Lord of the Isles was still contumacious. Affairs were desperate. The customs had been raised to four times their original amount. The nobles were at feud. The holders of royal gifts were ruined by their alienation. There was a famine in the land. Disunion, crushing taxation, the allurements of a quiet prosperous life, combined to make Scotland look towards an abject surrender. But there was a *Deus ex machinâ*. France once more proved the salvation of Scotland. The Parliament of Aquitaine had resisted a tax of the Black Prince's, and had appealed to the King of France. In 1369, Charles summoned the Black Prince to his court. Edward III. proclaimed himself King of France, war broke out, Du Guesclin adopted the Scottish Fabian policy of avoiding battle; envoys from France were in Scotland, and peace with Scotland became necessary for England. In 1369, a truce of fourteen years was granted. Four thousand marks towards David's ransom were to be paid annually. The English lands in southern Scotland were placed under a mixed council, the Scottish legal owners receiving half the rents. The tide had turned at last. David was free to march against the Lord of the Isles, who submitted, at Inverness (November 15). The king paid his creditors 13s. 4d. in the pound, but (February 1369-70) repudiated all debts before 1368. On February 22, 1370-71, David died in Edinburgh Castle. With his wonted wisdom he had been contemplating a Crusade! He had divorced Margaret Logie in the Scottish Courts; the Pope, at Avignon, had espoused her cause, and even an interdict was threatened. The son of Robert Bruce contrived to involve his country in every conceivable kind of trouble and disgrace. In January 1368-69, the Steward and his unruly son, the Wolf of Badenoch, had actually been imprisoned in Loch Leven Castle. This may have been because of their supposed complicity with the Lord of the Isles, or, again, because of the intrigues of Queen Logie. Her divorce is attributed to an intention on her part to bring in a warming-pan heir.<sup>72</sup> But, in 1369, David was paying his court to a daughter of Black Agnes of Dunbar.<sup>73</sup> The truth about the divorce and the domestic intrigues which involved the Steward, the heir to the crown, are thus matters of surmise. A singular example of David's conduct occurs as early as 1358, when he transferred the lands of Randolph's house, extinct in the male line, to Henry, Duke of Lancaster, and, failing male heirs, to his daughters for their lives. This would have admitted John of

Gaunt, husband of Lancaster's younger daughter. The grant seems never to have taken effect, but it is witnessed by the Steward and Douglas.<sup>74</sup> David left his country in debt to England for 48,000 marks, the balance of his ransom-money. Two or three instalments were paid, after his decease, but the whole of the money never reached England.<sup>75</sup>

David was personally brave, as he showed at Neville's Cross, and he put down rebellious nobles with some energy. Otherwise he was destitute of character. Scotland was nothing to him, compared with the luxuries of England. It was merely a country of which he had a liferent. His French education, his English tours, had made him a lover of the gaudy chivalrous diversions of his day. David rejoiced in blue and red trappings of velvet for his horse, and the cloths were embroidered with the White Rose. In 'The Tales of a Grandfather' Scott collects the feats of gallantry and endurance which chroniclers record of Scottish knights. David's French training had made him an adept in these gentle and joyous passages of arms, exercises unprofitably brilliant, and not needed to teach valour among a people constitutionally brave. As we have seen, chivalry did not repress the duplicity of lords and earls, nor was a nice regard of honour inconsistent with public and private treachery. But, amidst so many trials, the heart of the nation remained sound, and resolute in all extremes.

Constitutional progress, in David's reign, may be tersely described.<sup>76</sup> Parliament, in David's reign, not only granted and assessed taxes, and controlled their expenditure, but (1) entered into details of coinage and the currency, which were even then of the prerogative of the Crown. (2) It directed the administration of justice. (3) It assumed the right to dictate the terms of peace with a foreign State. (4) It called to account officers, though holding their offices hereditarily by grant of the sovereign. (5) It directly controlled the sovereign himself, in his expenditure and ceremony, and it pronounced a famous ordinance, that no officer should put in execution any Royal warrant "against the Statutes, and common form of law."<sup>77</sup> These liberal tendencies were much counteracted by the contemporary institution of Committees, one of them the germ of the body, "the Committee of Articles," which came to be called the Lords of the Articles; the other, "the Committee of Causes," was the rudimentary form of the Supreme Court of Justice. Rich burgesses declined to attend Parliament,

for reasons of their own, and constant Parliaments were troublesome and expensive. For these reasons, and reasons of secret control, a Parliament at Perth increased and defined the powers of these standing Parliamentary Committees. However the Lords of the Articles were elected in coming years (probably by arrangement within the dominant party), they were naturally not democratic in tendency.<sup>78</sup>

The condition of the people and the trading and learned classes, in forty years of foreign war and domestic feuds, might, to a modern mind, seem helplessly wretched. But things were not so bad, as Walsingham speaks of "the inestimable wealth" of John Mercer, who, when taken prisoner during a truce, in 1376, was released without ransom, to Walsingham's chagrin.<sup>79</sup> The existence of men like the Mercers is characteristic of old Scottish society. The numerous safe-conducts (in 'Rotuli Scotiæ') to Scots merchants and students, about 1363-1370, show the opportunities of trade and culture. Barbour, author of 'The Bruce,' is a recipient of such a document. His poem proves that neither war, nor plague, nor a grievous famine, depressed the ardour of letters. The knowledge of his age Barbour possesses, and displays by endless digressions into classical or pseudo-classical parallels, rather in the style of Montaigne. While trade and learning managed to exist, war and the mimic fights of chivalry, and costly array, and expensive pilgrimages, engaged the nobles. Scots often took foreign service, in France, Spain, and as far as Egypt.<sup>80</sup>

The experience of Scotland, under this miserable reign, was calculated to strengthen the national character. A sudden fiery revolt, a great victory, had made the country free, but could she keep her freedom when the generation of Bannockburn, the *Marathonomachai*, was under the sod? Scotland was tried by a recreant king, by internal disunion, the fruit of Bruce's forfeitures, by dynastic jealousies between David and his heirs, by grinding poverty, plague, famine, and taxation. Before her was displayed the lure of prosperity and peace. For these she had but to sell her birthright of freedom. But emboldened first by the son of Wallace's friend, Murray, and the heroic sister of Bruce, and the blood of Randolph in Black Agnes of Dunbar, Scotland desperately resisted threats, declined seductions, and was relieved, in her darkest hour, by the uprising of France against the inordinate aggressions of England. The Ancient League, with all its disappointments and disasters,

was the salvation of France and of Scotland. For the rest, between the death of the Maid of Norway and the entrance into European politics under James IV.,—or rather, perhaps, till the Reformation, — the History of Scotland is inspired by but one national idea, Independence, resistance to England. The tardy progress of constitutional advance, and of culture, is almost unconsciously made, but is distinguishable.

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NOTES TO CHAPTER IX.

<sup>1</sup> Theiner, *Monumenta*, p. 244. The non-anointing of Scottish kings had been a point in the English claims.

<sup>2</sup> Exchequer Rolls, i. cxiii.

<sup>3</sup> According to English scandal, an infantile indiscretion of the baby David, during the ceremony of baptism, was an omen of evil. This is dragged up against him by the chronicler of Lanercost, at the time of his invasion of England.

<sup>4</sup> William III. had to take the exterminating oath, protesting, in the spirit of Euripides, that "the tongue swore, but the heart was unsworn." The "accursed Union" "substituted a declaration more in accordance with the precedents of England, and happily relieved all following princes from the wickedness and mockery of a cruel and impossible obligation." Robertson, *Statuta Ecclesie Scoticanæ*, l. xlix. So early began in Scotland, and so late survived, the lust for persecution.

<sup>5</sup> Bain, Feb. 24, 1331, iii. 186; April 22, 1332, iii. 190, 191.

<sup>6</sup> Chron. Lan., p. 267.

<sup>7</sup> Mr Tytler investigated this charge of poison, with some inclination to belief. Barbour was a boy of about fifteen at the date of Randolph's death, and Barhour records the tale, without accusing any one in particular.

*"Pusonyt was he,"*

is all the record of Barbour. Bower, the continuator of Fordun, born more than fifty years after the event, knows most about it, and implicates an English priest. This kind of legend is worthless.

<sup>8</sup> Chron. Lan., pp. 259, 267.

<sup>9</sup> Fordun, Goodall, lib. xiii. chap. 25. It is added that Murray was later executed for his treason; but Fordun's continuator is a very late and untrustworthy authority. Chron. Lan. admits that intelligence was received.

<sup>10</sup> Fordun. See Mr Neilson's "*Angli Caudati*" (C).

<sup>11</sup> Lanercost, p. 268.

<sup>12</sup> Lanercost, p. 268.

<sup>13</sup> J. E. Morris, *Historical Review*, July 1897, citing Bridlington and Lanercost. Mr Oman's account is also of much interest. The use of archers placed at right angles to the English flanks, if it was Balliol's idea, marks a genius for war. The plan was used, of old, by Narses, the eunuch general.

<sup>14</sup> Scalacronica, p. 160; Lanercost mentions the height of the hill.

<sup>15</sup> Knighton, p. 2562.

<sup>16</sup> Lanercost, p. 270. Scalacronica, p. 161. Fordun places the event later, and is followed by Mr Tytler, i. 170 (1864). Bain, iii. xl.

<sup>17</sup> *Fœdera*, vol. ii. pt. ii. pp. 847-849. Cf. Bain, iii. xli.

<sup>18</sup> Lanercost, p. 271; Scalacronica, p. 161.

<sup>19</sup> These Douglasses are puzzling. Lord Hailes held that Bruce's Black Douglas never married, and was succeeded by an imbecile, really a clerical, brother, Hugh, represented by a valiant brother, Archibald, called Tineman (from his lack of luck). But Sir William Fraser, in the 'Douglas Book,' i. 185, produces evidence of a legitimate son and heir of the Black Douglas, William, slain at Halidon Hill. The Knight of Liddesdale, again, was no bastard, but legal son of Sir James Douglas of Lothian. William, Lord of Douglas, who fell at Halidon, must then be kept distinct from William Douglas, the Knight of Liddesdale.

<sup>20</sup> "Plana per ignes sic inflammentur, ut ab hostibus evacuentur." As late as 1752 this was Lochgarry's advice to Prince Charles.

<sup>21</sup> Baker.

<sup>22</sup> Lanercost, p. 274; Swinbrook, p. 51. For the fight, a pattern of many later defeats, see Oman, p. 586.

<sup>23</sup> This appears from Lanercost and Baker.

<sup>24</sup> It is a picturesque circumstance that, on this woful day, the paternal ancestor of Charles I. and the maternal ancestor of Oliver Cromwell (Alan Stewart of Dreghorn and James Stewart of Rosyth) fought under the banner of their chief—at least, so says Lord Hailes, ii. 184. His view is now reckoned untenable.

<sup>25</sup> Bain, iii. 197. October 1, 1333.

<sup>26</sup> *Fœdera*, Record ed., vol. ii. pt. ii. p. 853; Acts of the Parliament of Scotland, i. 539.

<sup>27</sup> *Fœdera*, vol. ii. pt. ii. p. 879.

<sup>28</sup> Bain, iii. 203.

<sup>29</sup> Scalacronica, pp. 164, 165; Fordun (who gives the facts of the origin of the quarrel), chap. cl.

<sup>30</sup> March had joined the Scots before February 1335, and Atholl before May 1335; by August he was restored to his lands by Edward III. Bain, iii. 207, 212.

<sup>31</sup> Lanercost, p. 278.

<sup>32</sup> Exchêquer Rolls, i. cxlv.

<sup>33</sup> We find Edward presenting a silver enamelled cup and ewer to the brother of the Count. Bain, iii. 211.

<sup>34</sup> He was kept in irons. Bain, iii. 222. <sup>35</sup> So, too, Scalacronica, p. 165.

<sup>36</sup> Fordun describes Andrew Murray as relieving his own castle, held by his wife (p. cliv). Wyntoun takes the view adopted in the text.

<sup>37</sup> Bain, iii. 213. Perth, September 12, 1335: obviously a mistake, the Earl of Atholl being alive in September 1335. Probably 1336 is meant. Bain, iii. xlv.

<sup>38</sup> Fordun died, an old man, about 1385.

<sup>39</sup> In a Guide to Scotland the deed is done in church, before the high altar!

<sup>40</sup> Dates offer difficulties. Mr Bain (iii. xlvii) appears to date the blockade of Berwick, January 28-June 10, (*circa*) 1338.

<sup>41</sup> Such is Lord Hailes's story, derived from Fordun (p. clix). But Mr Bain points out that Bullock was still Constable of Cupar, and drawing pay in that capacity, on December 12, 1339, whereas Perth was surrendered to the Scots on August 17 of the same year, at least according to Lord Hailes, and had undeniably fallen before October 29 (Bain, iii. 240). The picturesque details about Bullock, therefore, seem impossible, but see Exchequer Rolls, i. clv.

<sup>42</sup> Exchequer Rolls, i. clvi; Bain, iii. 252.

<sup>43</sup> So says Wyntoun, and the story is too good to be lost. But the *compotus*, or accounts of the English governor, Rokeby, say nothing of this onfall. Rokeby himself was not present (Bain, iii. xlix, 252). That Wyntoun's narrative is practically correct, whether Bullock suggested the ruse or not, appears from the Exchequer Rolls, i. clvi and 507.

<sup>44</sup> June 2, 1341; Exchequer Rolls, i. clx, clxi.

<sup>45</sup> Fordun says he died *infelici morte*.

<sup>46</sup> Rot. Scot., i. 637, 640.

<sup>47</sup> *Fœdera*, vol. ii. pt. ii. p. 1230 (1343).

<sup>48</sup> Gregory, Highlands and Isles, pp. 26, 27; Clan Donald, pp. 104-109. Ranald is "filius Roderici," or Macruari.

<sup>49</sup> This was no unusual profession. Sir Thomas Grey, author of the 'Scalacronica,' had seized Renton, a burghess of Berwick, and held him to ransom in time of peace (Bain, iii. 195). Monstrelet, that literary knight of Burgundy, "did something lean to cutpurse of quick hand." Selby, moreover, had been a trebly dyed traitor to either side. Cf. Bain, iii. 308, for his slaying.

<sup>50</sup> Lanercost, p. 346.

<sup>51</sup> White's Battle of Neville's Cross (1857) has been consulted. The Lanercost chronicler ends his book with a verbose account of this invasion. He accuses the Steward of cowardice.

<sup>52</sup> Ayloff, Ancient Charters, p. 299.

<sup>53</sup> Bain, iii. 286.

<sup>54</sup> Douglas was not yet an earl, and "countess" is a ballad anachronism. But a ballad is not evidence. The poet always introduces a love-affair as the motive. Compare "the Bonny Earl o' Murray, He was the Queen's love."

<sup>55</sup> Bain, iii. 289.

<sup>56</sup> For Balliol's angling exploits, see Bain, iii. 295. He was a coarse fisher, taking "perches, roches, tenches, and skelys"—"scaleys," chub, so called on the Eden. On Balliol's surrender, see Neilson, 'Juridical Review,' xi. 2, 186.

<sup>57</sup> See Tytler, i. 221, edition 1873. Cf. Exchequer Rolls, ii. xxxvii.

<sup>58</sup> Act. Parl. Scot., i. 133-144.

<sup>59</sup> Scalacronica, p. 203.

<sup>60</sup> Fordun, lib. xiv. chaps. 25-27.

<sup>61</sup> Fordun, xiv. 27; Tytler, i. 229, edition as *supra*, 1873; Exchequer Rolls, ii. xlix, l.

<sup>62</sup> Scalacronica, p. 203, and other authorities in The Douglas Book, i. 242.

<sup>63</sup> Act. Parl. Scot., i. 135; Bain, iv. 21, 22.

<sup>64</sup> Bain, iv. 21; Chapter House, Scots Documents, Box ii. No. 2, *circa* November 1363.

<sup>65</sup> *Fœdera*, iii. 715; Hailes, ii. 278.

<sup>66</sup> Sir William Fraser, in The Douglas Book (i. 243), says "this stipulation" (that Douglas should recover his English estates) "does not infer that Douglas was privy to the treaty. . . . There is no evidence that he was in England while it was drawn up at Westminster." But there *is* evidence—in the record of cups given "to divers lords and others, who came to England in the retinue of the King of Scotland" (Bain, iv. 22). The confusion made by previous historians as to the order of dates is cleared up by Mr Burnett (Exchequer Rolls, ii. lii). I had noted the right sequence of dates before reading Mr Burnett's interesting preface.

<sup>67</sup> But nothing of all this—that is, of the second project—was "secret," as Lord Hailes and Mr Burton allege (Hailes, ii. 283; Burton, ii. 340). The Acts of Scots Parliament says in so many words that David, in the Parliament of Scone

(March 1363-64), announced the result of his negotiation with Edward, in November 1363. The thing had been treated, David said, "inter consilium Regis Angliæ, et alios ipsius, qui cum eo fuerant nuper Londini," Douglas being one of the party. The Scots Estates, *nullo modo voluerunt concedere*, would not come into it. Mr Tytler knew the facts, but, misled by old style, dislocated them. The results have been mere historical chaos.

<sup>68</sup> For this Drummond Queen, see Exchequer Rolls, ii. liii, lxxv.

<sup>69</sup> It is curious to find John Crab, the Berwick engineer, or his son, sitting in these Parliaments. Act. Parl. Scot., i. 495-498; Exchequer Rolls, ii. lxxvi.

<sup>70</sup> Rot. Scot., i. 901.

<sup>71</sup> The historians of Clan Donald call the Macruari lady "Euphemia" (p. 111) and "Amy" (p. 116). They add (p. 118) that John of Isla acted as High Steward in 1364, when his father-in-law, the Steward, was in prison (p. 118, 119).

<sup>72</sup> Liber Pluscardensis, lib. ix., chap. 46.

<sup>73</sup> Exchequer Rolls, ii. lxiii, note 2.

<sup>74</sup> Bain, iv. 3.

<sup>75</sup> Bain, iv. xi. xii.

<sup>76</sup> See the preface, by Mr Cosmo Innes, to the collection of Scots Acts of Parliament.

<sup>77</sup> Sir John Skene characteristically omitted this oft-repeated rule, in an edition of Scots Acts published under James VI. and I. It did not suit James's ideas of Prerogative.

<sup>78</sup> See Hailes, ii. 286. The Committees were "*elected by the Commons and by the other Estates*," 1366.

<sup>79</sup> Exchequer Rolls, ii. xliii, note 4.

<sup>80</sup> Michel, Les Ecosais en France, i. 74, citing MS. of La Prise d'Alexandrie, 1349.



## CHAPTER X.

## THE EARLY STUART KINGS.

THE reign of David II. shows Scotland clinging to her ideal of Independence, in spite of war and weariness, plague and famine, and the treachery of some of her natural leaders. The reigns of David's successors, the early Stuart kings, are in this regard less interesting. If Scotland had, in Robert II., an elderly outworn king, England fell under a minority, that of Richard II. Mere plundering raids, or tournaments on a gigantic scale, take the place of national resistance to foreign oppression. The lights of the setting sun of chivalry fall on the time, in the enchanted pages of the contemporary Froissart. From him we hear a living voice, delightful after the rhetoric of monks. The death of David II. left Scotland in the hands of kings who, at least, might be trusted never to give or sell her to England. The succession of the Steward's son by Marjory Bruce, daughter of Robert Bruce, had been settled by the Parliament of 1318. That son, Robert II., represented, in the male line, a race of whose beginnings little is known. Andrew Stuart, author of 'The Genealogical History of the Stewarts,' who wrote while Henry IX. (Cardinal York) was still acknowledged as head of the royal house (1798), dismisses the fond pedigrees which trace the Stewarts to Banquo and the line of Kenneth MacAlpine.

In fact, Alan, son of Flahald, father of Walter, the first hereditary Steward, or Seneschal, of Scotland, was merely a noble of Norman race. "The real descent of the Stewarts was known as late as the fourteenth century, when Richard Fitz-Alan, Earl of Arundel, in 1336, sold the Stewardship of Scotland to Edward III., a transaction which was confirmed by Edward Balliol. The sale was, of course, a political fiction, founded on the assumed forfeiture

of the Scottish branch of the earl's family, through which their hereditary office" (the Stewardship) "was supposed to have reverted to their English connections."<sup>1</sup> Thus the new dynasty were descended merely from a cadet branch of the Earls of Arundel, and their founder was one of the many Normans in the *entourage* of David I. Their first Royal descendant was Robert II., son of Walter, crowned at Scone on March 26, 1371, when his eldest son, John, Earl of Carrick, was recognised as his heir. The legitimacy of John (crown name, Robert III.) was impugned by George Buchanan, in statements of singular inaccuracy. In point of fact, Robert II. had lived with, and had children by, Elizabeth More, or Mure, of Rowallan, before their marriage. Robert and Elizabeth were also within the degrees of propinquity forbidden by the Church, and Elizabeth, as a child, had been contracted in marriage with Hugh Gifford, aged nine. A Papal dispensation, however, permitted the marriage (1349), though Robert had also been the favoured lover of Isabel Boutellier, herself in the third and fourth degrees of affinity to Elizabeth. A provision in the dispensation legitimated the "multitude of children of both sexes"; but "it remained a point admitting of doubt among canonists whether such a provision, in the absence of any assertion either of a previous marriage or of ignorance of the impediment, conferred the full status of legitimacy on the offspring."<sup>2</sup> Thus the marriage of Robert and Elizabeth had a treble need of a dispensation, having been preceded by what (canonically) was incestuous concubinage. It has been argued that, in these circumstances, even the Pope could not "remit the irremissible," and that consequently the Royal House of Stuart never was, nor ever could be, legitimate. Their real title was parliamentary. Such is the irony of Fate, for in regard to no family has the creed of legitimism been pressed so far, or proclaimed so loudly, and the Royal Houses of Europe almost all have strains of Stuart blood.<sup>3</sup>

Robert II., after the death of Elizabeth Mure, had a second wife, Eupheme Ross, whose children were of undeniable legitimacy. From them came the Earl of Atholl under James I., whose ambition probably led to the murder of that monarch. As late as the reign of Charles I., the Earl of Menteith, descended from the second wife of Robert II., caused anxiety to the reigning king, and his modern representative was the famed sportsman, Barclay of Ury.

These troubles of the succession were remote; but even Robert II.

was threatened, before his coronation, by the opposition of the Earl of Douglas. The earl found himself too weak to resort to arms, and his eldest son was presently married to Robert's daughter, Isabella. He himself became Warden of the East Marches, a position of the highest importance in view of English invasions.

Surrounded by many sons, natural or legitimate, Robert II., who had been warring all his life, was inclined to fleet the world carelessly. His second surviving son, Robert, Earl of Fife, and later, Duke of Albany, was the statesman of the family. His third, Alexander, the Lord of Badenoch, called "Wolf of Badenoch," an enterprising ruffian, misruled the north, through his father's weakness, almost as a king. The Crown Prince (Earl of Carrick) was named John, a name so unlucky that he changed it for Robert, when king, without changing the luck.

In foreign affairs, David's ransom continued to be paid, but Edward declined to give receipts to "the King of Scotland," a proof that he maintained his old pretensions. England still held Annandale,<sup>4</sup> Berwick, Roxburgh, and Lochmaben Castles. Though the Black Prince was dying, and du Guesclin was restoring the prestige of French arms, the English king remained the covert enemy of Scottish independence. Scotland looked towards France. In 1372,<sup>5</sup> Walter Wardlaw, Bishop of Glasgow, and sometime a lecturer on philosophy in the University of Paris, concluded a treaty at Vincennes. Scotland was in truce with England till 1383; but Charles V. offered her 100,000 nobles of gold either to pay off David's ransom, or to be used in war against England, if the Pope would grant a dispensation from the truce. Charles would also send armour for 1000 men, possibly from the Scots Companies in France. All truces were to include both nations. These articles as to dispensation from the fourteen years' truce, and supplies from France, were secret, and perhaps not ratified. Robert, now aged fifty-five, had no desire to be fighting. The deaths of Edward III. and of the Black Prince left England in the hands of Richard II., or rather of his guardians (1377). England now had her share of the jealousies of nobles, and of popular risings, such as Scotland had hitherto escaped. The Border was disturbed by feuds of Douglasses and Percies, and by the Earl of March's endeavour to recover his estates; but trade went on, and wine too bad for Southern tastes was habitually unloaded on the Scottish market.<sup>6</sup> The Earl of March and the Scots made Annandale valueless, and ruined Smailholme,

and several other "vills."<sup>7</sup> March sacked Roxburgh, and Douglas, the Warden, when appealed to by Percy, Earl of Northumberland, seems to have been tardy in making redress. In 1378, Percy reports that the English Warden of Lochmaben Castle declines to stay any longer, and that March and Douglas are making the English border unquiet. "The whole country will remove their goods." The English border castles are ordered to be repaired, and landholders bidden to reside and protect the Marches (1379). Such are the dry bones, in public documents, of fights highly picturesque and enjoyable in the narrative of Froissart. In one of these, a Warden's raid by Percy, the Scots practised a device recommended by Robert Bruce—

" Wiles and wakening in the night,  
And meikil noise made on height."

They stampeded the horses of the English under cover of darkness, and Percy, like the generals of Henry VIII. long afterwards, may have seen the devil busy in person. The English seem to have done their best to reconcile differences and keep the Border peace. The Scottish Crown Prince and his brother, Earl of Fife (later Duke of Albany), held courts—*dies marchiarum*—for the same pacific purpose, since the king, from honour, policy, or indolence, was averse to war.<sup>8</sup> But the general result of these Border raids was a gradual recovery of Scottish territory (renounced to England by Edward Balliol) for Scotland. About 1380 we find English commissioners describing the losses of land during the Great Truce—the barony of Cavers (still held by Douglas of Cavers) is one cantle, also Denum (Denholm), Pencrise, Caldeleugh (Caldeclues), Wells, Myntehowe (Minto), Newton, the valley of Liddel, and part of Grundiston, with other lands near Hawick and Jedburgh. Berwick was taken twice by the Scots (November 25, 1378, December 1384). On the former occasion Percy recaptured it, but was defeated at Melrose by Sir Archibald Douglas, whose huge two-handed sword scarcely any other man could lift.<sup>9</sup>

Here dates are difficult to ascertain: the subject, fortunately, is not now of high importance, as only futile raids and ill-kept truces are concerned. In 1380, Lancaster (uncle of Richard II., and best known as John of Gaunt) approached the Border with an army. He was well received, and a truce was arranged till St Andrew's Day, 1381.<sup>10</sup> In 1381, Lancaster arranged a three years' truce, and,

being unpopular in England after Wat Tyler's rising, he accepted the hospitality of the Scottish Court at Holyrood.<sup>11</sup> On January 26, 1383-84, an eight months' truce, in which the Scots were to have the option of participating, was settled between France and England at Boulogne.<sup>12</sup>

Here the sequence of events is difficult. It is certain that the Truce of January 26, 1384, was announced to Scotland in very dilatory wise. The French envoys with the news had a safe-conduct from England on February 13, 1384, but did not arrive in Scotland till April, after an expedition led by Lancaster against that country. Lancaster, if we may believe Walsingham (a hostile contemporary), did as little harm as possible to his late hosts. About this time the Scots, under Douglas (whether the old earl, who died about this period, or his son, the hero of Otterburn), recovered Teviotdale. In mid April the accredited French envoys arrived in Edinburgh with news of the Truce of January 26. But there also arrived, at the same time, a set of adventurous French knights, who, as we shall see, took part in a great raid on England. There occurred, again, a great English raid, as far as Edinburgh, under the Percy of Northumberland and the Earl of Nottingham. In my opinion, the Franco-Scottish raid was in April 1384, and the raid of Percy and Nottingham was of May, or early June, and was retaliatory. Froissart, indeed, makes the English raid precede the arrival of the French ambassadors, and says that King Robert apologised for it, as undertaken without his knowledge. Walsingham takes the opposite view: Percy's raid was retaliatory for that of the French and Scots.<sup>13</sup>

We now give a few of the curious details dear to Froissart. According to him, the news of the English raid of Percy and Mowbray (which, on this showing, must have been about March 1384) reached, and delighted, some gentlemen of France, whom the outbreak of peace between their country and England had sorely saddened. As English vessels watched the southern Scottish ports, these gentlemen, led by Geoffrey de Charny, landed at Montrose. The French official emissaries to Robert II. were courteously received (as we saw), with the truce which they announced; but the Scottish nobles, notably James, the new Earl of Douglas, had other things at heart. The king was willing to accept the truce, though it came "a day after the fair," and though Scotland had been ravaged in the interval; but Douglas,

Moray, the Lindsays, and other young knights listened rather to the set of fighting French adventurers. An expedition into England, in the face of the king's policy, was decided upon. Douglas secretly summoned the French knights to Dalkeith, gave them mounts, and led them to meet a force of some 15,000 Scots. They plundered and burned the lands of Percy and Mowbray, and now scores were even, for the moment, between the two countries. Robert, a friend of peace, explained to the English court that he knew nothing of the last raid. The English, whose own conduct had not been of the most loyal, accepted the apology.

The French official emissaries brought back peace to France, but the knights-errant carried home other tidings. "You know what we can do," said Douglas to his French guests; "send us 1000 men-at-arms, and you will see marvels." The French rulers kept this counsel in mind, and acted on it, in 1385, when their truce with England expired. Then Jean de Vienne, Admiral of France, brought over "all the flower of chivalry," with many suits of French harness, such as the Scots lacked and coveted. He also carried 50,000 gold francs, for the king and the nobles. The knights "had a wind to their desire, for the month was May (1385), when the air is serene and still." None the less, Aubert de Hengest, trying to climb the rigging in full armour, fell overboard, and was drowned. The knights, when they reached Leith, were courteously received, but sadly disappointed. Edinburgh, if the Paris of Scotland, contained but some four hundred houses.<sup>14</sup> The knights were therefore "boarded out," from Dunfermline to Dunbar, and were not allowed to enter any castles. The Scots, hearing of this expensive arrival, began to say, "Who the devil sent for them? Who needs them? Can we not fight our own battles? They will pillage worse than the English. Suppose the English do burn us out, a few beams and branches will rebuild our houses in three days." We seem to hear the accents of the genuine Scottish grumbler.

Froissart calls the Scots *rudes gens et sans honneur certes*; so poor that iron for horse-shoes, and leather for bridles, can scarcely be obtained. "Things come ready made to them from Flanders, and, when that fails, they have nothing."<sup>15</sup> When these barons and knights of France, who had looked for fair houses, halls adorned, castles, and good soft beds, found themselves in such poverty, they began to laugh, and said, "What kind of a country has the Admiral carried us to? Verily what our fathers and mothers prophesied is

come true, 'You will have hard beds, and ill nights, if you live long enough.'" The Admiral answered that they could not expect always to have the comforts of Paris, Dijon, or Beaune. Meanwhile the honest French gentlemen found that nobody called on them—the Scots gentry not loving to make new acquaintances. *Il en étoit si petit visité que rien.* Only Douglas and Murray ("Mouret") displayed the celebrated hospitality of Scotland. When the French wanted to buy a horse, value ten florins, they had to pay sixty; and when they had got a horse, they could not get harness. When the *varlets* foraged, they were beaten or even slain by the farmers,—more than one hundred fell in one month. Froissart, who gives us these highly characteristic national traits, had no prejudice against the Scots. He invariably extols them as fighting men, and honourable knights in war. But they are envious, jealous, poor, grudging, and savagely independent. To be sure, we shall find that the Scots archers were not one whit better loved in France; and, as to their plundering of nobles and peasants in that country, their feats are minutely recorded. The Scots fought for France rather in the way of professionals; the French, in Scotland, looked for no reward but the pleasure and renown of knightly deeds. In France a Scot might win gold and lands; in Scotland a Frenchman was cheated in horse-couping, and was not allowed to plunder the peasants at his will. On the other hand, we find, in the Exchequer Rolls, that the Earl of Carrick, returning from the child-marriage of David Bruce, did some damage to "a certain poor woman of Musselburgh," who received, by way of damages, ten bolls of meal.<sup>16</sup> Against a notable churlishness of manners in Scotland, we must certainly set this exemplary regard for the rights of the poorest Scottish subject.

The French gentlemen were to see some sport after all. The king, "a tall *bon homme*, with eyes so bloodshot that they seemed lined with cloth of scarlet," gave leave for an invasion in force. Froissart says that 30,000 men were collected. Roxburgh Castle they did not take; but Wark Castle was stormed, mainly by the gallantry of the French. At Morpeth news came of Lancaster's advance, to the joy of the French knights. But the Scots had no idea of risking a battle. They withdrew northward, and the more readily as Richard II. was coming up with 7000 men-at-arms and 60,000 archers. He gutted Melrose Abbey, and burned at

large, so that de Vienne asked Douglas what he waited for? A thousand French knights had been called for, and they had come, the flower of chivalry,—now was the time to win renown. Douglas explained that all England was emptied to supply Richard's army; but he would, at least, take the Admiral where he could view the Southern host. Beholding that glorious array, and looking at the 2000 lances of Scotland, and the 30,000 ill-armed footmen, the Admiral admitted that a battle should not be risked. The English were therefore left to harry an empty land, while the French and Scots, on the west, invaded Cumberland. Richard pushed north; he failed before Stirling, but plundered as far as Aberdeen. So at least Froissart declares: he is not supported by the Scottish and English chroniclers.

The two expeditions were useless and wasteful. French men-at-arms were really of little service to a nation whose policy it was to evade battle in the open field. The French knights, when anxious to go home, were treated worse than ever, were hardly allowed to depart, and only received permission when the Admiral was left in pawn for their debts and damages. So ended (1385) a moment in the Ancient League on which the Scots cannot look back with much pride or pleasure. Indeed, French forces landed in Scotland, and French officers commanding there, were never well received, nor willingly followed, down to 1746. The Scots practised a guerilla, the French a formally chivalric, mode of war. They could not send men enough to meet the English on their own ground, and the heavily armed knights whom they did send were of little use in a hasty Scottish *camisado*. Culloden was fought, it is said, because the prince's French officers could not endure a mountain campaign of the old sort. Thus, to the very end of the Ancient League, Scotland could help France best by men, and France could best help Scotland by gifts of arms and money.

The story of raids which succeeded, and resembled each other, can only be made interesting by the pen of a Scott or a Froissart. We might expect the marchmen of both countries to have hated each other with a deadly hatred, but they plainly regarded mutual outrages as things resembling a mere game at football. When Richard II. invaded Scotland in 1385, he bade the Percies, Nevilles, and Cliffords bring 2000 men. But it was stipulated that two-thirds of these should be strangers to the Marches. Otherwise they would not fight in earnest.<sup>17</sup> The marchmen were not so



much fighting, as playing a rough kind of game in a friendly way.

When the French knights returned to Southern Scotland, after Richard had wasted it, they found the natives taking a humorous view of their case. The Scots harried Cockermouth, which, it occurred to them, they had not raided since good King Robert's days. They were well rewarded. Between 1385 and 1387, the wardship of the East Marches had passed from the Nevilles to Henry Percy, "avec grand' envie, haine, et indignation, l'un sur l'autre," and all this, with the feuds of Richard and the Lords Appellant in England, "the Scots knew well." They laid a scheme to meet on the Border, which they concealed, Froissart says, from the old king. They met at "Zedon" (Yetholm?) with all the flower of their chivalry. They numbered 12,000 lances, 40,000 footmen, and had archers. But the Scottish archers carried sperthes, or axes, as at Bannockburn, and disdaining the missile weapon, loved to come to close quarters. It was "magnificent, but not war," as they often found to their cost. The contempt of the bow and arrow is as old as Homer, yet these weapons won the victories of England. Nothing, not even a parliamentary denunciation of golf, could make the Scots practise archery. The English, who employed minstrels as spies, knew all about the secret expedition. Their purpose was to enter Scotland by east or west, according as the Scots took the opposite road. An English gentleman even stepped into Yetholm Church, as a spy, while the Scots were deliberating there. Having heard their plans, he went to a tree where he had tethered his horse. He should have known the Scots better! Horse he found none, nor did he dare to complain, but walked off booted and spurred. He was observed, and his eccentric behaviour aroused suspicion. He was dragged before Douglas, and, to save his life, told what he knew of the English designs. On this intelligence, the main Scots force entered England by way of Carlisle, while Douglas, Mar, and Murray led 3000 lances, and 2000 foot, towards Newcastle, ravaging the bishoprick of Durham. Beholding the smoke of their fires, Northumberland rested at Alnwick, sending his sons, Hotspur and Ralph, to Newcastle. Having stormed through the land, Douglas, in a skirmish at Alnwick, made prize of Harry Percy's pennon, promising to erect it above "my castle of Dalkeith."<sup>18</sup>

Percy replied that Douglas would never carry it out of Eng-

land, and was thereon bidden to come and fetch it. Next day the Scots decamped; on the third day they halted at Otterburn. Douglas insisted on waiting, and assaulting the castle there, that Percy might have a chance to recover his flag. The Scots fortified their camp, which was also surrounded by morasses. Hotspur got news of them, and called "To horse," so set off with 600 lances, and 8000 archers. After nightfall, the English attacked the footmen and *varlets* at the entrance of the Scots camp, pressing on with cries of "Percy!" The resistance at this point gave the Scots time to arm, for it was a fair moonlit night of August, *et si c'était l'air coi, pur, et net*, says Froissart, himself a poet. By a prearranged scheme, the Scots went round the marsh, and behind a hill, and so fell at an avail on the English. Percy's men resisted stoutly, but Douglas sent forward his banner, crying his slogan, which the Percies answered with their own cry. There Douglas's banner would have been taken, but for the valour of the two Hepburns. Froissart, who knew the Scots, says that when they and the English meet they fight while steel holds, then the winners lightly ransom their prisoners, thanking them for a good passage-of-arms. Never, cries the foreign clerk, was there nobler fight than this of Otterburn! Men were so mingled in the mellay, that the archers held their hands lest they should shoot their own party. The banners met, swords and axes were at work, but the sheer weight of the English numbers was driving back the Scots. With a two-handed axe Douglas felled a path through the swaying mass of steel. But now three lance-points struck him on shoulder, breast, and thigh, so that he was borne to earth, a few of his men fighting above his body, not recognised by the English, who rushed to the side where March and Dunbar were engaged. Meanwhile Sir John Maxwell took Ralph Percy, whose wounds were stanchd on the spot. James Lindsay and John and Walter Sinclair had come up to the dying Douglas, over whose body his chaplain was fighting with an axe; he was William of North Berwick. "How is it with you?" John Sinclair asked Douglas. "Ill; but few of my fathers died in their beds. Raise my banner,"—with its bearer it had fallen,—"cry 'Douglas!' and tell not where I am to friend or foe." The Scots gathered to the cry of Douglas, and drove back the English, Montgomery taking Henry Percy, and many other knights were taken, "for Scots and English are courteous enemies, not like the Germans." Douglas

was buried beneath his tattered banner, in Melrose Abbey.<sup>19</sup> Such was the battle of Otterburn, a great tourney by moonlight, the source of our most famous ballads (August 15, 1388).<sup>20</sup> Twice, when either in great sickness or actually close on his death, Scott quoted the lines—

“ My wound is deep—I fain would sleep—  
Take thou the vanguard of the three,  
And bury me by the bracken bush,  
That grows on yonder lily lea.”<sup>21</sup>

Next year, the king being old, his second son, Robert, was made Governor, for the eldest prince was in bad health. There was also arranged a three years' truce. The State Papers are full of safe-conducts for Scots knights to come and do feats of arms against English tilters. In 1390 died Robert II. Had David II. not been born, this king, succeeding in his youth, might have left an honourable record. But he was outworn by years and toil before he came to the throne, and, as we have seen, he left business to the magnates, and mainly to his second son, Earl of Fife, and Duke of Albany. That prince held the same anomalous position under his brother, by throne-name Robert III.

With the reign of Robert III. (crowned August 14, 1390) begins the hereditary tragedy of the Stuart kings. No divinity hedged them then. They were but nobles of the common Scoto-Norman type, risen to the throne by a marriage which might as readily have fallen to a Douglas, a Drummond, or a March. The Stuart character, the Stuart ill-luck, have been attributed to their alleged Celtic blood. They had no more of that blood than the kings of England; the drop inherited from Malcolm Canmore is common to both Royal Houses. The new king was crippled by “sickness of body,” in part the result of an accident. He could not ride about the distracted country, nor lead armies. His brother, Fife, had already tasted of power as Governor. His son, David, soon created Duke of Rothesay, was handsome, popular, charming with the charm of recklessness, ambitious, wild, wilful,—a type of Prince Charles before his day. Between him and his uncle there could be no peace. The nobles had become all but independent princes: the king makes special leagues, or “bands,” with them for mutual support, adding pensions in money. If the revolution which overthrew Richard II. and placed Henry IV. on a shaken throne partly relieved Scotland from English pressure, the Highlands became a

source of danger under the Lord of the Isles. The strife of the king's brother and eldest son ended in the mysterious death of the prince. Then came the capture of the prince's next brother, James, perhaps in time of truce. Robert III. died, his heart broken; he had cried "peace" when there was no peace, and wasted on a wanton age qualities which are admired in constitutional princes. Such is a brief summary of the career of one who reigned but did not govern.<sup>22</sup>

There was peace with England while Richard II. reigned—that is, till 1399. Fife was still Governor, till the remarkable Parliament of January 1398-1399, which put in his place, for a few years, the hapless Duke of Rothesay. The interest of the reign of Robert III. shifted occasionally from the Border to the Highlands. The Celtic clans—"Katherans"—had been ravaging the northern Lowlands in 1385, and no marvel, for Alexander, son of Robert II., was at once Justiciary there and Wolf of Badenoch.<sup>23</sup> He lost the Justiciaryship in 1389, and used his increased freedom and lessened responsibility to burn Elgin Cathedral in 1390. He was at feud with the bishop. Alexander's bastards *hurtaient avec les loups*, and were in prisons often. One of them, Alexander Stewart, after the murder of Malcolm Drummond (brother of the queen, and husband of the Countess of Mar), wedded the Countess, more or less by force, and so became Earl of Mar. We shall meet him leading the Lowlanders at Harlaw against a Highland invasion. The Celts again began to be troublesome in 1391 or 1392. With Duncan Stewart, a bastard of the Wolf's, at their head (or perhaps with his brother Alexander), the caterans invaded the Braes of Angus, and slew Walter Ogilvy, the sheriff, with many of his men. In this battle a Highlander, speared by David Lindsay, writhed up the spear-shaft, and cut through the knight's boot and stirrup-leather to the bone—a good blow—and died in that stroke.

The Wolf's sons in this affair were, of course, Stewarts: there were also Duncansons, of Clan Donnachie; there was "Clan-qwhevil," and many others of the Wolf's retainers. This "Clan-qwhevil," according to Mr Skene, is the first clan mentioned as such in our records.<sup>24</sup> We saw an earlier example under Edward I. in Galloway. The Wolf, after burning Elgin Cathedral, and otherwise deserving his title, died between 1398 and 1406.<sup>25</sup>

In 1396 was fought the Battle of Thirty Highlanders on each side on the Inch of Perth. The combat is not legendary: the

expenses of the lists are recorded in the Exchequer Rolls. The romantic aspects of the affair are too well known to be retold. Wyntoun, a quarter of a century later, calls the contending clansmen "Clahynnhé Quhewyl" (Clanqwhevil) and "Clachinyha." Their chiefs were "Schir Ferqwharis and Cristy Johnesome." Bower, writing much later, gives Scheabeg (Scha?) and his kin, who were called Clan Kay, and places Cristy with Clanquhele. The author of the 'Liber Pluscardensis' (1461) varies. Conceivably Clan Quhele<sup>26</sup> are Clan Chattan (Mackintoshes, Shaws, Davidsons, and so on), and the other side may have been Camerons, for these old enemies were certainly at feud thirty years later.<sup>27</sup> Probably they fought about lands in Lochaber, the original seat of both confederacies; but the real causes of the fight are obscure, and its chief result was the romance of 'The Fair Maid of Perth.' Possibly the Highlanders were the main causes of the woes denounced by the Parliament of Stirling in 1397. We hear, however, of "horrible destructions, herships, burnings, and slaughters commonly done through *all* the kingdom."<sup>28</sup> In January 1398-99, a Parliament met at Perth. They complained, in uncourtly wise, of "the misgoverning of the realm, and defect of keeping of the common law. This should be imputed to the king and his officers. And therefore if it likes our lord the king to excuse his faults, he may at his liking let call his officers, . . . and accuse them in presence of his council."<sup>29</sup> The heir to the crown, David, now Duke of Rothesay, as his uncle of Fife is now Duke of Albany, is appointed (1399) to be the king's lieutenant for three years, owing to the "sickness of the body" of the monarch. His uncle Fife is to be his adviser.<sup>30</sup> He is to keep an eye on all malefactors, and especially cursed men, heretics, at the request of the kirk to restrain them. He is to meet the English ambassadors to treat of peace. Albany lost money, his salary, as well as power, by this change of authority. But the excesses of Rothesay, who threw over the daughter of March in favour of the daughter of Archibald, Lord of Galloway, third Earl of Douglas, and exacted customs by kidnapping a custom-house officer who had already paid, soon gave Albany his revenge.

The overthrow and death of Richard II., in 1399, was a shock to Scottish sentiment. We need not discuss the story of Richard II. appearing (after he was thought dead and buried) in Islay, of all unlikely places. The deaths of deposed kings were often followed by such *revenants*. "The Mammet of Scotland," the

false Richard, was kept in hand by Albany, as a card which might be useful. He can hardly be called a Pretender—he was idiotic—but pretences were made in his name.<sup>31</sup> His successful rival, Henry IV., had to welcome March, who fled the country on Rothesay's insulting marriage, and became Henry's man, while Douglas laid his hand on March's estates.<sup>32</sup> Henry had grievances against Scotland. The Marches had been raided in the old way, the country was in alliance with France, and fostered the "Mammet" who was spoken of as Richard II. We find Henry IV. granting safe-conduct to March, on August 2, 1400. On August 7, at Newcastle, he is "exhorting the dukes, earls, and other peers of Scotland, to do him homage and fealty in person, at Edinburgh, on Monday, the 23rd."<sup>33</sup> Henry crossed the Border, and, at Leith, on August 22, summoned the Scottish king. Henry declined a chivalrous challenge from Rothesay. The Duke, for "the sparing of Christian blood," offered to settle the old feuds on the principles of the battle fought on the Inch of Perth. One, or two, or three hundred Scots nobles, would meet as many English in the lists. This proposal certainly suggests that the recent clan-fight at Perth may have been a chivalrous ordeal, in settlement of quarrel, such as was practised by the Argives and Spartans. Henry tartly replied that blood must flow in any case, and he did not see that Rothesay should take a distinction between "noble" and Christian blood.<sup>34</sup>

Rothesay held Edinburgh Castle gallantly, though Henry's men were well provisioned, with luxuries even, such as lampreys and porpoises.<sup>35</sup> Albany, who had assembled a large force at Calder Moor, risked no battle, wisely perhaps, and Henry returned from the last bootless invasion which an English king ever led over the Border. He spared religious houses, and did not pillage the land. The rumours of a Welsh rising under Shakespeare's Owen Glendower may have hastened his departure. Rothesay's term of three years' government was now running out, and with it his life. His mother and his father-in-law, Douglas, were dead before the end of 1400. The circumstances of his own death, familiar to all from 'The Fair Maid of Perth,' are as obscure as in the case of Richard II. It is certain that, in a Parliament held at Holyrood, Albany and Douglas (the fourth Earl, who succeeded his father at the end of 1400) are acknowledged to have arrested Rothesay by the king's permission, and are cleared of

having had any hand in his taking off.<sup>36</sup> His death is declared to have been natural. This very document, of course, proves that Rothesay's captors were publicly suspected of his destruction. He was seized at Strathtyrum, later the seat of Archbishop Sharp, on the fringe of St Andrews links; was warded in the castle of the bishop (Trail, then recently dead); was hurried to Falkland on a day of storm, and there expired, as was said, of dysentery. Boece gives the horrible details which Scott wove into his romance; Wyntoun says nothing against Albany. But Wyntoun praises both Rothesay and Albany with pious discreteness. It is observed that Douglas, whose sister would have been queen had Rothesay lived, was not interested in his destruction. On the other hand, we find Albany paying to John Wright, one of Rothesay's jailers, a sum of £108, from the customs. This was so late as 1412, and need not be blood-money, or black-mail. The real weight of the charge against Albany is the coincidence between Rothesay's imprisonment and decease. Among the unnumbered sorrows of the Stuart kings, the grief of Robert III. must have been the sorest, for he cannot but have misdoubted that he was impotently condoning the guilt of the murderers of a beloved son.<sup>37</sup>

Albany was now Governor again. The Border wars went on: and the Scots were defeated at Nesbit Moor, in the Merse, by Percy and the son of the renegade March. Douglas, with Murdoch, Albany's son, collected an army to avenge this disaster, and pushed, with 10,000 men, as far as Newcastle. Henry IV. was engaged in Wales, and Northumberland, with Hotspur, pursued the Scottish in retreat. They found the enemy posted on Homildon Hill, near Wooler, in a dense clump of spears. The archers of England, from the valley, simply used the Scottish mass as a target. Hotspur would fain have charged, but March made him pause, and leave the bow to win the battle. Sir John Swinton was leading a forlorn-hope of cavalry, when his deadly foe, Adam de Gordon, moved by admiration, begged Swinton to be reconciled, and to dub him knight. The accolade was given, embraces were exchanged, and the two knights fell in the thickest of the English ranks. Douglas charged too late, and, wounded with arrows in five places, was taken prisoner, with Murdoch, son of the Duke of Albany, Moray, and Angus. Ramsays, Gordons, Scotts, Sinclairs, were among the slain. The English cavalry, hitherto not engaged, pursued the routed Scots. Only five Englishmen fell.<sup>38</sup> Otterburn

was effaced, and the revenge of March and Percy was fed full.<sup>30</sup> Henry IV., on receiving news of the day, forbade the winners to ransom their captives till they received permission from himself. The Percies at once conceived the idea of a rebellion, which they disguised by a march towards Scotland. The feigned siege of the Keep of Cocklaws seems to have been meant to bring Albany to its relief, when the Scots and Percies would join forces, and invade England. Douglas and the other prisoners of Homildon entered into the scheme: Percy and Douglas left Cocklaws, and marched to join hands with Glendower. But the Earl of March had revealed the plot to Henry, who met the Northern forces at Shrewsbury. Here Prince Henry (Henry V.), Douglas, and Percy fought with distinguished valour; but history says nothing of a fat knight whose fame is more deathless than theirs. Hotspur was slain by a man who drew a bow at a venture: his army fled, Douglas was again a prisoner. Albany reached Cocklaws only in time to hear of the defeat at Shrewsbury. The Scots pleased themselves by reflecting that dead Hotspur's quartered body was impaled where *he* had placed the limbs of Sir William Stewart, executed by him as a traitor after Homildon. These extraordinary events show that tendency of Northern England to unite with Scotland which may be traced here and there in history. But chivalrous rancour, rather than policy, was the cause of Percy's expedition.

In Scotland, the king entrusted his oldest surviving son, James, to Henry Wardlaw, Bishop of St Andrews, and founder of the university. The bishop's castle, hard by the cathedral, was a place of great strength, and the young prince could nowhere be in safer hands. From England came, for refuge, the old Earl of Northumberland, with his grandson, Henry: they were involved in a vast conspiracy, which was revealed to Henry IV. by the Earl of Westmoreland, a kinsman and friend of the Earl of March. Now Albany, it is alleged, had laid a scheme to give up old Northumberland and Percy, in exchange for Douglas, and for Albany's son, Murdoch, taken at Homildon. This plan was divulged to the Percies by Sir David Fleming, whence the Douglasses held that knight at feud. The Percies made their escape, and Fleming, with some Lothian barons, conducted young Prince James from St Andrews to North Berwick, whence he set sail for France, there to be educated in safety. There was (the Scots held) truce between England and Scotland, nevertheless James was taken at sea,



and confined in the Tower, 1406.<sup>40</sup> About the same time, February or March, Fleming, with his companions, was set on by Douglas's second son, and slain at Lang Hermandston. The news of James's capture reached the king in Bute, who did not survive it many days (April 4, 1406). His cup had long been full: now it brimmed over. A kind, blameless, and charitable man, Robert was not of kingly stuff. Of him, as of almost the latest of his lineal successors in sorrow, might be said—

“He wrought no wrong, he knew no guilt,  
No laws had broke, no blood had spilt.”

But by nature he was incapable of coping with men and circumstance, and his heart was smitten through his children. More than three hundred years later the same tragedy, in the same house, was placed on the human stage.

It has been said that history condemns Albany on suspicion, and can produce no positive evidence against him. But negative evidence is offered. Mr Tytler avers that Albany (Regent, henceforth, till his death) never made any request for the young king's release, while he laboured for the release of his own son, Murdoch. What diplomatic steps Albany could have taken, we may conjecture at. An appeal to the Pope might have been tried, but to which Pope? In fact, Mr Tytler is wrong: the expenses of emissaries sent to negotiate for James's deliverance occur in the Exchequer Rolls, as in March 1406-1407; but the release of Murdoch is only once mentioned in these records.<sup>41</sup> In 1409, the Earl of Orkney was sent, in James's interest, and Orkney had been with James on board the vessel in which he was taken. He was, therefore, probably a sincere well-wisher, who would do his best for the king. Many years passed before Albany could secure the release of his own son, and a king was much more expensive to ransom, and much more tightly kept in hand. No less than 50,000 marks were asked for Murdoch's ransom, through a diplomatist named Bugge.<sup>42</sup> Meanwhile Douglas, still unransomed, had been coming and going to and from Scotland; thirteen noble hostages were held as security for him. He at last declined to reappear in England, though he had become Henry's man against all mortal, except King James (1408). At the same time March was reconciled to Albany, and received his earldom again, Douglas keeping Annandale and Lochmaben Castle. Peace

was kept with England, and there was abundant intercourse between the countries in commerce, devotion, and exercises of chivalry.

It is always curious to observe the beginnings of great changes in human affairs. At this date the wedge had been driven into the stately edifice of the Church and of Feudalism. The Great Schism was shaking the faith of men, who saw two, or it might be three, competing Vicars of Christ. Wycliffe's tracts and his version of the Bible were being eagerly read in England. The wealth of the Church was attracting envious eyes. In England, as in France, misery had driven the peasants into the bestial revenge of the *Jacquerie*. All these influences produced *Lollardy*: not exactly a doctrine, not strictly a sect, but a name covering various forms of social discontent, and of religious heterodoxy. The strict doctrine of the Eucharist was denied, or explained away; property and marriage, no less than the sacrament of confession, the merits of relics, and pilgrimages, were denounced. Socialism, Protestantism, free love, and many other "modern" ideas, were in the air, partly in consequence of popular study of the English Bible. The poem of 'Piers Plowman,' the agitations of John Ball, the confessions and retractations of Lollards, contain evidence that the new seed was widely sown. In England, political causes, especially the necessities of John of Gaunt, had favoured Lollardy: a petition in favour of confiscating monastic property was before Parliament in 1395. We have seen the Scots Parliament insisting on the repression of heresy, in accordance with the Coronation Oath, in 1399. In 1407, one John Resby, an English priest, was cited for heresy before Laurence of Lindores, a Dominican, and one of the initiators of the University of St Andrews.<sup>43</sup> His errors are given by Bower: they were of the usual anti-Papal and anti-feudal kind. After refuting Resby, Lindores had him burned at Perth in 1407. His ideas, says Bower, writing about 1445, continued to be secretly cherished: and his embers kept heat in them till the age of the Reformation.

The years following 1407 were marked by such isolated enterprises as the taking of Jedburgh Castle by the Scots; of Fast Castle by the son of the Earl of March; and the raiding of Lothian by Umfraville with an armed fleet. In 1411, the Celtic element again disturbed the country. Of the Highlands little has here been said since Bannockburn, when the Islesmen helped to win the great national victory. Nevertheless, the Celts, as a whole, were nothing less than sturdy maintainers of Scottish independence. They lived

their own life apart, being far more widely severed by blood, speech, and institutions from the Scots than the Scots were from the English. Just as Scotland naturally turned towards France and the French alliance, so the chief Celtic prince, the Lord of the Isles, turned towards England and the English alliance. It would be childish to call this conduct "unpatriotic"; the Celt recognised no common part in Lowland patriotism, though the Scottish king was his suzerain. He fought, like Hal of the Wynd, for his own hand.

At this time Donald, eldest son of John of the Isles by the daughter of Robert II., intrigued freely with England, entering into "peace, allegiance, and amity" with Henry IV. (1408). His quarrel with Scotland came to a head thus: the earldom of Ross had devolved on Euphemia, daughter of Alexander Leslie, the earl. Euphemia's mother was Isabella, a daughter of Albany's, who was anxious to keep the earldom of Ross in his family. This he did by Euphemia's resignation of the earldom to her uncle, John, Earl of Buchan, when she became a nun. But Euphemia's heir-presumptive was her aunt, wife of Donald of the Isles. Donald asserted his claim, which, if admitted, might have given to the Celtic pensioner of England practically the whole of the North of Scotland. The clans in Donald's following mustered at Ardtornish Castle, now a pile of crumbling stones on the Sound of Mull, and Loch Aline must have been thronged with galleys from uncounted isles. Macleans of Mull, the Spartans of the North, who never gave back in battle, Macleods of Skye, Macdonalds from the Rough Bounds, Camerons of Lochaber, Clan Chattan with all its septs, gathered in their thousands. Montrose, Claverhouse, nor Prince Charles, ever led so huge a Highland host. Donald brought them through Ross to Dingwall, where he met Angus Dubh Mackay, with the clans of the extreme North. These have usually been "behind the north wind" of Celtic politics; Hanoverians in modern, nationalists in olden times. Angus Mackay was defeated by Donald, who led his forces south, luring them by promise of the plunder of Aberdeen. Where Donald would have stopped, with his Highland avalanche, no man knows. But the Earl of Mar, son of the Wolf of Badenoch, gathered a small force of the Lowland gentry, "with many burgesses." The little army of Mar, partly consisting of mail-clad knights, met Donald some few miles from Aberdeen, at Harlaw. The battle endured till nightfall,

the mailed knights being surrounded by the Highlanders as by a sea. The flower of the Northern Lowlands perished; Mar himself was hurt.

“The coronach’s cried on Benachie,  
And doun the Don, and a’,  
And Hieland and Lawland may mournful be  
For the sair field of Harlaw.”

Neither side, perhaps, could claim superiority, but—*Donald did not sack Aberdeen*. He and his Celts had got their fill, and plunder could not allure them ten miles forward. Morning broke on an empty field: the clans went home, and the historians of Clan Donald proclaim a triumph!<sup>44</sup> The battle of Harlaw is, perhaps, overrated when it is called a strife for Celtic or Lowland supremacy in the north. But it proved that Scotland could be stabbed, as it were, from behind, by the Celtic pensioner of England. Albany therefore led a force to Dingwall, which he garrisoned, and next year at Polgilb (Lochgilb in Knapdale) he received the submission of Donald of the Isles.<sup>45</sup> Whether Donald in his raid of 1411 expected English assistance, or not, must remain uncertain. At the very time when he was marshalling his forces at Ardtornish, his chaplain received an English safe-conduct for a year, “to come to the king’s presence and return, as often as he pleases.”<sup>46</sup>

In the same year Albany began to make great efforts for the release of his son Murdoch. In 1412, a truce was concluded with England, and the death of Henry IV., in 1413, left Henry V. with his hands full of French projects. About February 1415-16,<sup>47</sup> Henry V. released Murdoch of Albany from the Tower, and a distinguished Scottish embassy, including Murdoch, came to England, in the interests of the captive king, in the summer of 1416. Among them were the Earl of Athol, descendant of Robert II. by his second wife, and the Bishops of Glasgow and St Andrews. At this juncture, or early in 1416, there exists a sheet of drafts of letters written, or dictated, by James at Stratford Awe, supposed to be Stratford-on-Avon. They were carried by John Lyon, James’s chaplain. James addresses Albany, asking why his letters, pleading for his release, are never answered. “Therefore us ferylis nouch little,”—“ferylis” meaning “marvels.” He also reminds Douglas that he has often stirred him up to make Albany labour in his cause. The delay in his deliverance “stands only in them that should pursue for us”—namely, Albany. To Graham he says that he must seek some

other help, if "his most loved uncle of Albany" will not aid him. Perhaps Albany could not help James, but he might have answered his letters. The documents prove that James, justly or unjustly, resented Albany's behaviour. They are written in Scots, which (as James either dictated or wrote them) proves that he kept up his native dialect, and was perfectly capable of writing in the speech of the 'King's Quair.'<sup>48</sup> James was still to linger in prison, and, if he suspected that Albany's intrigues defeated the effort to free him (which he obviously did), parts of his later conduct will become intelligible. Yet to release James was not easy. It is true that Murdoch was exchanged for young Percy, but Henry V. would not regard Percy as an adequate exchange for the king. Albany, as usual, is suspected, but nothing can be proved against him. He had seized the occasion of Henry's absence in France to make the Foul Raid, a ludicrous failure, heavily avenged.

Albany died in 1420. His policy was to ally himself with Douglas, and to overlook the growing excesses of the nobles. These displayed themselves not only in feuds, fires, and murders, but in the practice of robbing the customs. Albany was averse to imposing taxes, for reasons of popularity, and Douglas, with other lords, took from the collectors of customs just what money they pleased, the pretext being their own expenses in ruling the Borders, making raids, and holding March-days. It is fair to add that Wynthoun, who had nothing to gain by flattery, gives Albany an excellent character, public and private. The result of Albany's, and of his son Murdoch's, Regency was a state of disorder which James later tried to subdue, as we shall learn. But Douglas and the Scots were now to find a new field of glorious action. In 1420, according to the author of the 'Book of Pluscarden,' a contemporary witness, the Dauphin (Charles VII.), sent envoys asking for a Scottish auxiliary force. A Parliament was held, and John, Earl of Buchan, Albany's son, with Archibald, eldest son of the Earl of Douglas, and Sir John Stewart of Derneley, cousin of the Earl of Buchan, led to France a large force, variously reckoned at 10,000 or 7000 men. Henry V. replied (July 1, 1420) by commanding James to join him in France, at the siege of Melun. James bought a grey horse (£9) and laid out £42, 6s. 8d. on arms and banners. The Earl of Douglas was already an ally of the Duke of Burgundy. He now bound himself to serve Henry V. with an armed force, presumably by way of making favourable terms for

James. The common spectacle, in Scotland, of a son in one camp and the father in another, would have been witnessed but for the death of Henry V.

Before that event, the Scots in France had covered themselves with glory. They were quartered on the Loire, and, like the French in Scotland, were highly unpopular. "Tugmuttons" and "winebags" were their current nicknames. The battle of Baugé was their reply, their greatest victory on French soil, which may almost rank in splendour with Bannockburn (1421). According to the author of the 'Book of Pluscarden,' who resided much in France, the Scots were treacherously attacked while playing football during a truce. Bower merely says that the Duke of Clarence, brother of Henry V., attempted to surprise the Scots, who had the famous knight La Hire in their company. Stewart of Derneley, reconnoitring with a handful of horse, met the English, and gave the alarm. Buchan despatched Stewart of Railston to hold the river passage; Clarence came up, with banners displayed. There was a fight on the narrow bridge, and Sir Hugh Kennedy's men, who were in church, heard the din, and ran to the aid of their countrymen. Clarence, however, cleared his way, on foot; but, before all his army could cross, was pierced by Swinton's spear, and felled by the axe of Buchan. But, says our Pluscarden author, Clarence's circlet of gold was brought into camp by Alexander Macausland, a Highlander from the Lennox, and this spearman may have been the real slayer of the English prince. John Kirk-michael, later Bishop of Orleans, is also credited with wounding Clarence. Sir John Stuart took the Earl of Somerset, John Sibbald took the Earl of Huntingdon: many other nobles were taken or slain. Some two thousand English fell, and the loss of the Scots and French was very small. The English archers did not come into action, and their army was defeated, as at Stirling, in consequence of Clarence's rash advance over a bridge, which his forces could only cross slowly, being cut up in detail.

The victory had no great strategic results, but it was the first turn in the tide, and greatly encouraged loyal Frenchmen. The death of Henry V., at Paris, on August 31, 1422, was also opportune for France. The Scots decided that Henry died because his men had plundered a shrine of St Fiacre, who "is held to be the son of a King of Scots." "A cursed people, the Scots: wherever I go, I find them in my beard."<sup>49</sup> This bearding of English kings was the result of the policy of Edward I. and his successors. The Scots,

despite their victory, were the themes of popular complaints, in France, which accused them of every kind of extortion, *chacun nous a plusmê.*<sup>50</sup> Buchan, however, was now made Constable of France, and Stewart of Derneley, Constable of the Scots in that realm. In 1423, the Scots were defeated at Crevant, and all but exterminated at Verneuil, in 1424. They had bad luck, in the shape of the Earl of Douglas, Tineman the second, the ever-defeated man of Homildon Hill and Shrewsbury. Buchan had brought Douglas from Scotland, in 1420, with 10,000 men. He received the Duchy of Touraine. On August 17, 1424, he fell at Verneuil, with Buchan, many lords, and almost the whole of the Scots contingent. Jealousies between the Scots themselves, and the Scots and French, are offered as an excuse for the defeat in which the Duke of Bedford avenged his brother Clarence. Lose or win, the cause of French freedom was a noble cause in which to die.

These melancholy events occurred after the release of James I. Negotiations for this had been going on through 1423, the Earl of March, son of the renegade, being one of the ambassadors. James was released on March 28, 1424. He was to pay £40,000 "for his maintenance in England,"—so the ransom of a prince foully seized was disguised,—and was to marry a noble English lady. James had lost his heart to Jane Beaufort, daughter of the Earl of Somerset, who was son of John of Gaunt. The story of their wooing, how James beheld the lady from his prison window as she walked in the garden, is taken from the poem attributed to him, the 'King's Quair.'<sup>51</sup> James was met, at Durham, by Douglas's son, the Earl of Wigton, Herbert Maxwell of Caerlaverock, Duncan Campbell of Argyll, Hugh Frazer of Lovat, the Earl of Crawford, the Earl of March, and many other representatives of famous houses. Hostages were chosen as security for James's ransom, which was never paid, and many of these, says Bower, died in England; many others, yet living when Bower wrote, are never expected to return. This circumstance could not add to James's popularity.<sup>52</sup> James and his queen were crowned at Scone, and a new age began.

The long captivity of James was not, perhaps, a misfortune with no counterbalancing advantages. Had he succeeded on his father's death, he would, indubitably, have been seized and fought for, like other royal minors in Scotland, by Douglas, Albany, March, or whoever had the power. His education might otherwise have been fairly conducted in Scotland. We know that letters, as then understood, were not neglected. A more laborious historian than Fordun

has seldom lived. He travelled on foot to England, Ireland, and every university and monastery where documents and chronicles might be found, conversing with other historical students.<sup>53</sup> The list of authorities cited by this learned man is curious as an example of the erudition of his age. Through what channels he got at "Erodotus" we do not know. He also quotes Ennius, Ptolemy, Sallust, Seneca, Suetonius, and Virgil, besides English chroniclers, Augustine, Tertullian, and other Fathers. His continuator, Bower, deals much in Biblical quotations, and tells a very good ghost-story, but he is prolix and pedantic. Wyntoun, the Prior of St Serf's, is valuable for his example of early Scots, and for a trace of the critical spirit, displayed in his wrestlings with the feigned early genealogies of Scots and Picts. Learned Scots visited not only Oxford, but Paris (where the Scots College was founded in 1326): there they often held high university place, and the fame of Michael Scot was European. At home, moreover, James might have profited by the new University of St Andrews: it was founded, with Papal Bulls, by Henry Wardlaw, James's old tutor, in 1413. The Pope was Benedict XIII., Peter de Luna; but we can scarcely call the university grateful. In 1416, Harding, by desire of Albany, defended the cause of this Pope, or Anti-pope. Then began the first recorded battle of this pugnacious university. "Contra Robertum Harding tota Universitas Sancti Andreae insurgebat." The Rector of the University, John Elwold (Elliot), proved Harding's ideas to be "scandalous," seditious, probably heretical, and certainly ruinous to the unity of the Church," as Martin V. had been elected Pope by the Council of Constance.<sup>54</sup>

From the little that we know of the early university, it was mainly concerned with theology and philosophy. James's education must have included the *belles lettres* of France and England,—the poems of Chaucer, the French romances and lyrics. He was also skilled in knightly exercises, he had seen war under a great leader, Henry V. He had imbibed the Lancastrian orthodoxy, and the ferocity of kings accustomed to quench rebellions in blood. The English constitutional methods he had carefully observed, and was to try, vainly, to imitate the English representative system. It is probable that his dislike of the house of Albany had been fostered by what he saw of his fellow-prisoner, Murdoch. It is certain that he came into the feudal anarchy of Scotland with the fresh eye of a stranger, and with long-cherished ideas of reform and revenge.



## NOTES TO CHAPTER X.

<sup>1</sup> Robertson, *Scotland under Her Early Kings*, i. 184, note. By an odd coincidence, Allen was the real family name of the two last Pretenders to be Royal Stuarts.

<sup>2</sup> Burnett, *Exchequer Rolls*, iv. cliv.

<sup>3</sup> Cf. Andrew Stuart, 418; Burton, ii. 347; Riddel, *Tracts Legal and Historical*, p. 189; *Exchequer Rolls*, iv. Preface, Appendix, cliii.

<sup>4</sup> Annandale was the Earl of March's territory.

<sup>5</sup> Tytler, i. 324.

<sup>6</sup> Bain, iv. 47.

<sup>7</sup> *Ibid.*, iv. 51.

<sup>8</sup> The expenses of a Marches Court held by Carrick at Melrose, in 1377, were £100, with £28 for wine, and £1, 11s. for lampreys.

<sup>9</sup> The picturesque aspect of these Border difficulties is given in Wyntoun's rhymed 'Cronykil.' We read of night onfalls, as of Percy's force, amazed in the night by a clamour, so that their horses broke tether and fled; in short—

"Sore jeopardies, as they tell,  
On both the Marches oft befell,"—

too many for the chronicler to record.

<sup>10</sup> Cf. Bain, iv. 65.

<sup>11</sup> Fordun in Goodall, ii. 396.

<sup>12</sup> *Exchequer Rolls*, iii. lxxv *et seq.*

<sup>13</sup> See *Exchequer Rolls*, iii. lxxiii, lxxvi, and 117; Walsingham, ii. 115; *Rot. Scot.*, ii. 63; Hume Brown, i. 190, 191, where some error has crept in, the author making Percy raid Scotland in March 1384, in revenge for the Franco-Scottish raid of April 1384: perhaps "March" is a misprint for "May."

<sup>14</sup> Mr Hill Burton, patriotically, says four thousand! Texts differ.

<sup>15</sup> This is borne out by a list of contents of a Scots trading vessel (Bain, iv. 99). "In Sir William Wallace's days, there was nae man pinned down to sic a slavish work as a saddler's, for they got any leather graith that they had use for ready made out of Holland."—*Heart of Mid-Lothian*, chap. iv.

<sup>16</sup> *Exchequer Rolls*, i. 223.

<sup>17</sup> Bain, iv. 77.

<sup>18</sup> Dalkeith was really the castle of another Douglas, it seems.

<sup>19</sup> From natural sons of this doughty Douglas come the Dukes of Queensberry, and the Douglasses of Cavers in Roxburghshire. The hero of Otterburn had no children by his marriage with a daughter of Robert II. The Douglas earldom went to Archibald, a natural son of Bruce's Sir James Douglas. Isobel, sister of the Douglas of Otterburn, succeeded him as Countess of Mar. She died without issue, and Lord Torphichen (Sandilands) is heir by line of the main stock of Douglas. Riddell, *Remarks on Scottish Peerage Law*, pp. 160, 161.

<sup>20</sup> The version of Otterburn here given is condensed from Froissart, who received it from eyewitnesses in France and Scotland. Walsingham, the English contemporary chronicler, makes Hotspur slay Douglas, whom he calls "William." Percy was not lightly ransomed: Richard II. contributed £3000 to the price of his freedom, on the petition of the Commons. Bain, iv. 87-93.

<sup>21</sup> How much of this ballad is Sir Walter's own work is a disputed point. See Mr Henderson's 'Scottish Vernacular Literature.'

<sup>22</sup> Materials are scanty. Fordun probably died where his chronicle ends, soon after 1383. We have a continuation by Bower (born 1385), a contemporary for

the early years of the fifteenth century. Till 1417 we have the English Walsingham. The various public documents are valuable. Highland historians lean on traditions collected very late, by deeply prejudiced Sennachies.

<sup>23</sup> See "The Two Greatest of Scottish Caterans," by Dr Wallace, *Scottish Review*, October 1898.

<sup>24</sup> Skene, iii. 309, 310.

<sup>25</sup> Mr Burnett says 1394 (*Exchequer Rolls*, iv. clviii). But compare Dr Wallace's article, *ut supra*.

<sup>26</sup> Skene, *Qwhele*; also Wyntoun.

<sup>27</sup> Skene, iii. 314. Mr Fraser Mackintosh thinks the feud was between the Macphersons and Clan Dhail, the Davidsons. See *Minor Septs of Clan Chattan*, pp. 123-127. Mr Neilson's 'Trial by Combat' shows the contemporary liking for the method.

<sup>28</sup> *Act. Parl. Scot.*, i. 208 (570).

<sup>29</sup> *Act. Parl. Scot.*, i. 210 (572).

<sup>30</sup> Rothesay and Albany are the first examples of ducal titles in Scotland. Rothesay's title is derived from the castle in Bute, the favourite residence of Robert III. Albany vaguely designates Scotland proper, and was, therefore, probably, adopted as a travelling or courtesy title by Charles Edward, Comte d'Albanie. It was borne by his wife well into the present century, and his daughter was Duchess of Albany.

<sup>31</sup> See Riddell, *Tracts Legal and Historical*, pp. 3-78. The reverend authors of *Clan Donald* (i. 142, 143) accept the legend. Mr Tytler, in an excursus to his valuable history, seems to accept the Mammet as actually Richard II., but Mr Riddell's refutation carries the greater weight. When first recognised, in Islay, the Mammet denied that he was Richard; naturally, Mr Tytler thinks, as the Lord of the Isles was an ally of Henry IV. But, if so, why did Richard go to Islay of all places? Dr Gardiner thinks that Richard's brain was turned before his fall, and a loss of wits was certainly common to him and the mysterious "Mammet of Scotland."

<sup>32</sup> There is extant a letter from the injured March to Henry IV., "I am greatly wronged by the Duke of Rothesay, who *spousit* my daughter, and now against his obligation to me, made by his letter and his seal, and against the laws of Holy Kirk, spouses another wife." The grandmothers of Henry and the earl were sisters; he therefore asks for aid and safe-conduct. "I am of third kin to you, the which in old time was called near." He writes in English—"as more clear to mine understanding than Latin or French"—Feb. 18, 1400. *Book of Menteith*, i. 170.

<sup>33</sup> *Bain*, iv. 115.

<sup>34</sup> *Fœdera*, viii. 158 (edition 1709).

<sup>35</sup> *Bain*, iv. 117.

<sup>36</sup> *Act. Parl., Scot.* i. 582 (220).

<sup>37</sup> Rothesay died, March 27, 1402. The acquittal of Albany and Douglas was on May 16, in the same year. See *Exchequer Rolls*, iv. lxxxix-xcii, for a discussion of Rothesay's death.

<sup>38</sup> *Bain*, iv. 129.

<sup>39</sup> September 14, 1402.

<sup>40</sup> There is a good deal of confusion as to James's capture. He was born in 1394 (Wyntoun), and Wyntoun says that he was taken on Palm Sunday 1405. He certainly was not fourteen, as Sir William Fraser says (*Book of Menteith*, i. 188). That age is from Bower, who puts the capture in 1404. Robert's death is dated by Wyntoun on April 4, 1406. Sir David Fleming died in February

1406. Now Walsingham places James's capture in 1406. Sir Thomas Hardy thinks that it occurred very shortly before the death of Robert III., April 4, 1406. James was in the Tower at end of February or beginning of March 1405-6 (Exchequer Rolls, iv. cxviii). The existence of a truce at the time is doubtful (Exchequer Rolls, iii. xciv and 646). Brown, *Authorship of the Kingis Quair*, pp. 54-58.

<sup>41</sup> Exchequer Rolls, iv. lxx; Bain, iv. 158.

<sup>42</sup> Book of Menteith, i. 212.

<sup>43</sup> The founder was Bishop Wardlaw in 1413-14.

<sup>44</sup> Clan Donald, i. 163. The passage is curious; we hear of "a calamitous reverse." A reception which made the Highlanders disinclined to plunder Aberdeen, and anxious to get away at the earliest opportunity, must have been warm.

<sup>45</sup> The historians of Clan Donald resent this statement of the contemporary Bower, and attribute it to "that unreliable chronicler, John of Fordun." Fordun, in 1412, had long been dead: Bower, who mentions the affair, was then a man of twenty-seven. That Albany's expenses in the expedition to Polgill were not paid, appears from Exchequer Rolls, iv. 213. On the whole, as the Polgill story does not really rest on the statement of a man who was dead at the time of the events, Lowland historians will hesitate to call it "a fiction."

<sup>46</sup> Bain, iv. 163, June 2, 1411.

<sup>47</sup> Bain, iv. xxxi, 172, 174.

<sup>48</sup> Book of Menteith, i. 283-288.

<sup>49</sup> Liber Pluscardensis, x. 27.

<sup>50</sup> Michel, i. 124, citing Monstrelet.

<sup>51</sup> The authenticity of the attribution has been attacked by Mr Brown, and defended, successfully, in our opinion, by M. Jusserand. The incident of the window is probably mere romance.

<sup>52</sup> The incomes of these lords are stated; they range from 1500 marks to 600. March, or his eldest son, is rated at 800 marks. Tytler, i. 382.

<sup>53</sup> This is stated in the Prologue to the Book of Cupar. See Preface to Mr Skene's Fordun.

<sup>54</sup> Bower, *Scotichronicon*, lib. xv. chap. 24.

## CHAPTER XI.

## JAMES I.

THE reign of the ablest, and not the most scrupulous, of the Stewarts is distinct only in its general outlines. We see James laying a heavy hand on his nobles: his main purpose is clear enough; but we know neither the immediate cause, or pretext, for his action, nor the nature of the means by which he executed his repeated *coups d'état*. His legislation aims at the restoration of order; his conduct of Highland affairs displays more vigour than good faith, and it would not be unjust to say that James fought violence and perfidy with their own weapons. In this contest he was finally worsted, and the dramatic story of his death has won for him a sympathy which his aims deserve better than his methods. His French policy, and the vivid glimpses of Scotland which we gain from foreign envoys, fill up the interest of this historical page.

James entered his kingdom on April 9, 1424; he kept Easter in Edinburgh; he was crowned on May 21; on May 26 he met his first Parliament. James at once showed his method by arresting the eldest son of Murdoch of Albany, with Fleming of Cumberland, and Boyd, the younger of Kilmarnock, one of an ambitious house. Boyd was soon released. This step James took on May 13, before meeting Parliament, and his reasons are obscure. The secret history of the time is a blank; the contemporary Bower is interested in ghosts, prodigies, popes, and ecclesiastical affairs, rather than in the intrigues of the day. Though James imprisoned Albany's eldest son, Walter, he knighted Alexander, a younger brother. The Albanys might have seen the coming storm; but they took no known preparations to meet it. When James entered Scotland he heard a tale of rapine which made him exclaim, "If God gives me but a dog's life, I will make the key

keep the castle and the bracken bush keep the cow through all Scotland."<sup>1</sup> This excellent purpose was indicated by the proceedings in Parliament (May 26, 1424). A Committee of the Articles was at once chosen ("Lords of the Articles"), and the rest of the Parliament were given leave to go home. The Committee must simply have carried out the king's policy. There was a proclamation against private wars, and against travelling with large companies of "Maintainers" armed. But such proclamations were usually mere words. "Thiggars," wandering masterful beggars, were denounced, and Bedesmen, like Edie Ochiltree, were licensed to beg by a kind of primitive poor law. The ravages of the governing nobles on the Customs were strictly limited. The king is to have the great and small Customs "for his living," and an inquest into the holdings on the royal estates was instituted. These had been dilapidated sorely under the Albanys. Charters of holders of land were to be exhibited whenever the king desired. For payment of the king's ransom an aid of a shilling in the pound was demanded from lords and barons. An inquest into all the property of the land was instituted, including that of the clergy. Burgesses were also taxed on goods and rents, cattle and corn. The tax fell to almost nothing in the second year of collection. James never paid the ransom in full, and used the collected money for other purposes. The coinage was to be restored to its proper value, but this reform was not executed. Many protective or exclusive commercial regulations were enforced, and archery was recommended to a people who disliked the bow, while football was prohibited, as golf was later.<sup>2</sup> As salmon were being exterminated, all yairs and cruves ("coops," and similar traps on rivers) were disallowed for three years, an admirable measure. The commands to exhibit their charters, like the prohibition of private wars and the maintenance of armed retainers, must have been displeasing to the nobles, whose habitual robbery of the Customs was also checked.

James now arrested Lennox, father-in-law of Murdoch of Albany, and also Sir Robert Graham, later his murderer. In March 1425, he held his second Parliament at Perth. This meeting was a trap. James rested on his Privy Council, of which Mar, the Bishop of Glasgow, Lauder of the Bass, Livingstone of Callender, Walter Ogilvy, and Somerville of Carnwath were the most important members. The names of the greater nobles are absent. On the ninth day of the Parliament the blow fell. Here arises a difficulty.

Bower writes, "On the ninth day of the Parliament (March 22) the king arrested Murdoch, Duke of Albany, and his younger son, Alexander (whom he had knighted on the day of his coronation, with twenty-six others)."<sup>3</sup> These twenty-six were among the most important nobles. The evidence of Bower has been understood by Mr Tytler and Mr Burton to mean that they were arrested, but Sir James Ramsay of Bamff points out that the twenty-six were *knighted* along with Alexander Stewart, not arrested along with him. This is plain, for, after the names of the twenty-six, Bower goes on, "and the same day he arrested the Lord Montgomery and Alexander of Otterburn, secretary of the Duke of Albany." This reading is confirmed by the Book of Pluscarden, a later continuation and correction of Bower, by a Scot who was with Jeanne d'Arc till her death. Seven or eight of the supposed prisoners were, in fact, among Albany's judges, and it has been supposed, on the theory of their arrest, that James put constraint on them while in prison.<sup>4</sup> Thus the legend of a sweeping *coup d'état* has floated into history. Not "the whole Scottish House of Lords," but Albany with his eldest son, Montgomery and Otterburn, were thrown into prison. Albany's castles were taken, and Parliament was adjourned, to meet at Stirling on May 18.

All this implies the possession, by James, of a strong military force; but we have no details on the subject. During the recess James had perhaps worked upon Douglas, Alexander of the Isles, Hay of Errol, Livingstone of Callender, the Earl of March, and others; but these were not, as has been held, his prisoners. They constituted, at all events, a Court which condemned the heir of Albany, Albany himself, Alexander (the son whom James had lately knighted), and Lennox. He was a man of eighty: the Albanys were very tall knights; it is said that they were beloved and regretted. James Stuart of Albany, the only son of the Duke not taken, avenged the arrests of his kindred by burning Dumbarton. He escaped to the Highlands, later to Ireland; but five of his men were torn to pieces, *écartelés* (the cruel punishment of English law), by wild horses. The king, in fact, instituted a Reign of Terror. The charges against the heir of Albany are vaguely called "roboria,"—but the motive for these violent deeds, these legal murders, was obviously first to avenge James's real or fancied wrongs during his captivity; next, to intimidate the nobles. If a better reason existed it is unknown to our author-

ities. In the contemporary tract on James's murder it is alleged that "the people of the land sore grudged and mourned" the deaths of the Albanys, thinking that James really wanted to enrich himself with their property.<sup>5</sup> It is true that James found his kingdom full of all injustice. He probably regarded the Albanys as responsible. Again, he was jealous of them as heirs to the crown. Once more, he had grudges about the delay of his deliverance. But, far from paying his ransom, he allowed his hostages, sons of the noblest houses in the land, to linger, and even to die, in England. That course partly subdued, but also irritated, the *noblesse*.

The great estates of Albany and Lennox were seized by the king, who by the one stroke asserted and sapped his own power. Perhaps his motive was thought to be avarice. Examples like his were certain to be, and were, followed by the men whose feud he had now incurred, and whose fears he had awakened.

James was acting in a hurry. A wise policy might have divided the nobles, and attracted a strong party to the Crown. James, in short, behaved like one who knew that his time was short, and who hesitated at no enormity in pursuit of an end in itself laudable. He had the aims and the unscrupulousness of Louis XI., without his astuteness and precaution. A few years of "strong government" only led to a worse anarchy.

After a carnival of torture and death, Parliament returned to legislation. With incongruous humanity, they decided on instituting Advocates for Poor Suitors, to be appointed by the judges. Offenders who made reparation, or "assythment," were to be pardoned,—but not in the Highlands. Bishops were to make search for Lollards and other heretics,<sup>6</sup> a command coming oddly from the laity. Toleration was not a lesson to be learned at the Lancastrian Court, but James, in pursuing heretics, only acted, though unconsciously, on the precepts of Plato; and only kept his coronation oath. The amount of the Customs recorded in this Parliament is nearly double what it was under the Albanys. It is remarkable that, in the Exchequer Audit, Albany, *moriturus*, received from the king a remission of customs dues on his hides.<sup>7</sup> A law was made against "bands," associations of the nobles, for centuries the curse of Scotland, and deer-poachers were to be fined. The frequency with which James kept Parliaments is decisive proof, of course, that he was the reverse of

a *Roi fainéant*, that he was serious in his royal profession. He now decreed the establishment of a new Court of Justice, "The Session." Certain discreet persons of the Three Estates "sall syt three tymis in the year quhare the king likes to command," to decide all causes which may be determined before the King's Council.<sup>8</sup> James also decreed that the Acts passed should be promulgated everywhere by the sheriffs, that no man may pretend ignorance of the law: an important and useful innovation. As an example of simplicity, it may be noted that the Three Estates were each to select from themselves six men, to revise the laws "and mend the laws that need mending," precisely as if laws could be cobbled like boots. Eighteen men were to do quietly the work which now, after much eloquence, so hardly gets itself done. In fact our ideas of a Parliament must be set aside when we think of the rapid old Parliaments of Scotland. Paternal and primitive restrictions were placed on commerce, yeomen were bidden to provide themselves with bows, and to practise archery (which they never could be induced to do), and travellers were ordered to go to inns, not to "sorn" on their friends.

The king next carried out, in the Highlands, the policy of *coups d'état* already applied to the Lowland nobles. He summoned a Parliament at Inverness. Donald of Harlaw had been succeeded in the lordship of the Isles by his son Alastair, who (with the earldom of Ross) sat in the Court that condemned the Albanys. He came in response to the summons, as did his defeated foe, Angus Dubh Mackay, with Kenneth Mòr Mackenzie, James Campbell, and all the North. Campbell had previously been sent to bring John Mòr, Alastair's uncle, before the king, and had incidentally slain him. The facts are obscure, and a late seventeenth-century MS. by Hugh Macdonald, a clan historian, is hardly evidence good enough to prove James's complicity in the murder.

" I bade ye bring him till me,  
But forbade ye him to slay,"

James might have said, like his descendant, in the ballad of "The Bonny Earl of Moray." There were other clan feuds between Campbells, Macdonalds, Clan Ranald, and Clan Godfrey. "The Hieland men commonly reft and slew ilk ane uther," says an earlier Parliament. Some of the chiefs, who came trusting to James's honour, were promptly and perfidiously seized, imprisoned, or



hanged. Bower represents the king as improvising a rhyming Latin ditty : like a born Scot he made a false quantity :—

“ Ad turrem fortem ducamus caute cohortem,  
Per Christi sortem meruerunt hi quoque mortem.”<sup>9</sup>

“ To the tower strong lead them cannily along,  
By Christ that suffered wrong they deserve not to live long.”

James Campbell, the slayer of John Mòr, was among those executed.<sup>10</sup> Alastair was released after a short imprisonment, and showed how he liked his treatment by burning Inverness (1429). James pursued him with an army, and came up with him in Lochaber. Alastair was deserted by Clan Gilliequhatan (Clan Chattan) and Clan Cameron : next year Clan Chattan burned a church, with Clan Cameron in it. These clans were “well matched for a pair of quiet ones.” Abandoned by so many of his Celts, Alastair did a humiliating penance at Holyrood, in his shirt and drawers, unless his romantic national costume was mistaken, by the Lowland Bower, for these garments. Alastair was now warded in Tantallon Castle, then held by William Douglas, Earl of Angus, and long possessed by his family. The towers and walls are still crumbling under the salt winds, on the very verge of a perpendicular basaltic cliff above the Northern Sea. The place became a notorious stronghold, in later times, of that Angus who was so useful to Henry VIII., and so dangerous to Scotland. The mother of the Lord of the Isles, the titular Countess of Ross, was imprisoned in Inchcolm. How little these acts of injustice pacified the Highlands was soon seen. In 1431, to anticipate the strict order of events, Donald Balloch, son of the murdered John Mòr, uncle of Alastair of the Isles, attacked Mar, with a Royal army, near Inverlochy. The battle is described, from tradition, by Hugh Macdonald, more than two centuries after the event. The Earl of Caithness fell, Mar escaped, and a pleasing anecdote is told of his adventures. Donald harried the Camerons and Clan Chattan ; at the same time the Mackays enjoyed a particularly bloody clan battle in Strath Naver. The Highlands, in those days, did not always suffer from “a congested population.” Donald soon fled to Ireland, whence somebody's head was sent to James, to his gratification ; it was not, however, as was alleged, the head of Donald Balloch, who became conspicuously alive on a later day. Alastair of the Isles is believed to have been restored to his own, in the rejoicings

of 1431, after the birth of twin heirs to the Crown. The earldom of Ross also reverted to his house. But James's death, and the overthrow of all that he had worked for, was to come from the Highlands; their feud was to be sated.

Before the end of these Northern disturbances, James, in a Parliament held at Perth (March 1st, 1427-28), had tried to introduce the representative principle.<sup>11</sup> There was no idea of conferring the franchise, in the modern sense. The lesser barons and free tenants, who greatly disliked the waste of time in parliamentary proceedings, were allowed to stay at home, provided that they chose two "wise-men," to attend for each sheriffdom—Kinross and Clackmannan sending only one wise-man apiece. The elected commissaries were to choose a Speaker, and the electors were to subscribe for the expenses of their representatives. They were to deliberate among themselves on matters touching the interests of their Estate. The arrangement seems cheaper and more agreeable to the smaller barons than the expense and tedium of riding to a meeting in which they were of no great account. As to the burgesses, the representatives of burghs holding from the Crown "appear to have attended regularly, . . . though their election seems never to have been authorised by any statute now appearing, and probably always rested merely on practice."<sup>12</sup> These Anglicised innovations, and the intended separation of Parliament into two Houses, were unsuccessful. "Scarcely any of this ordinance took effect." The constituents did not approve of paying their representatives.<sup>13</sup> No Speaker was appointed. The constitutional history of old Scotland is, in fact, extremely meagre. A constitutional opposition scarcely existed. Under the later Stewarts, the Opposition usually stayed away, it being more than their lives were worth to come within reach of the nobles in power.

Sanitary measures for lepers were also passed, and a valuable law was made that suitors were not to ride to Court with small armies of adherents. That law was always persistently broken, as we have remarked before,—for example, later by John Knox and the Earl of Bothwell. Deacons of the Crafts were no longer to be elected (1428), because of recent "conspiracies," probably in the nature of trades-unions, but the decree is vague in statement. In a Parliament of 1429, landlords were *requested* not to evict cultivators from land, of which new leases had been granted, for a

year after the granting of the lease. This was a step towards a much later law, making for some security of farmers' tenure. Sumptuary laws, with a law for proper arming of the people, were passed, and exactions towards the raising of a fleet were imposed on the north-western barons. Sumptuary laws (like all laws in that age) were rather expressions of laudable opinion than enactments likely to be obeyed. But they indicate the nature of men's apparel. Clothes of silk and marten's fur were forbidden to persons with less than 200 marks of income; so, too, were "broidery and bullion." Later sumptuary laws testify to a certain gaiety and luxury of attire, in spite of the poverty of the realm. "Narrow sleeves and little pockets" are recommended.

While James "struck down the tallest heads," as the old Roman advice ran, and endeavoured to pass laws for the benefit of his country, the national relations with our ancient ally of France were not neglected. Verneuil fight had not dispirited the Scots men-at-arms. In 1427, the Dauphin gave the county of Evreux to Sir John Stewart of Derneley, Sieur d'Aubigny, and in 1428 permitted him to quarter the Lilies of France with his own bearings. In that year the Dauphin (Charles VII.) had sent Derneley, Alain Chartier the poet, and Regnault de Chartres, the too diplomatic Archbishop of Rheims, also Maurice Buchanan (perhaps the author of the 'Book of Pluscarden), to seek for the Dauphin the hand of the infant Princess Margaret.<sup>14</sup> James accepted the marriage, and received French lands, but the unfortunate Princess did not sail to France till 1436. France was now in her worst straits. Bedford was besieging Orleans (1428), the key of the kingdom south of Loire: Charles was hardly pressed for money, and he even thought of seeking refuge in Scotland or Spain. In February 1429, Stewart of Derneley, now Sieur d'Aubigny, sallied from Orleans with La Hire to join the Comte de Clermont, and cut off a convoy carrying provisions, lenten fare, from Paris to the English besieging force. La Hire and Derneley were delayed, after they met the English, by Clermont, who should have joined them and taken command. Seeing the English in *laager*, fortified by their waggons, Derneley lost patience. He leaped from his horse, and, with La Hire, Dunois, and his own brother William Stewart, anticipated the fatal error of Ticonderoga. The Scots and French were baffled by the *laager*, Derneley and his brother fell, La Hire scarcely escaped, and Clermont shamefully took no part in this fatal "Battle

of the Herrings," at Rouvray.<sup>15</sup> Sir Hugh Kennedy of Ardstinchar had also the fortune to reach Orleans in safety. The Battle of the Herrings seemed to make the fall of the city a certain thing; but, far off on the Marches of Lorraine, the Maid had known of the Dauphin's loss before news could arrive, and this portent of her clairvoyance determined Baudricourt, the Governor of Vaucouleurs, to send her to the Dauphin. What followed is too familiar to repeat. Jeanne won over the king by telling him the contents of a secret and despairing prayer which he had made in his chamber. Under the banner of Jeanne d'Arc the French and Scots drove the English from Orleans, took Jargeau, routed Talbot and Fastolf at Pathay, crowned Charles at Rheims—whither the Scottish archers led the march<sup>16</sup>—and would have taken Paris, but that they were betrayed by the king himself and his ministers. The Scots, under Sir Hugh Kennedy, were with Jeanne in her last victory at Lagny; and the author of the 'Book of Pluscarden' declares that he stood by her till her death. She never saw her own portrait but once, and then in the hands of a Scottish archer, at Arras, where (perhaps from these hands) she received a file wherewith to break her bonds. Alone of the peoples with whom she was concerned, the Scots never deserted, sold, betrayed, or condemned La Pucelle.

On the national banners of Scotland, Bannockburn and Otterburn are names not more immortally illustrious than Baugé, Orleans, Pathay, and Lagny, all victories of national freedom. Among the families whose ancestors had the honour to fight beside the saviour of France are Kennedy, Chambers, Houston, Hay, Urquhart, Power,<sup>17</sup> her banner-painter, and "Quot," which is difficult to interpret.<sup>18</sup>

Though Scotland did not, at this juncture, send an additional force to the aid of France, yet English jealousies were aroused by the Marriage Treaty between James's daughter and the Dauphin. James, therefore, met Cardinal Beaufort, at Dunbar, in May-June 1429, about the very date when Orleans was relieved and Pathay was won.<sup>19</sup> As a result of this meeting, the Truce with England was renewed on July 12, 1429.<sup>20</sup> Cardinal Beaufort instantly employed the men whom he had raised for a Crusade against the Hussites, in an expedition to France. They garrisoned Paris, while the French king loitered on his way from Rheims, and so the Maid failed before the French capital. The

meeting of James and Cardinal Beaufort at Dunbar had thus, probably, the most important and deplorable results, by relieving the English of any fear of trouble from Scotland.

The birth of male twins, of whom the elder, Alexander, was heir to the Crown, occurred on October 16, 1430; but Alexander died in infancy, and his brother James was later James II. Donald Balloch was now stirring in the North, and a plague devastated the country. Lord Scrope (1433), according to Bower, was sent to negotiate a permanent peace, England offering to surrender Roxburgh and Berwick. A meeting of the Estates was held in Perth, and Bower avers that the negotiations were frustrated by the abbots of Scone and Inchcolm; Foggo, Abbot of Melrose, took a different view as to James's engagements with France. Lawrence of Lindores, the Inquisitor, then scented heresy in Foggo's arguments: the dispute became theological, and the English proposals were dropped out of sight. This affair, not traceable in public documents, is very curious. The learned churchmen, though divided among themselves, appear to have thwarted the strong desire of the laity for peace.

James's relations with the Church were those of a reformer. Scotland, at this very moment, was on ill terms with the Papacy, because the King and Parliament asserted and exercised, in ecclesiastical affairs, a power superior to that of Provincial Councils of the Church. Thus it was Parliament that acknowledged as Pope, Martin V., deserting Peter de Luna; Parliament bade the bishops seek out heretics; and Parliament, in 1427, passed an ordinance "curtailing the cost and abridging the forms of process in civil causes against churchmen in the spiritual courts, and, as if the Church had only to register the decree, ordained that it should be forthwith enacted by the Provincial Council."<sup>21</sup> The Bishop of Glasgow, John Cameron, with others, was cited to Rome, on a charge of promoting this measure, injurious to the liberties of the Church, and derogatory to Papal authority. James sent an embassy to Rome, praying that the Bishop of Glasgow, as Chancellor of Scotland, might be excused from the journey. This failed, and the archdeacon of Teviotdale came from Rome as special Nuncio, to serve a citation on the Bishop of Glasgow. He then decamped, under a charge of treason, and fled to Rome, being stripped of his property *in absentia*. The Pope proceeded as far as a threat of interdict, and Cameron yielded so far as to go to Rome, to ask

that a legate might be sent to Scotland. The legate came, but only in time for the king's murder. The Monk of Pluscarden asserts that James was "absolved from all guilt" by the legate, a week before his death. The business ended with Cameron's release from Church censures in 1439.<sup>22</sup>

James must have compromised, or retreated, in this quarrel for the supremacy of the State, had he lived. He sent eight representatives to the Council of Basel, which was anti-papal. He bade the Bishop of St Andrews recover possessions of the See which his predecessors had alienated in the interests of their kindred. He ordered the Benedictines and Augustinians to put their houses in order, "lest royal munificence, which built and nobly endowed your monasteries, repent that it erected marble dwellings, when it observes how impudently you have abandoned religious conduct" (17th March 1424-25). James himself founded the Carthusian monastery of Perth in hopes of better fruits. The Carthusians were honourably distinguished by not working miracles, and this was objected to them by their enemies. But, urges Bower, no miracles are attributed to John the Baptist. They are needed by infidels, not by the faithful. They are frequently not wrought by the righteous, explains Augustine, lest weak brethren should think miracles preferable to good deeds. The Carthusians leave the world to live in thirst, hunger, and chastity. They do not raise the physically dead to life, but to immortal life they raise men dead in trespasses and sins. Verily the example of the Carthusians was sadly needed in Scotland!

We see the main causes of the Reformation already at work: the profligacy of the clergy, the alienation into lay hands of spiritual property, and the rise of heretics founding their ideas on a fresh study of the Bible. In 1433, Paul Cwawar, an envoy of the Hussite "miscreants," was burned for heresy at St Andrews (July 23). He was attacked by Lawrence of Lindores, who found him, as Bower admits, well read in the Scriptures. Community of goods and women—free love and socialism—are said to have been among Paul Cwawar's tenets; while, in their communion, some of these heretics read the chapters on the institution of the Lord's Supper, and used common bread and wine, in large quantities, and a common drinking-cup. We later find Knox denouncing the holders of such communions, in private houses, without ministers, as worthy of death: "For where, not long ago, men stood in such admir-

ation of that idol in the Mass, that none durst presume to have said the Mass, but the forsworn shaven sort, the Beast's marked men [observe the charity of our great Reformer !] ; some dare now be so bold as without all convocation to minister, as they suppose, the true sacraments in open assemblies, and some idiots (yet more wickedly and more imprudently) dare counterfeit in their houses that which the true ministers do in the open congregation ; they presume, we say, to do it without reverence, without word preached, and without minister, other than of companion to companion ; . . . we dare not prescribe . . . what penalties shall be required of such, but this we fear not to affirm that the one and the other *deserve death.*"<sup>23</sup> Possibly Crawar would have found no more mercy in the sight of Knox than he won from Lawrence of Lindores.

James now continued his suppression of the more powerful nobles. Douglas he imprisoned and released, we know not wherefore. In 1427, the king seized the earldom of Strathearn, "on the palpably groundless pretext that it was a male fee. It should have come to Eufamia, daughter of the last earl, and so to her son Earl Malise, who was despoiled."<sup>24</sup> The liferent he gave to Walter, Earl of Atholl, his uncle, now an old man ; Lord Strathearn received the title of Menteith, and was sent to England as a hostage for the ransom which James never meant to pay. This earl was a son of Sir Patrick Graham, and nephew of Robert Graham, the murderer of King James. March, again (the son of the renegade), was of unquestioned loyalty ; but, in 1434, James imprisoned him, and seized his castle of Dunbar. Every possible kind of legal sanction was given to this seizure of the principality which owned the descendant of Cospatricks as its lord. The family, related to the Lancastrian Royal House, had never been frankly Scottish. Their possession of Dunbar Castle gave them the very key of the kingdom. But James distrusted the son of the renegade, and a Parliament at Perth (January 1434) decided that his lands had lapsed to the crown by the elder March's forfeiture, which Albany could not lawfully redress. The forfeited earl retired to England.

On the death of the Earl of Mar, the son of the Wolf of Badenoch, and the warrior of Harlaw and Inverlochy, James took possession of his earldom also, "to the prejudice of Robert, Lord Erskine, the rightful heir." Thus earldom after earldom was reduced. James must thus have alienated the nobles, whose help he seemed likely to need, for England did unfriendly acts, first on the Border, and

then, in 1436, by trying to intercept the Princess Margaret, as she went to marry the Dauphin.<sup>25</sup> James, in natural anger, laid siege to Roxburgh Castle, in August 1436. Thence he was withdrawn by the queen, for reasons unknown: possibly because of the discovery of some domestic plot. In seizing the earldom of Strathearn, on the ground that it was a male fief, James had irritated Sir Robert Graham, uncle of Malise, the rightful holder by virtue of descent from a marriage with the heiress.<sup>26</sup> Graham had been imprisoned by James before he uprooted the Albanys, and the new wrong to Graham's house, and to Atholl's kin, festered in a mind audacious and implacable. There exists an English translation, done in 1440, of a contemporary lost Latin account of James's murder. This is the authority for the following events.<sup>27</sup>

Graham rose in his place in Parliament, denounced James's tyranny, and bade the barons lay him under restraint. James commanded Graham's arrest, imprisoned him, then banished him from court, and confiscated his lands. From his retreat in the Highlands, Graham renounced his allegiance, and warned James that he would slay him, if he found opportunity. He then intrigued with Atholl, James's uncle, the rightful heir to the throne, if the offspring of Elizabeth Mure by Robert II. were set aside as illegitimate. Atholl's grandson, Sir Robert Stewart, was chamberlain to the king, and enabled the conspirators to work their will. Graham was aided by 300 Highlanders, who probably had wrongs to revenge. To keep Christmas (1436) with the Black Friars of Perth, James went from Edinburgh towards the Forth. At the Water of Leith a Celtic seeress warned him that, if he crossed, he would never return alive. It will be remembered that a Greek seeress, in the same way, tried to warn Alexander the Great of the conspiracy of the Pages. The Highland wise-wife (who may have got her news normally from one of Graham's caterans) attributed her knowledge to information acquired from one *Huthart*, possibly her familiar. She was disregarded, and James resided till February 20 in the Dominican monastery. After nightfall, the chamberlain, Robert Stewart, bridged the moat with planks, and spoiled the locks of the doors. One of the conspirators, Chambers, relented, and vainly tried to warn the king. The Highland woman flitted out of the night, and approached the door, but was baffled in a last attempt, and bidden to call next day.<sup>28</sup> The courtiers dispersed; the king, in his dressing-gown, was talking with the ladies. Stories were



being told of premonitory dreams. Alarmed by a sudden noise, James bade the ladies keep the room, wrenched up by his great strength a plank from the floor, and got into a kind of drain, which used to have an opening into the outer air. But James, alas! had recently walled it up, as his tennis-balls used to be lost there when he played in the convent court. Graham and his caterans now broke in; the legend of Catherine Douglas who barred the boltless door with her arm is, unfortunately, late and, perhaps, apocryphal. The queen was insulted, but a son of Graham interfered. James could not be found, the Highlanders swept out again; but James, in his premature efforts to leave his concealment, made a noise which recalled the assassins. Thomas Chambers then remembered the vault: two murderers, named Hall, descended into it, one unarmed. James, a man of great physical strength, overpowered them with his hands, but Graham stabbed him, and the others struck him many blows with their dirks. The queen had now escaped, and the conspirators fled to the Highlands, leaving the mangled body of their king.

So died the first James, lamented with obvious sincerity by the chroniclers; but blamed for tyranny by the author of the tale of his murder. It was a death which might have been foreseen. The task of James was, perhaps, beyond the strength of one man. He seems to have thought it impossible to meet feudal by any other means than monarchic tyranny. Treachery he fought with what, in our ignorance of details, we must regard as its own weapons. The uprooting of the Albanys was popularly attributed, if we follow the contemporary account of James's death, to his desire of their possessions. The Monk of Pluscarden regards "that old serpent of evil days," Atholl, as the cause of the sorrows of the reign. In this author's opinion, Atholl persuaded James to destroy the Albanys, intending later to remove James himself, and so come to the crown. The Pluscarden writer was in the suite of James's daughter, the Dauphiness, and his opinion may have been that of the royal family.

James had made an ineffaceable mark on Scottish history, and on popular legend. Bower laments him with unfeigned grief. He was of middle height, large-boned, the best of wrestlers, archers, and spearmen, swift of foot, an admirable rider, and unwearied in the march, a skilled musician, excelling the famed Irish minstrels. His leisure was given to literature and writing, and to the arts of design

—nay, he even studied the mechanical crafts. In England he found a language *quam non noverat*, a strange tongue. It has been argued that James could not have written his famous poem, 'The King's Quair,' because it is in Scots, which, being a boy of nearly twelve when taken, he would forget in England. We can reply that his letters of 1416, whether drafted in his own hand or dictated by him, are Scots enough. In the poem, James says that he was "near about the number of years three beyond the age of innocence," when taken. "The age of innocence" is seven. James was born in 1394; in 1406 he was between four and five years past "the age of innocence." The explanation of the discrepancy *saute aux yeux*. He writes "near about the number of years three" to secure an easy rhyme, while he does not pretend to be precise. The theory that the poem was made about 1440-1460 by somebody who had read Wyntoun's Chronicle, and adopted his dates, takes it for granted that, in 1440-1460, a poet would put himself *dans la peau d'un autre*, like Mr Browning, would write of another man's experience, in another man's name, and would leave his work anonymous. We have no example of any such performance; a glance at Lyndsay's later 'Tragedy of the Cardinal' proves that it is not to the point. Lyndsay speaks, first, for himself. Nor is it to the point that Buchanan never mentions a poem by James about his queen. Major does, and Major is earlier than Buchanan. The silence of Dunbar, in his piece on the "Deaths of the Makers," is more to the point, but "arguments from silence" are notoriously of slight value. A number of perfectly futile objections to James's authorship of 'The King's Quair' only weakens the case for disbelief.<sup>29</sup> We may thus accept the poem as by James. Like Charles d'Orleans, he rhymed in prison, or, perhaps, not in prison. He may have written the poem in Scotland; poetry, as a rule, comes to a poet long after the emotions which it celebrates. The detail of looking from a window (traditionally, but most improbably, placed in Windsor Castle) is only in the manner of the age, and of older ages. Chaucer has it, but so has 'Aucassin and Nicolette.' We only know that James, at some time, and by no means for publication, wrote a poem, and a very beautiful poem, about his true love, his wife. This, alone, sets James apart among kings.

"A man of his hands," a man of vigour, yet accomplished in all arts, James was also celebrated for his protection of the poor. Some Highland villain had robbed a poor woman of two cows.

She declared that she would never wear shoon till she had walked to the king and made her complaint. "You lie!" said the miscreant, "I will have you shod," and he caused horses's shoes to be nailed to her feet. When the woman recovered, she showed to James her scars. The king, by a writ to the sheriff, had the cruel robber arrested, caused him to be led about Perth for two days, covered with a canvas on which his crime was depicted, and then had him dragged at a horse's tail to the gallows, and hanged. Under James's rule, says Bower, who tells this anecdote, the people dwelt free from plunderers. But when James was dead, anarchy returned. While we admit all these virtues, it is impossible, with our scanty knowledge, to acquit the king of violent, illegal, and even treacherous conduct in his attempts to restore order.

The conspirators who slew him made a mistake in sparing the queen. She urged the pursuit of the malefactors so earnestly that Graham and others were taken by aid of two Highland chiefs, John Stewart Gorm and the ancestor of the Robertsons of Strowan, who received rewards. They, too, were ruffians, as their later conduct proved. The conspirators, from Graham and Atholl to Thomas Hall, were tortured with a ferocity which horrified even that relentless age. James's attempted reforms almost perished in the anarchy of his son's minority. The statutes, indeed, continued to be promulgated in the vernacular; the Session did not cease to sit; but the Church declined in learning, while it advanced in licentiousness; the power of the nobles was not curbed—nay, Scotland again became "a den of thieves." James had further debased a currency already much below its original value. New customs on goods were imposed, which could not make the king popular. His own wool and hides James exported duty free. He appears to have been the first Scottish king who had large siege artillery cast, and he brought from Flanders one of these huge bombards, "The Lion," of the kind used by the Burgundians at the contemporary siege of Compiègne. These bombards were dear to the early Stuarts, giving them a weapon which the nobles did not possess. If the Lion was of bronze, as Bower says, it cannot have been the bombard which slew James II.

Of Scotland under James I. we have a curious and well-known sketch from the pen of Æneas Silvius Piccolomini.<sup>30</sup> Sent by the Council of Basel, a very young man at the time, the future Pius II. came into the frozen North like a shivering Italian greyhound on a

curling-rink. There was only a space of little more than three hours of sunlight in winter, a circumstance since altered in the progress of civilisation. He calls the king a square-built man and too fat. He was anxious to see the tree which breeds solan geese, but it was too far north. The half-naked poor, begging at church doors (a queer thing for an Italian to complain of), received not bread but a stone, which is greasy and burns. There is no wood in this naked region. Not till he reached Newcastle on his way south did Æneas find himself in a decently habitable region. Frightened by a storm at sea, he had made a vow of a barefoot pilgrimage to White Kirk. The weather was frosty, and the pilgrim suffered grievous things. Scotland was a country of unwall'd cities; the houses, as a rule, were built without mortar, the horses were small, and currycombs were unknown. Conversation was chiefly abuse of the English. When Regnault Girard came to bring the Daughter of Scotland to France, for her hapless marriage with the future Louis XI., he presented the queen with chestnuts, pears, and apples, and she was much pleased, for there is little fruit in Scotland. A mule was also a rare novelty, and much admired. Regnault speaks touchingly of the tears shed by James when he parted from his child.<sup>31</sup>

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#### NOTES TO CHAPTER XI.

<sup>1</sup> Bower, *Scotichronicon*, xvi. 34.

<sup>2</sup> Act. Parl., ii. 3-6.

<sup>3</sup> Bower, xvi. 10.

<sup>4</sup> The whole error arose from Bower's editor's use of brackets. Sir James Ramsay in the 'Scotsman,' July 12, 1883. Cf. note to Dr Ross's 'Early Scottish History and Literature,' p. 137. Compare Tytler (1864), ii. 58. Twenty-six nobles were knighted along with Alexander of Albany in 1424, not arrested with him in 1425. The error exists even in Mr Burnett's preface to *Exchequer Rolls*, iv. xc.

<sup>5</sup> Pinkerton, i. 462, Appendix. Mr Hume Brown (p. 218) throws doubt on this document. But I am acquainted with no other source for the unpopularity of James, which (p. 220) Mr Hume Brown seems to accept. "That he was rapacious, that he was violent to imprudence, that he aimed as much at the greatness of the crown as at the good of his people, all this his subjects appear to have believed." Perhaps they did, and were not wrong in so doing, but the evidence is mainly that of the discredited tract in English.

<sup>6</sup> Act. Parl., ii. 7.

<sup>7</sup> "Per remissionem factam per dominum regem duci Albanie, de custuma coriorum suorum, xv lib. vi s. viii d."—*Exchequer Rolls*, iv. 387, xciii. This gift to a doomed man seems evidence of wonderful duplicity on James's part.

<sup>8</sup> Act. Parl., ii. 11, March 1425-26. Oddly enough, the wild justice of trial by battle was still in use. A tailor, "a low snip" (plebeius scissor), challenged an esquire named Knox (Knokkis). The king not only encouraged the fight, but put the tailor into training. We have an entry, *pro mensa scissoris ante duellum*, xx shillings. The duel was interrupted by the king's orders. Exchequer Rolls, iv. 411; Scotichronicon, xvi. 15.

<sup>9</sup> Major notices the blunder. Kings are *super prosodiam*.

<sup>10</sup> Mr Hill Burton very properly censures James's treachery: "There was no more notion of keeping faith with the Irishry . . . than with the beast of prey lured to its trap." The historians of Clan Donald style this observation "a melancholy instance of Lowland prejudice and racial rancour. The perusal of such remarks is irritating to the Celtic mind." The Celtic mind is too hasty. Mr Burton does not justify James's egregiously treacherous conduct, he characterises it as it deserves. Clan Donald, i. 179; Burton, iii. 112.

<sup>11</sup> Act. Parl., ii. 15.

<sup>12</sup> Report of the Lords' Committee on the Dignity of the Peerage, i. 116.

<sup>13</sup> Innes, Lectures, 123.

<sup>14</sup> Mr Skene believes Buchanan to have written the Liber Pluscardensis, but in his edition of that work, Mr Felix Skene makes this attribution seem dubious.

<sup>15</sup> Siège des Anglois devant Orléans. (1611.)

<sup>16</sup> From a contemporary tapestry showing the march to Rheims.

<sup>17</sup> Poulvoir = Powrie, or Polwarth?

<sup>18</sup> The Liber Pluscardensis contains the beginning of a Life of Jeanne, a lost gospel of the Maid, by the author, who knew her and stood by her, he says, to the last. In all known MSS. only four or five lines of this memoir exist, and the original MS. from which they copy has never been discovered. Bower knew a witness who noted her habit of gazing at her ring, inscribed *Jesus Maria*. Such a ring was found at Pluscarden, where her true friend wrote his Chronicle.

<sup>19</sup> Exchequer Rolls, iv. ciii, 466. Mr Tytler says "the meeting never took place," but the accounts of the customars of Dunbar prove that it did. Compare Bain, iv. 212. The English, as Percy and Beaufort, are to treat with the Scots "on great and weighty matters touching the realms of England and France." England must have desired peace with Scotland during the marvellous weeks of the Maid. To her this peace was fatal.

<sup>20</sup> Fœdera, x. 428 (ed. 1704-1717).

<sup>21</sup> Statuta Ecclesiæ Scoticanæ, i. lxxxii. Act. Parl. Scot., ii. 14.

<sup>22</sup> He seems not to have been of Lochiel's family, but of an Edinburgh burghess house, named from the lands of Cameron near Craigmillar. We earlier find a Cambron in Atholl, but the clan was already powerful in Lochaber.

<sup>23</sup> For Crawar, cf. Bower, lib. xvi. chap. xx. First Book of Discipline. Knox, Hist. of Reformation, ii. 253, 254. Works, edited by Laing, 1846.

<sup>24</sup> Book of Menteith, i. 290.

<sup>25</sup> One of the envoys who brought her over has left an account of his adventures in MS., which has been used for historical purposes by M. Jusserand in his 'Romance of a King's Life.'

<sup>26</sup> The eldest son of Robert II., by his second marriage, was David, Earl of Strathearn, brother of Walter, Earl of Atholl. His heiress married Sir Patrick Graham, brother of Graham the murderer of James I.

<sup>27</sup> In Pinkerton, i. 462. Cf. Note 5 *supra*.

<sup>28</sup> Can she have been the woman whom a robber shod with horse-shoes, and whom James avenged?

<sup>29</sup> The hesitating reader will find the heresy in Mr J. T. T. Brown's 'Authorship of the King's Quair,' 1896. Scepticism cannot go further than the note to page 6. The title of the book, in the unique MS., says that it is "be" King James. Mr Brown suggests that "be" may mean "concerning" King James. But the scribe who wrote the title did not think so, for he goes on, "Maid when his Ma. wes in England." Who was going to write a Scots poem "concerning" King James except himself, "when his Majesty was in England"? M. Jusserand's answer to Mr Brown is in the 'Revue Historique,' May-June, 1897. M. Jusserand has a valuable ally in Mr R. S. Rait's 'Tract on the King's Quair' (Brown: Aberdeen, 1899).

<sup>30</sup> Opera, Geographica et Historica, 1707, p. 318; Descr. Asiæ et Europæ, Paris, 1534, p. 415.

<sup>31</sup> Girard's MS. has in part been published by M. Jusserand in 'The Romance of a King's Life.' The frontispiece, after Pinturicchio, shows James, a fancy portrait with a beard as white as Charlemagne's, receiving a Peruginisque Æneas in a loggia. Behind is an Italian landscape. The picture is in the Library at Siena. I have had a transcript made of Girard's manuscript, but it contains little of value beyond what is cited by M. Jusserand. Ms. fr. 17330, No. 9, Bibliothèque Nationale.

## CHAPTER XII.

## THE CONFLICT WITH THE NOBLES.

## JAMES II.

FROM the hour when James I. was hacked to pieces in a drain the history of Scotland, for 150 years, revolved in one sad circle. Each king, dying young in war, or by the hands of assassins, or of sheer fatigue and broken heart, left a minor to succeed him. The minority was filled by the intrigues of unscrupulous plotters, to whom the person of the king was much like the Great Seal, a thing to be seized and used, by force or fraud. Each king, as he came to full age, threw off the yoke of the party which had held his youth in thralldom. Executions and confiscations followed, and these left their heritage of vendettas to distract the remainder of the reign, and bequeathed their generation of renegades, often Douglasses, to intrigue with England. This circle of calamity revolves through the reigns of James II., James III., James IV., James V., Mary, and James VI. The same old tragedy is repeated, with slight changes in the names and dresses of the characters. Till the Scottish people, partly from weariness of the Church, partly from distrust of French ambition, began to look towards England for an ally, there is no reason, no considerable idea, behind the series of revolutions. There is, indeed, as there was all over Europe, the conflict between the crown and the nobility. But even this conflict has no clear outlines.

The struggle between the kings and the house of Douglas went on; but the aims of the several chiefs of the Douglasses are shifting and obscure, while the Royal policy was one of alternate timidity and treacherous violence. There remains the essential and national idea of resistance to England; but England, during the reign of

James II., was itself distracted by the various merely dynastic parties of the Wars of the Roses. When England is reunited under the despotism of Henry VII., fresh influences intrude, the new ideas of the Renaissance, while the war is rather a war of spies and traitors than of archers and men-at-arms. Meanwhile the domestic affairs of Scotland were those of a den of thieves, and almost the only solid party was that of the Church. Ecclesiastics, therefore, drew power more and more into their hands, and, with the possession of power, the clergy became more and more corrupt.<sup>1</sup> The records, therefore, make a deplorable story, only relieved by the romance of violent adventures. But these romantic details, so excellently handled by Scott, reach us on late and bad authority, as through Boece and Lindsay of Pitscottie. Whenever we can check Pitscottie by documents he is almost invariably, and most ingeniously, wrong. He is, therefore, seldom cited here, though for quaint interest he is the Herodotus of Scotland.<sup>2</sup>

The murder of James I. was, undoubtedly, a shock to his subjects. The curious contemporary account avers that "all men" ascribed it to his insatiable greed; but, on the other hand, a contemporary saw runs—

*"Robert Graham,  
Who slew our king,  
God give him shame!"*

The heart of the late king, like the heart of Bruce, was sent on pilgrimage to the Holy Land, and was brought home again, from Rhodes, by a Knight of St John.<sup>3</sup> After the murder the queen left the dangerous neighbourhood of Perth, for Edinburgh Castle. It was unsafe to crown the young James II. in Scone, and the coronation was held at Holyrood, Parliament meeting in Edinburgh (March 25, 1437). At this time Sir William Crichton, not of a leading house, was Governor of Edinburgh Castle, and the position gave him an influence which he never lost. The queen was given the custody of the boy king, aged only seven, and the Earl of Douglas was king's Lieutenant. It must have been observed that, throughout the reign of James I., this Douglas plays but an inconspicuous part. For one reason or another, pride, policy, or indolence, he now permitted the affairs of the realm to take their own course. Two men of no very renowned family, Crichton and Sir Alexander Livingstone of Callendar (a privy councillor of James



I.), divided the power and competed for the custody of the king. The great old houses had been severely shaken, nor did Douglas choose to assert himself, during the brief remainder of his days. However, he drew his salary as Regent.

Crichton seems to have been one of the instruments whom a king in the position of Louis XI. or James I. is likely to select, as trusty rather than dangerous. He was not only keeper of Edinburgh Castle, a strength of supreme importance, but Master of the Royal Household, and Sheriff of Edinburgh. It is not unusual for such a servant to be no *persona grata* with his master's wife or widow. Boece tells us (we can never trust Boece) that the queen, pretending a pilgrimage to White Kirk, carried off the young king, concealed in a box, to Stirling, where Livingstone commanded. But Boece ignorantly makes Livingstone Governor of the realm, and Crichton Chancellor. The real Chancellor was Cameron, Bishop of Glasgow; Douglas, not Livingstone, was Lieutenant. Boece, at best, must obviously have relied on oral tradition.<sup>4</sup> However the truth may be as to the story of the king in the box, James was under Livingstone at Stirling, before March 13, 1438-39, when Parliament bids the Lieutenant to arrest "unlawful men holding castles under suspicion of raising rebellions." Crichton may be alluded to; more probably general lawlessness is intended.

Boece announces that Livingstone now besieged Crichton in Edinburgh Castle, and that the affair ended in a coalition between them. It is certain that, in May-June 1439, Crichton succeeded Bishop Cameron as Chancellor, while Livingstone retained possession of the king's person. Within a few days Douglas died, being succeeded by his son, a mere boy, and no new Regent was appointed. The country was full of feud and spoliation, as Bower laments in his regrets for James I. Sir Thomas Boyd of Kilmarnock, whose house was, later, to have a brief period of power, fell on and slew Stewart of Derneley, Constable of the Scots forces in France. The murder was followed by a pitched battle of Stewarts and Boyds, which was fought with singular resolution, the combatants taking breath by mutual consent (as in a series of rounds), and coming up to time at the sound of a trumpet. The Stewarts were victors in this battle of Craignaught Hill, in Renfrewshire, which was but an example of the illegal system of "bands" by which nobles, with their retainers, were united into hostile camps. The final fruit of "bands" was the Covenant, or so the enemies

of that sacred institution ventured impiously to remark at the time.

Under this pressure of disorder the queen, to secure a protector, married Sir James Stewart, the Black Knight of Lorne. Their sons, Buchan and Atholl, latterly play important but obscure parts in the reign of James III. The husband's protection was unavailing. On August 3 (1439), Livingstone seized and imprisoned the queen in Stirling Castle, "till she was released by a body calling itself the Three Estates," on the last day of the month. As for Stewart of Lorne and his brother, Livingstone "put tham in Pittis and bollit thaim." What the Auchinleck chronicler means by "bollit" is obscure: "boiled" he can hardly mean, for the unlucky gentlemen were afterwards released. The attack on the queen and her husband was violent, and ten years later James II. gave certain lands to Alexander Napier, a gentleman of the bedchamber wounded in the defence of his lady. The wife of James I. had fallen on evil days, since the hour when the poet-king first saw her (as the Muse alleges) walking among the roses. In the Parliament at Stirling, a mere party assemblage (September 4, 1439), the queen forswore rancour against Livingstone, and resigned her Royal son to his keeping; she even affects to be convinced that, in arresting herself, Livingstone acted from motives of sincere loyalty!<sup>5</sup> The signet of William, the new Earl of Douglas, was attached to this curious "indenture" of amnesty, which, after all, was not destined to protect Livingstone.

Douglas, a boy of seventeen, was in a position that might have turned any young head. He was Duke of Touraine, his oath of allegiance he sent by Malcolm Fleming, son of that Sir David Fleming whom the Douglasses slew in 1406. That feud had been abated. In Scotland he owned land from the Cree to the Forth, and could probably bring 5000 men, including many knights and barons, into the field. Not intrusted with his father's office, he assumed an air of indifference and contempt, abstaining from attendance on the Council. Meanwhile Crichton, not content merely to be Chancellor, stole from Livingstone the person of the king. Under cloud of night he rode from Edinburgh Castle and ambushed his band in the woods of the royal chase of Stirling, where Bruce posted his men before Bannockburn. When the young king rode out early next morning he was surrounded. Crichton, kneeling, begged for the privilege of releasing him from

Livingstone, and led him to Linlithgow, whence he was escorted to Edinburgh Castle by an armed force. The clergy reconciled Livingstone and Crichton; the former recovered the person of the king.

Meanwhile famine and an invasion of the Macleans devastated the country. Life, viewed from this distance, presents itself as a scene in which every man must "band" himself with others under a leader, must ever be ready to mount steed and buckle on brand, to avenge some ancestral murder, to burn some neighbouring village, or to defend his own life, crops, and home. The very monks were involved in these feuds, as we shall see, and the recorded trials of the following ages prove the unremitting activity of crime. Rulers like Crichton and Livingstone, mere politicians of faction, could not cope with such a state of affairs, and the frequent laws against private war and raiding were read by the light of blazing barns and burning peel-towers. Had the young Douglas been a man mature and loyal, he might have restored order; but he was a proud boy, and Scotland practically suffered at once from two minorities. He was of royal descent from the second wife, Euphemia Ross, the undeniably legal wife, of Robert II. His maternal uncle was that Malise from whom James I. had wrested the earldom of Strathearn. Among the feuds and pretensions to which every such alienation gave rise, it is possible that young Douglas may have conceived high hopes or uttered imprudent words. He was himself the great-grandson, in the female line, of Robert III. In the obscurity we may conjecture that, at least, Douglas thought himself the best guardian of the young king, now in the hands of men both impotent to secure order, and, by family, far inferior to himself. In any case he was so powerful and so disdainful that he united Livingstone and Crichton in a common conspiracy against him.

He was asked to Court, as if it was intended to gratify his legitimate ambition by listening to his counsel. Contrary to his father's legacy of advice, he carried with him his brother, David, and was also accompanied by his mentor, Fleming of Cumbernauld. First stopping at Crichton Castle, where he was hospitably entertained, he rode on to Edinburgh, and the Castle gates closed upon him in this *guet-apens*. The boy king was fascinated by his splendid young kinsman: all seemed well. But the Douglasses were seized at dinner, a hasty mock trial was held, despite the tears of James, and the two young Douglasses were beheaded in

the back court of the Castle.<sup>6</sup> Sir Malcolm Fleming was also done to death four days later (November 24, 1440). It is difficult to understand how two boys can have been engaged in any serious conspiracy; and the stain is deep on the memory of Crichton.

The unhappy lad was succeeded by his granduncle, James, Earl of Avondale, called the Gross. He had been a stirring man, many years earlier, one of the slayers of Sir David Fleming, in 1406. That he connived at the death of his young kinsmen is an unattested charge. Galloway, Wigtown, and other Douglas estates now passed to the sister of the slain boy, the Fair Maid of Galloway, at this time a little girl. The new earl, the Gross, died three years after his accession, and was succeeded by his son, William, one of the most powerful and turbulent of the House. In 1443 this new Earl of Douglas, William, successor of the Gross, a young man of eighteen, came into favour with James, himself a boy of thirteen. He took a kind of revenge on Crichton, if his fat father did not, by procuring his disgrace. By Livingstone's aid, Douglas reunited the family estates by a marriage with the Fair Maid of Galloway, still a child. His royal and other connections confirmed his overweening power. The Crichtons on one hand, and Douglas and Livingstone on the other, now harried each others' possessions, and the usual evils of a minority were endured. Everywhere were murders and private wars. The ruling houses broke up into new associations. Dumbarton Castle was taken in one feud; the Atholl Stewarts and the Ruthvens fought on the North Inch of Perth; Douglas combined, as we saw, with Livingstone, secured the friendship of the king, and was appointed (it is believed) lieutenant-governor of the realm.

This junction of Livingstone and Douglas boded ill for Crichton, especially, perhaps, as Livingstone, now an old man, handed over the king, and Stirling Castle, to his son, Sir James. Douglas now, armed with a royal order, demanded one of the Crichton castles, Barnton in Mid-Lothian, destroyed it, and summoned Crichton to Stirling on a charge of high treason. In November (1443) he was outlawed. Crichton, strong in the tenure of Edinburgh Castle, retorted by harrying the lands of Douglas. Parliament confiscated his own estates, while he bided his time in the Castle of the Maidens. He was, of course, deprived of the chancellorship, in which he was succeeded by Kennedy,<sup>7</sup> Bishop of St Andrews, who was recognised even by the later Protestant historians as an ex-

ception to the pestilent nature of prelates, and was the founder of St Salvator's College in St Andrews. The cause of Crichton now seemed forlorn; but Kennedy was thrown into his arms by the menacing strength of Douglas. That noble was not only leagued with the Livingstones, but, some say, banded with the Earl of Crawford, father-in-law of the niece of that Earl of March, son of the renegade, whom James I. had despoiled. Kennedy, therefore, turned towards Crichton. Instantly an attack was made on the bishop's estates by Crawford, Ogilvy, Livingstone, and Robert Reoch (1445).<sup>8</sup>

Kennedy was now at feud with the lieutenant-general (Douglas), the king's governor, Sir James Livingstone, and the powerful and haughty Crawford. One weapon he retained, the Curse. He excommunicated Crawford, "cursit solempnitlie with myter, and staf, and buke, and candil, contynually a year."<sup>9</sup> The curse was to work potently. Crichton, meanwhile, stood a siege of nine weeks in Edinburgh Castle. He was allied, not only with Kennedy, but with the rival house of Douglas, the house of Angus, which was to overthrow the senior branch and rise into baneful power on its ruins. The siege ended in a compromise. Crichton received an indemnity, and a share of power. Bishop Kennedy's curse now began to act. Exactly a year after he laid it on, the Earl of Crawford was mortally wounded in private war. His son, the Master of Crawford, later called the Tiger Earl, had been justiciary of the monastery of Arbroath. The monks deposed this noted ruffian, and appointed Ogilvy of Innerquharity. The clan of Crawford, the Lindsays, now seized the abbey, and a battle was fought. The Douglases and Hamiltons sided with the Lindsays. Sir Alexander Seton of Gordon, later Earl of Huntly, was a guest of Innerquharity, and, by Scots custom, fought for the man with whom he had dined. The Earl of Crawford was mortally wounded—"got the redder's stroke"—in an attempt to stop the fighting. The Crawford party won, and Innerquharity is said to have been smothered, in the castle of Finhaven, by his cousin, the widowed Countess of Crawford (January 23, 1445-46).

At this time nothing but the bishop's curse existed as a protector of law and order. The young king had only the dubious Crichton, now again Chancellor, and the Bishop of St Andrews on his side: the condition of the realm was desperate. The queen-mother died in Dunbar, then the hold of Patrick Hepburn,

a notorious freebooter.<sup>10</sup> James married, on July 3, 1449, Mary, a daughter of the Duke of Gueldres, after renewing the Ancient League. His subjects in the French service had been driving the English from province to province, and from town to town. In a well-known miniature we see Charles VII. paying his devotions, surrounded by the Scots Guard, whose colours are green, white, and red. While so friendly with France, Scotland had been waging a Border war with the distracted England, where three parties were struggling for control. The English were defeated in a great battle on the water of Sark, by two brothers of Douglas (October 23, 1449).<sup>11</sup> The fighting was of the nature of feud between Douglasses and Percys, the Crown endeavouring to secure peace. But James was tired of inaction. He had recalled from exile his step-father, Sir James Stewart, and (an ill omen for Livingstone) the son of Sir Malcolm Fleming. A few weeks after his marriage (July 3, 1449) he seized (by what accession of force we do not know) the Livingstones, father and sons, expelled their creatures from office, confiscated the family lands, and imprisoned his captives in the dreary Castle of Blackness. After a Parliament held in Edinburgh (January 1450), two of the sons were executed. Alexander Napier was rewarded for his defence of the queen-mother when she was seized by Livingstone at Stirling. The old Sir Alexander Livingstone was attainted, and imprisoned in Dumbarton Castle, with Dundas of Dundas. "And this was a gret ferlie," says the Auchinleck chronicler.

The Lord of the Isles had, before this date, married the daughter of Sir James Livingstone, the king having made the match. James Livingstone escaped to the north, and was later made Governor of Urquhart Castle, by his son-in-law, the Lord of the Isles.<sup>12</sup> For what precise reason the Livingstones were thus uprooted is unknown, probably for some new plot, discovered or imagined; but Douglas received a share of their spoils. Conceivably a promise of this reward may have made so potent a lord acquiesce in the destruction of his allies, the Livingstones. James rested on Kennedy and other clerical advisers, and we may suspect the astuteness of the Church in the policy which divided Kennedy's foes, Douglas and the Livingstones.

A useful piece of legislation was done by the Parliament which condemned the Livingstones. Tenants of lands on leases for a term of years were not to be removed if the estate changed hands during

their tenure. This was ordained "for the safety and favour of the puir pepil that labouris the grunde, that all tenants having tacks" (leases) "for a term of years, shall enjoy their tacks to the ish of their terms, suppose the lords sell or analy their lands." Mr Cosmo Innes thinks that the hand of James himself may be detected in this act of justice. He found documentary evidence that the king, hunting on the Findhorn, made compensation to the tenants whose labours he disturbed.<sup>13</sup> While this and other acts of pacific tendency were passed, Douglas "was constantly at the Court and with the king (1450), and is a witness to nearly every royal charter."<sup>14</sup> Yet our late and fabulous authorities, Pitscottie and Boece, represent him as constantly breaking the laws which it was his duty to enforce. Still later historians have founded a theory of Douglas's character and conduct on the belated romances of Boece and Pitscottie. For example, we hear of Douglas's insolent cruelty in the murder of Colville of Oxenham and "a considerable body of his retainers."<sup>15</sup> But the only contemporary or nearly contemporary account merely says, "The year of God 1449 Sir James Auchinleck was slain by Richard Colville, the twentieth day of April, and within five or six days cowardly gave over the castle" (that is, apparently, Colville gave it over) "and was beheaded, and iii sum with him. And incontinent after that he came forth, the castle was cast down by Earl William of Douglas." To all appearance Colville had killed Auchinleck, and seized his house. Colville was then subdued and executed by Douglas, as lieutenant-general. But, if so, why destroy Auchinleck's castle? It is a mystery. The whole Douglas tragedy, indeed, is mysterious. Assuredly it would be very unjust to condemn Douglas on the random and prejudiced evidence of Boece and Pitscottie. From about November 1450 to April 1451, Douglas was abroad, visiting Rome at the time of the Jubilee.<sup>16</sup> About this time, for what reason is not known, James invaded the earl's lands, and destroyed a fortress of his on the Yarrow.<sup>17</sup> But Douglas, returning through England, was at once appointed, with Angus, Crawford, and some prelates, to treat for a prolongation of the truce with England. In June 1451, Douglas "put his lands in the king's hand," and received them back, "and all good Scotsmen were very blythe of this accordance"<sup>18</sup> (June 25, 1451). Throughout the years from 1446 to 1451, Mr Tytler represents Douglas as engaged in a treasonable band with Crawford and the Earl of

Ross, Lord of the Isles. James is now said to have known of, and now to have been ignorant of, this conspiracy. But there is no evidence for the early date of this band, nor is it known that the new Lord of the Isles, John, who succeeded in May 1449, was engaged in it. Pitscottie now credits Douglas with the murder of MacLellan of Bomby, in circumstances of picturesque atrocity. MacLellan had declined to obey a summons to an illegal gathering; Douglas arrested him; the king sent Sir Patrick Grey, MacLellan's uncle, to remonstrate: Douglas had MacLellan decapitated while Sir Patrick dined, and then regretted that he could only give up his captive in a fragmentary condition. Now, as Hector Boece does not tell this tale, we may fairly believe that, in his day, it had not been invented. Pitscottie locates the crime in Douglas Castle, others in Threave Castle. Meanwhile charters and other documents show that Douglas was constantly with James from June 1451 to January 1452.<sup>19</sup> James could not have thus admitted to his presence a noble who had inflicted on him an insult like the murder of MacLellan. It is not mentioned by the Auchinleck Chronicle.

Up to the middle of January 1452, Douglas was holding the place to which his rank entitled him. In February, James dirked Douglas with his own hand, in his own house of Stirling Castle, and under trust. The story of this almost unparalleled act of perfidy may best be told in the words of the contemporary or nearly contemporary chronicler, modernised in spelling:—

“That same year [February 22, 1451-52] Earl William of Douglas was slain in the Castle of Stirling, by James the Second that had the firemark in his face. The foresaid king sent out of Stirling, with William Lauder of Haltoun, a special assurance and respite under his privy seal, and subscribed with his own hand. And all the lords that were with the king at that time gave bodily oaths to keep that respite and assurance, and subscribed each man with their own hand. . . . This being done, the foresaid William Lauder of Haltoun passed to the foresaid Earl of Douglas, and brought him to Stirling to the king, on the Monday before Fastern's Eve (February 21). And this same Monday he passed to the castle, and spake with the king, that took right well with him by appearance, and called him on the morrow to the dinner and to the supper, and he came and dined and supped. And, they said, there was a band between the said Earl of Douglas, and the Earl of Ross” (John of the Isles), “and the Earl of Crawford. And after



supper, at seven hours, the king then being in the inner chamber, and the said Earl, the king charged him to break the said band. He answered that he might not, nor would not. Then the king said, 'False traitor, since you will not, I shall,' and started suddenly to him with a knife, and struck him in the collar, and down in the body, and they said that Patrick Gray" (uncle of MacLellan of Bomby) "struck him next (after) the king, with a pole-axe on the head, and struck out his brains." Sir Alexander Boyd, Lord Derneley, Sir Andrew Stewart, Sir William Cranstoun, Sir Simon Glendinning, and Lord Gray also stabbed the dead man. Yet, in the last June, Douglas and the king had been reconciled, "and all good Scots were right blythe of that accordance."<sup>20</sup> To explain this crime, the best theory seems to be that which alleges that, in February, the Tiger Earl of Crawford was already in rebellion, that James knew of, or suspected, a band between him and Douglas, and that the safe-conduct (which surely cannot have been issued every time that Douglas met his monarch) implied that the king's suspicions were aroused. He wanted a conference with Douglas, and, at least, desired to have him in his power. The dirking was probably the result of sudden passion, and of wine. But Mr Tytler's theory is that Douglas, in alliance with the Yorkist party in England, and with Crawford, was to head a rising, and MacLellan of Bomby was murdered for refusing to be concerned in it. There are, in fact, traces of intrigues between Douglas's brother and England in 1451.<sup>21</sup>

When Parliament met, on June 12, they exonerated James (1) because the Earl had publicly and contemptuously renounced the protection of his safe-conduct, on the day before his murder; (2) because he had been guilty of oppressions, and entered into conspiracies (of which no documentary proof is given though some is alleged); (3) that he was guilty of his own death, by resisting the king's gentle persuasions to aid him against rebellious subjects.<sup>22</sup> Crawford was probably one of these rebels. Why Douglas should have disdained a safe-conduct which he certainly did not take into the Castle with him, it is difficult to see, unless he meant to show "a number of barons," before whom he boasted, that he did not believe James dared to harm him. The probability is that Douglas was in a band with Crawford; that, though not aiding him, he declined to act against him, and that James, flushed with wine, stabbed his guest by his own hearth.<sup>23</sup>

More than a month after the murder (March 27), Douglas's brother, James, insulted the king and lords at Stirling, by dragging the sealed safe-conduct at a horse's tail, and spoiled the town, and burned it. He had with him 600 men, including his brother, Earl of Ormond, and the Lord Hamilton. Meanwhile James was at Perth, on his way to join Huntly against Crawford. Thus the Douglasses possessed the safe-conduct, which the Earl must have left at home (as disdaining its protection, or as evidence in case of treachery?).<sup>24</sup> Nothing could better illustrate the anarchy of the age than the defiance of the Earl and the inhospitable crime of the king. And, till James VI. entered England, such crimes were habitual in Scotland.

It may have been in revenge for the murder, or to keep the alleged "Band," or, as the Auchinleck chronicler says, in revenge for the non-payment of the dowry due to him with the daughter of Sir James Livingstone, that the young Lord of the Isles, in March 1452, took Urquhart Castle, Inverness Castle, and the fortalice in Ruthven of Badenoch. Therein he placed his father-in-law, Sir James Livingstone, who said he had the king's writ for it, and who actually received his salary, and, in 1454, was made Great Chamberlain. This escapade of the Lord of the Isles, a lad of seventeen, was overlooked—James being unwilling, or unable, to punish it. The king moved north to Perth: Huntly (Sir Alexander Seton of Gordon) was assailing the Tiger Earl, whom he defeated near Brechin, on May 18. Thereafter, as we said, a Parliament held at Edinburgh in June acquitted James, on the ground of Douglas's manifest treason.

The new Earl of Douglas, James, brother of the slain man, defied the king by a cartel nailed on the door of the place of Assembly. Crawford was now attainted, while Sir James Crichton of Fren-draught, son of the Chancellor Crichton, was "beltit Earl," and Hay was created Earl of Errol. James then wasted Etrick Forest (in Douglas's country) and other southern regions. Meanwhile, in June, Douglas was offering his allegiance to Henry VI.<sup>25</sup> Yet in August, Douglas with Hamilton<sup>26</sup> made submission to James, and promised oblivion of his injuries. Probably the raid on his lands had the effect of subduing Douglas for the moment. He was soon allowed to marry his cousin, his brother's child-widow, the Fair Maid of Galloway, and, in April 1453, was appointed one of the commissioners to treat of a truce with England. Crawford also sub-

mitted, but died in September. According to some theories of chronology, Douglas, in May, visited the Lord of the Isles in Knapdale and probably arranged a rising. But Douglas was certainly in London, as a commissioner, on May 23 of this year, and the dates are much confused. Donald Balloch (whose head had not been cut off in Ireland, as James I. believed), with the navy of the Isles, raided in Renfrewshire, in the old fashion of Somerled, and levelled Brodick Castle.<sup>27</sup> He may have been stimulated by Douglas. We dimly recognise that Douglas was intriguing, with England if not with the Celts, after abandoning his original idea of turning renegade and resisting his king by force. In England he procured the release of the dispossessed Earl of Strathearn, so long a hostage in England for the ransom of James I., and the old claims of the descendants of Euphemia Ross might, in Strathearn, be revived. On this Douglas must have calculated.

James at last seems to have taken the initiative: he was weary of waiting for overt action, and tired of the intrigues of the Earl. The king overthrew the Castle of Inveravon (1455), there was fighting in Lanarkshire; Abercorn Castle was besieged, Hamilton deserted Douglas's for the king's party; Douglas's brothers, Moray, Balvany, and Ormond, were defeated on the Border, at Arkinholm near Langholm (May 18); Moray was slain, Ormond was taken and executed; the Earl had escaped to England. The leader of the royal army was another Douglas, the Earl of Angus, whose house was to take up the tradition of the elder branch. The last stand of the Douglasses was made at Threave Castle, in Galloway, where that fatal weapon, "the king's great bombard," a kind of fetich of the monarchy, did much execution. In the records this huge piece of ordnance is often mentioned; whether it was "the Lion" of James I. is not certain. Galloway legend is full of romantic tales of this siege, and attributes the big piece, "Mons Meg," now in Edinburgh Castle, to the skill of the local blacksmith. Threave fell at last, and was garrisoned for the king. In a Parliament meeting on June 10, 1455, Douglas, on June 12, his mother, and his surviving brother were attainted, and the Wardenship of the March was declared no longer hereditary. Douglas, meanwhile, was cherished in England, where he received a pension of £500 a-year, till his estates should be returned "by the person calling himself the King of Scots." With this fall of the Douglasses for that time, the interest of James's reign, such as it is, abates. It

appears that the pensioner of England, however brave personally, was of a wavering resolution. He did not avenge his brother's death except by vapouring; he was constant to no policy, though for thirty years an enemy of his country; and he was absent from the final struggles of his house. That house really seems to have sinned more by lawless arrogance, and by inchoate designs of treason, than on any settled plan of ambition. It had no grounds of claim to the royal succession, and was strong mainly in wealth and the prestige of the fighting heroes of old, and, indeed, of the victory on the Sark. Its measure of popularity was due to the friend of Bruce, to the warrior of Otterburn, and to the fatality which dogged their descendants.

New arrangements were now made for warning the Border of invasion by means of beacon fires (1455). James was, in fact, meditating an attack on England, in combination with France. Letters passed between him and Charles VII., who, in the distracted state of England, had won back his country, and had leisure to clear by legal proceedings the character of Jeanne d'Arc. From England came a strange scolding letter, reviving the old claim of superiority. This claim, we may remark, had never really been abandoned. We find Edward IV. writing complacently about "his rebels of Scotland," who, again, later styled him "the reiver Edward, calling himself King of England." We see, and shall see, how Douglasses, Macdonalds, and even unworthy Stuarts, were ready to act again the rôle of Edward Balliol, to dismember Scotland, and all to win a subject crown. But for the distractions and vacillating fortunes of the wars of the Roses, England would have asserted eagerly, and perhaps made good, the antiquated claims of Edward I. James made an abortive Border raid (1456) by way of reply to the insolent English despatch, but was disappointed in his hopes of French co-operation. A truce with England (where the Lancastrians, not the friends of Douglas, the Yorkists, were now in power) ensued, from July 1457 to July 1459. Friendly relations with the Lord of the Isles were cultivated. On July 10, 1460, the Lancastrians were defeated at Northampton, Henry VI. was made prisoner, his queen and eldest son were setting forth for Scotland. James regarded his recent truce as made with Henry VI., and seized the occasion to besiege Roxburgh Castle, aided by a force of Islesmen. But, on August 3, 1460, one of his favourite huge bombards exploded, and a wedge of wood,

used to tighten the iron hoops round this primitive piece, flew off, and slew James of the Fiery Face. The Earl of Angus, who had aided in putting down his kinsmen, the Douglases, was wounded at the same time. The army, undiscouraged, took the castle, which England had held so long, in the course of the week.

James died in his thirtieth year, when, after a minority of the most distracted and perilous kind, he was at last master of his own realm. How much of his success was due to the statecraft of Kennedy, to the sagacity of Crichton, and to the natural inability of his nobles for combined action, it is not easy to decide. The one great crime of his life seems, on the whole, to have discouraged his hostile lords. That he was not careless of popular welfare may be guessed from the enactments of the Parliament which was sitting when the Livingstones were overthrown. Attempts to foster tillage, and especially the planting of woods and hedges, occur in the Acts of Parliament, and a more or less successful effort was made to raise the value of the coinage. Sumptuary laws forbidding extravagance in apparel attest the existence of more wealth than might seem probable in a country so unsettled. The foundation of the University of Glasgow (1451) spoke to the nascent love of knowledge, or fear of heresy, for the Universities were intended to act as bulwarks against unorthodox opinion. Their studies, whether at home, or pursued at Paris, Louvaine, and other foreign seats of learning, had precisely the opposite result.

#### JAMES III.

The purpose, or one of the purposes, of history, is to trace the stages in human evolution through which things came to be what they are. Now in the fortunes of Scotland, during the reign of James III., events seem, as it were, merely to "mark time." There is no great change in institutions, as during the reign of David I. There is no spirited nor steady national resistance to oppressive foreign claims, as under Robert and David Bruce. Even the new, or revived, ideas of the heretics seem to be in abeyance, or working dumbly underground. We have only the same sad story of a minority; of a kidnapped prince; of ambitions which bring noble houses, new or old, into the foreground; of the overthrow of these houses; of shifting combinations and alliances among the magnates. That the population, the races,

of Scotland were still far indeed from being unified into a homogeneous nation is proved by the accustomed Celtic disorders. A historian may try laboriously to correct the scanty or erroneous statements of casual or belated chroniclers by the evidence of public documents, now collected and printed. He may dwell on picturesque incidents of feud and foray, and on fierce traits of energetic characters. But he finds at this date only rare traces of any great stream of tendency in human affairs.

At most we may observe the poetry of Henryson, and others, singing "like linnets in the pauses of the wind." We recognise in James III. the note of the early Renaissance,—the king's love of art, his bias towards mysticism,—in contrast with the passions and practical interests of the nobles, and, in fact, of human nature in the gross; in all ages and countries perennially the same. An artist, a dreamer, like James III., is, and always will be, odious and unintelligible to the multitude, especially if he occupies high place. It is a familiar tragedy, here illustrated in a melancholy example. The fate of the Stuarts broods over the dark artist king, the fastidious princely amateur, born too early into too young a world. We may fancy him reversing the words of the poet, and exclaiming—

"Je suis venu trop tôt, dans un monde trop jeune."

After Roxburgh Castle had fallen, the last hold save Berwick which the English retained of the cessions of territory yielded by Edward Balliol, James III. was crowned at Kelso (August 10). The events which followed are with difficulty to be traced, from the paucity and confusion of the records.<sup>28</sup> It seems that, after the successful siege of Roxburgh, the Scots took Wark, and through the winter of 1460 were engaged in harassing the English Border. In January 1461 the Court was at Lincluden Abbey, near Dumfries. Here was entertained the fugitive Margaret, wife of Henry VI., with her son, Prince Edward. Three pipes of white wine were consumed at this scene of sorrow, whereof the beautiful ruins crown a knoll above the Nith. Margaret presently returned to England, to renew her struggle for her party.

The first Parliament of the new reign was held at Edinburgh (February 22, 1461). There is no official record, but, from Buchanan and Lesley, we learn that Mary of Gueldres, the queen-mother, retained the private guardianship of James III.,

and of his brothers, Albany and Mar. As regards public affairs, of the queen's party, Graham and Boyd were chosen; of the other faction, the Earl of Orkney and Lord Kennedy, with the Bishops of Glasgow and Dunkeld. Bishop Kennedy, after making (in Buchanan) a speech of vast length, procured this peaceful result. The Privy Seal was in the hands (as records attest) of James Leslie, Provost of Lincluden. He had already, as we saw, been the host of Mary, and of her queenly sister in sorrow, Margaret, wife of Henry VI. James II., it has been shown, was a friend of the House of Lancaster, while his widow had entertained the exiled Lancastrian queen. Bishop Kennedy, of St Andrews, was a partisan of the same house, and of France, as against Yorkist England. But, at or about the time of the Parliament of February 1461, the Yorkists appealed to Philip, Duke of Burgundy, the uncle of Mary of Gueldres. He, in turn, despatched an envoy to the Scottish queen-mother, who won her over to the interests of the House of York.<sup>23</sup> It was in vain that Kennedy offered to Mary of Gueldres a marriage between her daughter and the Prince of Wales, son of Henry VI. Mary of Gueldres was now firm for York; Kennedy and the Earl of Angus were staunch to Lancaster. There was, says Kennedy, all likelihood of war between the queen-mother's party and his own. "Almost all the great lords," the bishop wrote to Louis XI., "said that, to please the King of France, I was putting Scotland in jeopardy." He was even in danger of being assassinated (he avers) by the Scottish partisans of York and England. His attitude is the old attitude of the Scottish ecclesiastics, and his position between Mary of Gueldres, England, and France is that of Cardinal Beaton, in 1543, between Arran, France, and Henry VIII. Through the confused intrigues of 1461-1463, we find strife between the queen-mother's Anglophile and Kennedy's Gallophile parties.

The success of Margaret in England, in the early spring of 1461, was brief indeed. On March 30 the Lancastrians were routed at Towton. Henry VI. and Margaret fled to Berwick, prayed for Scottish hospitality, rewarded it with the gift of the much-coveted castle and town of Berwick, and, accompanied by the Duke of Somerset, took refuge north of Tweed. If Somerset is rightly said to have won the heart of Mary of Gueldres, the task of Kennedy must have been facilitated. The royal English exiles, who handed Berwick over on April 25, were sheltered at the Black Friars in

Edinburgh, and at Linlithgow Palace. But their day of favour was brief and perilous, and Kennedy writes that he was obliged to protect Henry VI., at his own expense, in the Castle of St Andrews. The "holy shade" haunts not only Eton, but the foam-fringed headland on the Northern Sea.

In the summer of 1461, at all events, the Scots were fighting for Lancaster. They beleaguered Carlisle, and, if it be true that they were defeated with the loss of 6000 men, the women might well cry, "Woe worth Bishop Kennedy!" as, later, they were to wail, "Woe worth the Cardinal!" while they gazed on the flames of Edinburgh.<sup>30</sup> Meanwhile, in the very month of June 1461, when Carlisle defied the Scots, Edward IV. was crowned. He had two strings, or rather three, to his bow in dealing with Scotland. He could work on Mary of Gueldres, whose admirer Somerset was soon about to make his peace with England. He could also approach the official Government of James III. And he could stab Scotland in the back with the Celtic dirk. By the aid of the exiled traitor, the Earl of Douglas, he could secure the alliance and obtain the homage and fealty of John, Earl of Ross and Lord of the Isles, and of Donald Balloch (p. 305).

All these strings were pulled. On June 22, 1461, Douglas, his brother John, and others, were accredited as envoys to John of the Isles and Donald Balloch.<sup>31</sup> On August 22 Edward gave Warwick powers to treat "with our dearest cousin," James III., "de Treugis."<sup>32</sup> The mission of Douglas was successful. On October 19, 1461, John of the Isles, "from our Castle of Ard-tornish" (now a mere shell of masonry above the Sound of Mull), appointed his ambassadors to Edward. They were Ranald of the Isles, and Duncan, Archdeacon of the Isles.<sup>33</sup> Meanwhile Edward was using one of his other strings. He had an unofficial kind of envoy with the Celtic prince, but he also appointed Robert Ogle to treat for a truce with the Scottish Government (November 5, 1461).<sup>34</sup> The envoys of the Celts were at Westminster on February 8, 1462, "long conferences" were held, and this was the result:—

1. At or after Whitsuntide 1462, the Island chiefs shall become Edward's vassals.
2. They shall be Edward's allies in all wars which he may wage in Scotland or Ireland.
3. Their wages in peace and war are fixed.
4. If, and so far as they are successful, they shall share all con-



quered lands north of Forth, holding them by homage and fealty to England.

5. Douglas shall enjoy his own estates from Forth to the Border.
6. They shall be included in truces.
7. John, Earl of Ross and Lord of the Isles, Donald Balloch, and John, son of John, shall approve, confirm, seal, and return the treaty before July 1, 1462.

It will be observed that this treaty is not really concluded in February-March 1462, but awaits ratification by the Celts, and so is not yet acted upon, at least by Edward.<sup>35</sup> He did, however, gratify the Celtic envoys with presents, including crimson satin and cloth of silver.<sup>36</sup>

Hardly was the ink dry on the treaty of Westminster and Ardtornish, when Queen Margaret left Scotland to seek succour from Louis XI. (April 2, 1462). No sooner was Margaret's back turned than Mary of Gueldres, Edward's third string, carried her royal son to meet Warwick at Dumfries. A marriage between Mary and Edward IV. was proposed (Kennedy). In June, Mary met Warwick again at Carlisle, with the odd result, it is said, that the traitor Douglas was disgraced by Edward. "As a sorrowful and sorely rebuked man he lies in the Abbey of St Albans, and shall not be reputed nor taken but as an Englishman, and, if he comes in danger of the Scots, they to slay him."<sup>37</sup> This was either a mere ruse, or Edward IV. changed his mind about the disgrace of Douglas, when Kennedy declined to meet the English, who without Kennedy would not treat. He also prevented a meeting of Parliament at Stirling, which was to confirm the Carlisle arrangements. So he reported to Louis XI. This interference of Kennedy's restored Douglas to Edward's favour. On October 19, 1462, he received letters of assurance for himself and any Scots whom he might persuade to join him in making war on England. The occasion is obvious. Leaving Scotland for France in April 1462, in September Queen Margaret had attacked Northumberland; Louis XI. had lent her Pierre de Brézé, with a small force. She took Alnwick, Bamborough, and Dunstanborough, but got no more by these than did the Jacobites by a similar success in 1719. Edward recaptured the holds, and, on March 20, 1463, gave full force to the treaty of Westminster-Ardtornish of February 1462.<sup>38</sup>

The English aspect of the Celtic treaty now displayed itself. The Lord of the Isles had gone reiving in his long galleys; had made his

son, Angus Og, his lieutenant in the northern counties, and seized the customs. Douglas was sent before Edward's face to clear the Border. Edward himself was expected with an army of invasion. But Bishop Kennedy, old and frail, put on helm and corslet, and marched with the boy king against the enemies of his country. Douglas was defeated, while his brother and fellow-envoy to the Celts was executed,—“justified,” says Kennedy. From a letter of de Cran to de Crouy, written at Boulogne, July 15, 1463, we hear about Edward's northern march. We also learn that Mary of Gueldres is said to have married Lord Hailes (of the later Bothwell's turbulent House of Hepburn), and that Hepburn has stolen James out of the hands of Kennedy and the Estates. But as to this, Kennedy says no word, and Ferrerius declares that Hailes was a married man, though the lover of Mary of Gueldres.<sup>39</sup> These events were prior to July 15, 1463: in June Scottish envoys had received a safe-conduct to Edward.<sup>40</sup>

Loyal as Kennedy was to Lancaster and France, he was not *plus royaliste que le Roi*. On October 24, 1463, Louis XI., deserting the Red Rose, concluded a truce with the White. The hearts of the Scottish Lancastrians under Kennedy were subdued, especially as Angus, their other chief, was dead. On December 8, 1463, Kennedy received a safe-conduct to treat with Edward,<sup>41</sup> just a week after Mary of Gueldres died. On April 5, 1464, Edward appointed ambassadors to deal with Scotland. At this very time Kennedy wrote, for Louis XI., his despatch on the history of the last three years. He, for his part, received a very considerable annual pension from the English king.<sup>42</sup> The disappointed Douglas was consoled by the gift of “Crag Fergus” in Ireland.<sup>43</sup> He had received many other gifts and presents. Kennedy had secured a truce with England to October 31, 1464: on June 3, it was prolonged for fifteen years,<sup>44</sup> and in October 1564 arrangements were made for treating about a real and perpetual peace.<sup>45</sup> Kennedy's diplomacy was successful. He had not, like Beaton, stood by a losing cause, ruined at Hexham fight; but then, unlike Beaton, he had to deal with a Catholic king of England. But he had run his course. Between July 2 and July 18, 1465 (when his see was vacant), the good bishop entered on his rest.<sup>46</sup>

Kennedy's share in the politics of the age, the power of his curse, the soundness of his diplomacy, and his adherence, while adhere he might, to the Auld Alliance, are conspicuous. His wealth was vast,

his virtues (though bishops are "dumb dogs," he preached, and encouraged preaching) were not denied even by later Protestant writers. His ship, his College of St Salvator's, and his now crumbling tomb within the chapel, were reckoned three marvels. Out of that age of strife and anarchy, Kennedy's work "shines like a good deed in a naughty world." Perhaps in recognition, "the earnest professors of Christ Jesus," in 1560, spared his tomb, a beautiful though worn fragment of stone-work, delicate as lace. The chapel which he built for his college is still thronged by the scarlet gowns of his students; his arms endure on the oaken doors; the beautiful silver mace of his gift, wrought in Paris, and representing all orders of spirits in the universe, is one of the few remaining relics of ancient Scottish plate. His college, St Salvator's, is proved by a MS. scrap of inventory to have been most sumptuously endowed with plate, jewels, and rich embroideries. The virtue of this good man seems to have protected one of his benefactions, his "best wand," when the Bastard of Scotland robbed the Church, and Maitland of Lethington robbed the university of the Saint of Scotland.

A few months after Kennedy's decease, Lord Fleming (February 10, 1466) entered into a Band with Lord Kennedy (the bishop's elder brother), and Sir Alexander Boyd, James's instructor in chivalry. Fleming also had a Band with Lord Livingstone and Lord Hamilton; Crawford, Montgomery, Maxwell, and Lord Boyd, too, were in the cabal. Patrick Graham, the new Bishop of St Andrews, was included in the Band. The avowed object was "the spoils of office." Kennedy and Boyd were to get possession of the young king's person, while Fleming was to have "any large thing" that fell in, any good "caduac or casualty" of the Crown.<sup>47</sup>

It was in July 1466 that Boyd, Somerville, Hepburn of Hailes, and Andrew Ker of Cessford seized James, then a boy of fourteen, at Linlithgow, and carried him to Edinburgh. Hepburn and Ker are Borderers, and their houses begin to play unscrupulous parts in the coming troubles. Boyd and his accomplices, forgetting the fate of the Livingstones, secured themselves by a paper indemnity. A packed meeting of the Estates appointed Boyd Governor of the king (October 1466). The Princess Mary, James's eldest sister, whom Kennedy would have wedded to the Prince of Wales, was married to Boyd's eldest son, Sir Thomas, who was created Earl of Arran, while Boyd himself was Chamberlain, High Justiciary,

and Governor. Sir Thomas is much praised for many graces by an English acquaintance.<sup>48</sup>

It was in January 1468 that a Scots embassy went to seek the sea-king's daughter from over the foam—Margaret of Norway. King Christian, unable to pay a dower of 60,000 florins, pledged Orkney and Shetland; and, as the 60,000 have never yet been received, the isles remain a British possession. The question of a yearly Scottish tribute for the isles had nearly caused war, but was arranged by Charles VII. of France in a friendly manner. The Earl of Arran, son of Lord Boyd, was one of the negotiators of the marriage; but as he came and went, returning to the North in 1469, measures were being concerted against him, both at Copenhagen and at home. The new Queen Margaret arrived in Edinburgh and was married at Holyrood in July 1469; her lord was not yet eighteen. Arran took no share in the festivities. His wife, Princess Mary, joined him before he disembarked, telling him that, if he landed, his life was in danger from James, who "had conceived great hatred against him." He therefore fled to Denmark; his father retired to England, where he died; and his brother, Sir Alexander, was executed (for the kidnapping of the king) on November 22, 1469. The Boyd estates were annexed to the Crown, and on the Boyd ruin rose the Hamiltons. They had won favour in 1455 by deserting the cause of Douglas for that of the Crown. The king's sister, Arran's wife, was presently divorced from her husband, and married Lord Hamilton. As late as 1707 there were vague intrigues for placing their descendant (Beatrix Esmond's Duke of Hamilton) on the throne of Scotland, as representing the Stuart blood, through Mary, sister of James III., in the female line. As a consequence of the marriage of the Princess Mary, the Hamilton of the day, down to the birth of Charles I., was often a near heir, or heir after a royal child, to the throne—a fact of great moment in later political intrigues.

It is possible that James III. never had much taste for his royal duties, and probable enough that the Boyds amused him in other and more congenial ways. He was now concerned in an ecclesiastical warfare not easily understood. Patrick Graham, the new Bishop of St Andrews, had been included in the great Boyd Band of February 10, 1465-66. He was half-brother of Bishop Kennedy and of one of the bandsters, Lord Kennedy. His interests were, therefore, safeguarded in this shameless pact, but, of

course, the holy man may have been unaware of the circumstance. He was already Bishop of St Andrews; but Mr Tytler, who calls him "a prelate of singular and primitive virtue," avers that his promotion "was obnoxious to the powerful faction of the Boyds."<sup>49</sup> Yet he had just represented Graham as Boyd's "covenanted friend."<sup>50</sup> It is impossible to reconcile these statements except on the hypothesis (cf. note 53) that the Boyds and Kennedys, despite their band, really did quarrel over the abduction of James in 1466. Graham may then have quarrelled with the Boyds. He does not appear in a later list of their friends in the Abbotsford Miscellany; but the primitive virtue of this prelate did not prevent him from being, in 1466, included in the benefits of their band. He was also mixed up in a typical St Andrews feud between the rector of the university and the provost of Kennedy's new college, St Salvator's. They squabbled about the right to confer degrees, and Graham, *after* the fall of the Boyds, pronounced judgment in the summer of 1470.<sup>51</sup> In 1471-72 he went to Rome, and there obtained the erection of St Andrews into an archiepiscopal and metropolitan See (August 17, 1472). He was also made Nuncio to Scotland, to raise men for a crusade (March 1472). Neville, Archbishop of York, though in prison, protested—both in the interests of the old claims of his see to superiority in Scotland, and because the Bishops of Galloway had been suffragans of York. Graham might seem to have done a good stroke for Scotland; but he had acted without the desire, or consent, of the king and the bishops. The bishops wanted no master nearer than Rome; they did not wish to be taxed for a crusade (as Graham was empowered to tax them), and they aroused the Royal jealousy, coming before the king with a gift. As soon as he landed in Scotland (about November 1473), Graham was cited, inhibited, worried by the Rector of St Andrews University, and finally driven mad, it is said, by the malignity of Schevez, later Archbishop of St Andrews. But was he sane before? A papal Nuncio made an inquiry into his conduct (1476), and the report says that he has proclaimed himself Pope, crowned by an angel, and is incorrigible in all manner of absurdities.<sup>52</sup> Graham has acquired some popularity with historians—Buchanan thinking him a poor victim, and a reforming character; while even Lesley seems to hold that he was hardly treated. A Papal Nuncio drew up the hostile report, three cardinals examined and ratified it; and madness seems the

best explanation of the archiepiscopal vagaries.<sup>53</sup> In these circumstances we may doubt whether, as Mr Tytler says, "the Royal mind" of "the weak and capricious monarch" was "poisoned" against Graham. Indeed Mr Tytler is not constant to his theory that James was capricious and weak. The period is obscure, and the authorities are late, prejudiced; and contradictory; but Graham's action was unauthorised, in the first instance, and his conduct, later, possibly by reason of persecution, was that of a maniac.

At this time Louis XI. was still on the throne of France. A common partiality for "sympil folk," men of low degree, in council, and a common interest in astrology, rendered both James and Louis unpopular.<sup>54</sup> They were, however, men of very different calibre. Louis had nearly persuaded James to come to France, with 6000 men, and aid him in his difficulties with Burgundy, but Parliament remonstrated successfully (July 1473). The Lords of the Articles also counselled the king against granting ready pardons, respites, and remissions, for "slaughter."<sup>55</sup> This was a mode of tiding over altercations with puissant offenders. In Queen Mary's reign she was compelled to pardon the murderers of Riccio; and James, later, was blamed for *not* giving the kind of amnesties which he was now advised not to give. He was also recommended to travel about the country doing justice, but business was not to his taste, and he perhaps did not care to accumulate feud, the certain result of administering justice. An heir to the throne was born, later James IV., for the fulfilment, as it seemed, of the prophecy of a "wich," a woman having a spirit of divination. The king was to be destroyed, she said, by "his own whelp."<sup>56</sup> In the interests of peace with England a match was arranged between the royal babe and the little daughter of Edward IV., but nothing came of this (October 1474) save that Edward paid some instalments of the bride's dowry. The Lord of the Isles was now brought to his knees, thanks to Scottish amity with England, by Argyll, Huntly, and Crawford, and compelled to resign the earldom of Ross and the hereditary sheriffship of Inverness, where the Celtic wolf was magistrate over the Lowland sheep (July 1476). His old treaty of Ardtornish with England and Douglas had come to light, and, to compensate the interesting penitent for the loss of Ross, he was made a lord of Parliament. Possibly Edward IV. revealed the treaty of Ardtornish in the course of friendly arrangements about

the contemplated royal marriage.<sup>57</sup> John of the Isles had exhibited his contrition before Parliament on July 15, 1476, yet he was amerced of Knapdale and Kintyre, as well as Ross. This was resented by his bastard, Angus Og, who now kept the North in a flame by his attempts to recover Ross, and feuds with his own father. We must conceive the north as (1480-90) the scene of the battle of Lagabraad, where Angus defeated Atholl, the Mackenzies, Mackays, Frasers, and other local tribes; while, later, Angus Og was again victorious at Bloody Bay.<sup>58</sup> Angus had married a daughter of Argyll, who, for his own reasons, induced Atholl to kidnap the baby, whereon Angus raided as far as Blair Atholl, burned a few churches, turned penitent in a hurricane, and made some restitution. The throat of Angus was later slit by a harper in the Mackenzie interest; another Macdonald was utterly routed by the Mackenzies at the battle of Park. The child captured by Argyll, Donald Dhu, was to give trouble on a later day. The children of Somerled had ever been thorns in the side of Scotland, ever ready

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## ERRATUM.

P. 343, line 9 from foot— .

*For Thomas read Robert Cochrane.*

ive there began a series of insurrections and tragedies which are obscurely recorded. The late writers, like Lesley, Queen Mary's bishop, and Lindsay of Pitscottie, represent James as addicted to advisers "of mean and sober estate." He loved music, architecture, and the goldsmith's art. Ferrerius, writing at the time of the nascent Reformation, speaks highly of two of his favourites,—Ireland, a doctor of the Sorbonne and diplomatist, and Rogers, an English musician. Ferrerius had heard members of his school discourse sweet music as late as 1529. There was also Thomas Cochrane—called a mason or stone-cutter—to whom James appears to have assigned the revenues of Mar for a year or two. Though an Italian clerk like Ferrerius might speak with toleration of such men, they were loathed as "fiddlers" and "bricklayers" by the nobles. The singular thing is that Cochrane, Ireland, and Rogers leave little mark on the royal accounts, where James Hommyl, a tailor for whom James had a partiality, is frequently mentioned.

The troubles began in jealousies between James and his brothers,

best explanation of the archiepiscopal vagaries.<sup>53</sup> In these circumstances we may doubt whether, as Mr Tytler says, "the Royal mind" of "the weak and capricious monarch" was "poisoned" against Graham. Indeed Mr Tytler is not constant to his theory that James was capricious and weak. The period is obscure, and the authorities are late, prejudiced; and contradictory; but Graham's action was unauthorised, in the first instance, and his conduct, later, possibly by reason of persecution, was that of a maniac.

At this time Louis XI. was still on the throne of France. A common partiality for "sympil folk," men of low degree, in council, and a common interest in astrology, rendered both James and Louis unpopular.<sup>54</sup> They were, however, men of very different calibre. Louis had nearly persuaded James to come to France, with 6000 men, and aid him in his difficulties with Burgundy, but Parliament remonstrated successfully (July 1473). The Lords of the Articles also counselled the king against granting ready pardons, respites, and remission over altercations of his reign she was compelled to flee. James, later, was banished, and he was now advising him to travel about the country with taste, and he perhaps did not care to accumulate revenue, the certain result of administering justice. An heir to the throne was born, later James IV., for the fulfilment, as it seemed, of the prophecy of a "wiche," a woman having a spirit of divination. The king was to be destroyed, she said, by "his own whelp."<sup>56</sup> In the interests of peace with England a match was arranged between the royal babe and the little daughter of Edward IV., but nothing came of this (October 1474) save that Edward paid some instalments of the bride's dowry. The Lord of the Isles was now brought to his knees, thanks to Scottish amity with England, by Argyll, Huntly, and Crawford, and compelled to resign the earldom of Ross and the hereditary sheriffship of Inverness, where the Celtic wolf was magistrate over the Lowland sheep (July 1476). His old treaty of Ardtornish with England and Douglas had come to light, and, to compensate the interesting penitent for the loss of Ross, he was made a lord of Parliament. Possibly Edward IV. revealed the treaty of Ardtornish in the course of friendly arrangements about



the contemplated royal marriage.<sup>57</sup> John of the Isles had exhibited his contrition before Parliament on July 15, 1476, yet he was amerced of Knapdale and Kintyre, as well as Ross. This was resented by his bastard, Angus Og, who now kept the North in a flame by his attempts to recover Ross, and feuds with his own father. We must conceive the north as (1480-90) the scene of the battle of Lagabraad, where Angus defeated Atholl, the Mackenzies, Mackays, Frasers, and other local tribes; while, later, Angus Og was again victorious at Bloody Bay.<sup>58</sup> Angus had married a daughter of Argyll, who, for his own reasons, induced Atholl to kidnap the baby, whereon Angus raided as far as Blair Atholl, burned a few churches, turned penitent in a hurricane, and made some restitution. The throat of Angus was later slit by a harper in the Mackenzie interest; another Macdonald was utterly routed by the Mackenzies at the battle of Park. The child captured by Argyll, Donald Dhu, was to give trouble on a later day. The children of Somerled had ever been thorns in the side of Scotland, ever ready to ally themselves with England. But it would be extremely unjust to regard this as a Celtic peculiarity. We are to see a member of the house of Stuart, James's brother Albany, repeating the rôle of Edward Balliol, while a Douglas was usually found to second any such disloyal intrigues.

Soon after James reached the age of twenty-five there began a series of insurrections and tragedies which are obscurely recorded. The late writers, like Lesley, Queen Mary's bishop, and Lindsay of Pitscottie, represent James as addicted to advisers "of mean and sober estate." He loved music, architecture, and the goldsmith's art. Ferrerius, writing at the time of the nascent Reformation, speaks highly of two of his favourites,—Ireland, a doctor of the Sorbonne and diplomatist, and Rogers, an English musician. Ferrerius had heard members of his school discourse sweet music as late as 1529. There was also Thomas Cochrane—called a mason or stone-cutter—to whom James appears to have assigned the revenues of Mar for a year or two. Though an Italian clerk like Ferrerius might speak with toleration of such men, they were loathed as "fiddlers" and "bricklayers" by the nobles. The singular thing is that Cochrane, Ireland, and Rogers leave little mark on the royal accounts, where James Hommyl, a tailor for whom James had a partiality, is frequently mentioned.

The troubles began in jealousies between James and his brothers,

Albany and Mar, both large, strong, lavish, and popular young princes. Cochrane, so runs the tale, persuaded James that Mar was working against him by arts magical, melting a waxen image in the likeness of the king. Mar was arrested for his psychical experiments, and died under the hands of surgeons. James is accused of his murder; but Drummond of Hawthornden, writing from papers of the contemporary Bishop Elphinstone, alleges that Mar, who had to be bled for a fever, tore off the bandages, and so expired. An old fragment of a chronicle<sup>59</sup> adds that many witches and warlocks were burned as his accomplices, and that he himself was "slain." James's soothsayer and his astrological experts are also said (as we have seen) to have foretold that he would perish as a lion devoured by its whelp. All this is extremely vague, but we note the beginning of executions for witchcraft. The frenzy of that belief was common in Europe, and, down to 1736, or later, some Presbyterians opposed, or lamented, the abolition of laws against sorcery.<sup>60</sup>

Albany had already been imprisoned, his conduct as Warden on the East Marches being reckoned violent. He was charged in 1479 with "treasonable stuffing" of the Castle of Dunbar: with truce-breaking, with being art and part in the murder of John of Scougal, and so forth. It is notable that, at this time, the renegade Earl of Douglas, an English pensioner, was coming and going to the Border "on certain matters to be done by him for the king."<sup>61</sup> Probably Douglas and Albany were already conspiring together. Albany was lodged in the castle: he escaped by the old device of twisting his sheets into a rope, and might have been seen walking to Leith, carrying his page, whose legs were broken in trying the length of the rope. This, at least, was an honourable action to be credited to Albany. He made for Dunbar, which he ordered to be held as his gate of return to Scotland, and thence went to France, where he was received but not aided by Louis XI. Dunbar was battered down by Lord Evandale, and a sentence of forfeiture was left hanging over the head of Albany in exile. England now grew indifferent to the arrangements for the royal marriage (knowing that James was intriguing with Louis XI., as Edward IV. was probably intriguing with Albany), and behaved unfriendly. James made preparations for war, and the Lord of the Isles brought a contingent. James was hindered from crossing the Border by a Papal Nuncio, whose remonstrances did not prevent the English

from making a raid by sea and land (1481).<sup>62</sup> In Scotland was famine, and a copper or billon coinage, unpopular, and doubtless debased. Against the danger from England, an appearance of spirit was shown. Parliament met at Edinburgh in March 1482. Edward IV. was styled "the reiver Edward, calling himself King of England." Preparations for war against Edward and the Traitor Douglas were begun. But the protesting patriots, or some of them, were about to prove traitors as black as Douglas himself, ready to sell Scotland into slavery. Albany, early in May 1482, had been brought over from France to England by one James Douglas. The whole of Albany's intrigues, indeed, are part of the Douglas schemes for restoration. On June 10, 1482, Albany, signing himself "Alexander R.," owned himself to be Edward's liegeman, and promised, if aided by England in obtaining the Scottish crown, to do all that Edward Balliol had done.<sup>63</sup> Gloucester (Richard III.) marched to aid Albany. He took Berwick town, and ravaged widely. James summoned his patriotic lieges. The Earl of Angus, "Archibald Bell the Cat" (who won the nickname on this occasion), with many other lords, gathered their forces, nominally to aid, really to coerce, James. There was much discontent about the "black silver," debased coinage of billon, which was attributed, perhaps wrongly, to Cochrane, the low-born favourite. While Albany, with the Earl of Douglas, and the Duke of Gloucester (Richard III.) were advancing into Scotland, the Scottish earls, led by Angus, Bell the Cat, in force at Lauder, arrested the king in his tent, and hanged Cochrane, with other favourites, over Lauder Bridge.<sup>64</sup> James was now shut up in Edinburgh Castle, and the land was left open to the English and the renegades. Berwick, restored by Henry VI., once more became English as regards the town; Gloucester (August 24) took the castle. Probably, however, the majority of the nobles could not assent to Albany's whole treasonable scheme, of which they must now have had knowledge. Argyll, the Archbishop of St Andrews, and Evandale, the Chancellor, patched up a compromise (August 2). Albany received an indemnity, and restoration to his estates and offices. The instalments of money advanced by Edward IV. towards his daughter's dowry were repaid (the burgh of Edinburgh being surety, and receiving reward in its erection into a sheriffdom), and the English match was dropped. By a kind of pseudo-siege, Albany took Edinburgh Castle from the king's custodians, his uncles, sons of the widow of James I., by the

Black Knight of Lorne. They were respectively Earls of Buchan and Atholl. A new ministry came in, to use modern language, and James was obliged to feign gratitude to them, and to Albany, as his deliverers (Dec. 11, 1482). Albany was made Earl of Mar, and Lieutenant-General. None the less, in January 1482-83, Albany, at Dunbar, sent Angus with other agents into England. The contract of the previous year was renewed (Feb. 11, 1483): Edward was to help Albany to the Crown. Should Albany die, the traitor earls were to be lieges of the English king, and hold their castles for him.<sup>65</sup> It will be observed that Angus and Albany were as ready to betray Scotland as, later, were another Angus and the Solway prisoners of Henry VIII. In fact, England had never any lack of Scottish lords who were ready to sell the national independence.

While Albany's odious arrangement was concluded on February 11, 1483, the 19th of March found him reduced, how we know not, to a covenant of a very different kind with his brother, King James. He acknowledged his treasons; he laid down his lieutenancy; he, Angus, and Buchan were forbidden to come within six miles of James: but he received a full pardon; he kept his estates, and that Border wardenship which, with Dunbar Castle, left the key of the realm in the hands of a convicted traitor. He forswore the intimacy of Atholl, Buchan, and Angus, and entered into a special "band" of manrent with his royal brother, whom he formally exculpated from the slanderous charge of seeking his life by poison. His associates were deprived of office, and some were exiled.<sup>66</sup> It would be interesting to know how this revolution was effected. Probably Albany's English treaty of February was betrayed, and the general sense of the nobles was rallied to James, or, at all events, not sold to England.

Albany, more than half in disgrace, garrisoned Dunbar, went to England, renewed his intrigues, and suffered Dunbar to fall into English hands. The death of Edward IV. now occurred (April 9, 1483), and Albany, deprived of his ally, and having filled up the measure of his iniquities, was condemned in absence, and forfeited, in an unusually full assembly of Parliament, July 7, 1483.<sup>67</sup> He remained conspiring in England. Lesley characteristically blames "certaine of meane lynage, quhome the king had taken agane to be his counsalloures." In what way James won the Three Estates over to his cause, we cannot tell. In February

1484, Lord Crichton, with many others, was forfeited, as an abettor of Albany.<sup>68</sup> James set about strengthening his position by appointing Argyll, with other envoys, to negotiate for his son James a marriage with the Lady Anne, niece of Richard III. They were also to conclude a peace and alliance with England.<sup>69</sup> In September 1484 a three years' truce was settled, not including Dunbar. Albany and Douglas had invaded Scotland (July 22, 1484) with a small force, and had been dispersed at Lochmaben, Albany escaping by the speed of his horse, while Douglas was taken. If ever man deserved death it was he, but he was merely secluded at Lindores, in the monastery, where he died in 1488. He had thrown away the chance offered by public horror at his brother's murder by James II., and had drifted later into the most shameless and most futile of treasons to his country. Albany escaped to France, and was slain in a tournament. Probably no more treacherous prince ever disgraced the House of Stuart; but he had popular qualities, and fares well at the hands of Scottish historians.

After Richard III. fell at Bosworth (August 22, 1485), the policy of Henry VII. promised peace to Scotland. For a king usually described as an æsthetic dreamer, James III. had now reached a strange position of power. Safe from England, allied with France, freed from Douglas and Albany, James boldly re-negotiated with Rome as to the freedom of Scottish episcopal appointments. Benefices in Scotland, purchased in the court of Rome, were not to be recognised: the holders were to be prosecuted for treason. This was the national policy which Graham disregarded when he "purchased" his Primacy at Rome. If the wisdom of a Scottish king is attested by the measure of his anxiety for peace and friendship with England, James III. was wise indeed. He had suffered, like others, from a tendency to trust Louis XI., and to side with France. Cured of that folly, he was constantly occupied with negotiations for English marriages. His son's marriage with the Princess Cecily failed; his sister Margaret (perhaps because of a private scandal)<sup>70</sup> did not marry Lord Rivers, nor did his son marry the niece of Richard III. On November 28, 1487, an indenture was made to the following effect: James (second son of the Scottish king) is to marry Katherine, third daughter of the late Edward IV.; James III. is to wed the widow of Edward IV.; and James, Duke of Rothesay, the Scottish king's eldest son, is to espouse another daughter of Edward IV.

Thus the feud about Berwick will cease, James desiring the town and castle to be delivered to him as soon as any one of the three marriages is settled. There is to be a "Diet" to consider these matters at Edinburgh on January 24, 1488, and another in May, at a place chosen by the two kings, who are to meet personally in July 1488.<sup>71</sup> The Bishop of Exeter and Sir Richard Edgcombe arranged these proposals for Henry VII.; for James acted the Bishop of Aberdeen, and that John Ramsay, Earl of Bothwell, who escaped the massacre of Lauder Bridge. By the account of Ferrerius he was especially hateful at this time to the other Scottish nobles. Yet there seems nothing unworthy, or unpatriotic, in James's desire to secure peace with honour, and with the recovery of Berwick. Mr Hume Brown, however, writes: "With Henry, James showed an eagerness to be on friendly terms that confirms a charge which his subjects brought against him of undue leanings towards England."<sup>72</sup> Now this charge was published after James's murder, and in their own justification, by those rebellious subjects of his who were themselves, as we shall see, intriguing with Henry VII., and authorised to visit him. It seems hard to condemn, on such factious evidence, a prince who was only working for international peace. He gained civil war. James IV. and James V. are constantly upbraided for not doing the very thing which James III. is execrated for having done. The remarks of Lesley, Queen Mary's Bishop of Ross, indicate the prevalent view: James, after trying to secure peace, lived "by the advice of men of the lowest possible description," "a crew of abandoned wretches." Now James's ambassadors, besides Bothwell, were the Bishop of Aberdeen, Lord Kennedy, the Abbot of Holyrood, Archibald Whitelaw, and John Ross, King's Advocate; while the Archbishop of St Andrews, the Bishop of Glasgow, and the Abbot of Cambuskenneth were also among his emissaries.<sup>73</sup> None the less does Lesley represent the gathering rebellion of men like Angus, who had deliberately tried to betray Scotland to England, as a patriotic endeavour to free James *a flagitiosorum hominum colluvione*.<sup>74</sup>

It is obvious that the history of this king is corrupted by the influence of a parcel of treacherous nobles, who murdered the king first and then reviled him. He sought international peace; he was accused of desiring it merely for purposes of domestic tyranny: he gained intestine war. His discontented nobles (as a rule those of the South) conspired his deposition. As to his alleged misdeeds in

the matter of the coinage, their precise measure of iniquity may be left to the professed bullionist.<sup>75</sup>

His queen's death probably made it easier for a party of the nobles to secure the favour of her eldest son, the fatal "whelp," a boy of fifteen, later James IV. Nothing, of course, is more usual than for the Opposition to ally itself with the heir to the throne. Many of the nobles knew that the guilt of Lauder Bridge still hung over their heads, while the king had lately shown a vigour which might easily become revengeful. James, again, might forgive, but his advisers would ever be hungry for the forfeiture of the murderous lords. In a Parliament of October 13, 1487, they are said to have suggested an arrangement by which they would drop all their grievances, on condition of an amnesty. The Estates, on the other hand, carried an Act for the refusal of all pardons to traitors and murderers and other criminals for a space of seven years. A similar recommendation had been made by the Three Estates long before. Parliament was prorogued to January 29, 1488; James, meanwhile, disproved beforehand the later accusation hypocritically brought against him, of "bringing in the English." He interrupted negotiations for the English marriages of himself and his son by insisting on the surrender or destruction of Berwick Castle.<sup>76</sup> Parliament met; James showed a bold front, and offended the Humes on a point of clerical patronage, annexing the Priory of Coldingham to the royal chapel of Stirling, and it was plain that he was not to be intimidated. Therefore Angus, ever a traitor, Argyll (usually true to the throne), Lyle, Drummond, Hailes, Blackader, the Bishop of Glasgow (for the measures against dealing in benefices with Rome were perhaps resented), and a strong party, induced Prince James to join them in arms. The king later deprived Argyll of office (he had been Chancellor), and sent his uncle, Buchan, and Bothwell (Ramsay who escaped at Lauder Bridge) to England, it was said to ask for the support of an English force against his rebels.<sup>77</sup> The rebel nobles, with the Prince, then declared that James had ceased to reign, proclaimed his son as his successor, made Argyll Chancellor, and, themselves, intrigued with Henry VII.<sup>78</sup> Thus both parties looked for English aid; but that James III. offered to sell his country for that assistance, like Albany, Angus, and Douglas, is a legend quite unsupported by testimony. The South being in arms against him, the king crossed the Firth of Forth, and was welcomed by his uncle Atholl, Huntly, Crawford, and Lord Lindsay of the

Byres, who gave him a grey charger, "that would outrun all the horses of Scotland at his pleasure, *if he would sit well!*"<sup>79</sup> In brief, James gathered all the chivalry of the Northern Lowlands, Errol, Glamis, Forbes, Tullibardine, and many more. They, at least, were not alienated by his amateurship and shocking relations with a lady named "The Daisy." He marched south, and found his son with the rebel Angus and the rest of the insurgents at Blackness, on the Firth of Forth. It is difficult to ascertain the details of what occurred, as presented in the verbiage of the rebel party after their victory. Terms of feeble leniency were granted by James to the Prince and his allies :—

*"Mercy, ill-timed, ill-placed, their only crime,  
To trust too much and trust it out of time!"*

was, says a poet of a later age, the fault of the Stuarts.<sup>80</sup> According to what the rebels declared, in self-excuse, the terms here granted by James III. were not honourably kept.<sup>81</sup> James retired to Edinburgh Castle, while his son and his son's faction met again in arms, on the pretence that Bothwell and Buchan were bringing in the English for their destruction. It is vain to ask for the special motives (the excuse we have seen) of men who probably felt that their only security lay in revolution. James gathered the loyal forces,—Montrose, Lindsay, Erskine, Atholl, Huntly came in; his second son he had already (January 1488) created Duke of Ross; he next advanced to Stirling, to join hands with the chivalry of the North. He was shut out from Stirling Castle, by the treacherous governor, Shaw of Sauchie. The rebels, meanwhile, were lying between James and Falkirk, in the old cock-pit of Scotland. James met them near Sauchie Burn, hard by Bannockburn: he himself was actually girt with the sword of Bruce!<sup>82</sup> His first line, led by Atholl and Huntly, was composed of Highlanders, from Atholl, probably: in the centre were loyal burghers, for the king's cause was theirs. In the rear were Menteith's levies, and Fife lent her cavalry. The rebel front, under Hailes and Hume, were the spearmen of the Merse. The Border freebooters and Galloway men were in the second line; in the main battle were the unhappy Prince, Angus, and the chief conspirators. The certain fact as to the result is, that James sped from the field, alone and unguarded, whether carried off by a horse which he could not manage, or not, is unknown. That a monarch, even if a coward, should voluntarily fly, unattended by



even a single squire, in a country of doubtful loyalty, with Stirling closed against him, is improbable. Like Edward II., the fugitive would have a guard of knights. The popular legend is that he fell, and was hurt, by the swerving of his horse, at Beaton's Mill, and was stabbed as he lay in bed in the cottage by a false, or feigned, priest, who heard his confession (June 11). Ferrerius says that, his horse failing him, he fled on foot, was tracked by pursuers, who found his horse, and was done to death. Buchanan divides the guilt among the pursuers, Patrick Gray, Stirling of Keir, and a priest named Borthwick. We have no real evidence; but it is certain that James "happinit to be slain," as his enemies declared.

So ended a reign whereof the chief interest lies in secret history, which must remain secret. If we knew why Argyll changed sides, we might have a chance of fathoming the mysteries of motive and intrigue. The darkest charge on the memory of James, the alleged murder of his brother, Mar, was not even thrown at him by his rebels, who obeyed the maxim of throwing mud enough. A mistaken or indolent clemency, as when he spared Douglas, is rather the fault of the unhappy monarch, whose dark hair, ivory face, and southern complexion, in an authentic portrait at Holyrood, remind us of James VII. and of James VIII. He was not for that age, and, granting that he was not revengeful but clement or easy, the iron men who opposed him were incapable of believing in such qualities, and could see no safety for themselves but in his destruction. They did not find it impossible to corrupt a boy, his son, and so Angus achieved a treason memorable even in the annals of his evil house. James was personally obnoxious to some of his nobles, because their very elementary education did not fit them for his society. The latest historian of the House of Douglas maintains, to be sure, that Angus wrote a good hand, but more was needed than this humble accomplishment by the art-loving king. The people (who were inclined to, and fought for, the royal cause, and who mourned their master) were told that James had amassed large secret treasures. He had not done so by taxation at all events. Many *cinque-cento* jewels and some thousands in gold were found in his coffers; if greater wealth he had (and his bulks no larger than Bishop Kennedy's), it never reached his successor's hands. James was, we have seen, not a good horseman, whereas Mar and Albany were horse-breeders. It is, thus, easy to understand that James could not be popular in military and sport-

ing circles. Yet the brave Sir Andrew Wood was attached to him, and faithful to the last. Unfavourable tradition reflects itself in the works of Lesley, Pitscottie, and Buchanan.

We talk of the evil destiny of the early Stuarts. But were their English contemporaries more fortunate, or more faultless? and what combination of qualities could then have preserved a King of Scots from being either regarded as a tyrant, like James I., or as a weakling, like James III.? The history of the early Stuarts was poisoned near its sources by the inventions of Boece, the legends of the irrepressible Pitscottie, the credulity of Lesley, and the animus of Buchanan. These writers, it is true, had not often before them the evidence of public documents, and so could not know the manifold treasons of the Douglasses and of Albany, preserved in the collection of 'Fœdera.' Here is an anecdote concerning James III., in which Buchanan rivals Tacitus or Suetonius: "William, Lord Crichton, had a wife of noted beauty, a daughter of the noble house of Dunbar. Learning that she had been seduced by the king, her lord took a resolve, rash, indeed, but congenial to wounded love and injured honour. He corrupted the king's younger sister, remarked for her beauty, and infamous for an incestuous love with her royal brother. By her Crichton begat Margaret Crichton, whose death is recent."<sup>83</sup> No evidence is given by him who first adulated and then reviled Queen Mary. Mr Tytler points out that the wife of William, Lord Crichton, was not a lady of the house of Dunbar. Lady Janet Dunbar was Crichton's mother, not his wife. Did James seduce that respectable matron? Mr Burnett, an eminent authority, accepts the opinion that Crichton, about 1482, did seduce James's sister, Margaret, and so, probably, prevent her marriage with Lord Rivers.<sup>84</sup> Lesley's tale that James had a mistress, "The Daisy" (is this another stroke at Margaret?), is a mere popular tradition. If it were true, James would be no worse than Knox's "faithful laird of Raith," or than most men and monarchs. The early Scottish historians were lively; but it is deplorable that the modern writer must often regard their romances as fairy-tales, to the great loss of anecdote and personal interest.

To have loved art, in the bloom of its revival, is no discredit to monarch or man. To have been guided in affairs by the opinion of artists would be less creditable, if it were proved to be true, but whom could James trust among the great? His mother, said to have been in love with Hailes and the Duke of Somerset, placed

no good example before his youth. Then he was ensnared by the cynical Boyds, betrayed by Douglas, betrayed by his brother Albany, outraged and betrayed by Angus, attacked by his own son. In spite of all, he now and again recovered power when recovery seemed desperate. Historians deny that he was "a mere weakling," and almost in the next page blame him for "weakness and folly."<sup>85</sup> The charges of his treacherous enemies are accepted, when they accuse him of the very crime which they were themselves committing. We know too little of the facts to sit as judges on the unfortunate king.<sup>86</sup>

As to constitutional progress in this reign, it has been well observed that the Estates "were the mere instrument of the faction that chanced to be in the ascendant."<sup>87</sup> There was hardly such a thing in Scotland as an opposition in Parliament. The representatives of the burghs, not sitting in a separate House of Commons with the smaller barons, were practically powerless. We do not know exactly how, in all cases, the Lords of the Articles, the all-powerful Committee, were elected, but it was probably by arrangement among the faction which governed or misgoverned the realm. "The morals of the clergy and the government of the Church" are said to have shown "a rapid declension." That they had done, according to James I., in his earlier reign. James III. opposed trafficking with Rome, as we have seen; but the appointment of Graham to St Andrews, in the king's childhood, looks like nepotism, the new bishop being the half-brother of the late prelate, and of the greedy Lord Kennedy, a partner in the iniquity of the Boyds. Of Schevez (who had been the king's physician) we know little save from charges of astrology and intrigue. He liked scholarly books and wrote a scholar's hand, as we know from a volume in his collection, now in the University Library of St Andrews. In 1482 he helped to make the arrangement with Albany which gave a breathing-space in the anarchy of the hour. The two following reigns were to show ecclesiastical corruption in more conspicuous vigour than did that which closed darkly in the crime of Beaton's Mill.<sup>88</sup>

## NOTES TO CHAPTER XII.

<sup>1</sup> Lesley (S.T.S.), ii. 91, 163. Lesley chiefly objects to the appointments of nobles to Church possessions.

<sup>2</sup> The reign of James II. is obscure for lack of contemporary evidence. We have two pages of summary by an anonymous continuator of Bower. There is also the scanty and informal 'Addiciun of Scottis Croniklis and Deedes,' which in 1730 became the property of James Boswell's father, Lord Auchinleck; hence it is cited as the 'Auchinleck Chronicle.' There are a few paragraphs in Law's manuscript, an abridgment of the 'Scotichronicon,' and there is Hector Boece, the friend of Erasmus, who wrote long after date in the full Renaissance. There are also letters and the published Exchequer Rolls. The *Quellen* of Boece remain a mystery; but "his word no man relies on." Lindsay of Pitscottie, Bishop Lesley, and Drummond of Hawthornden follow Boece. Why chronicles are so scant, in the age of the learned Kennedy, founder of St Salvator's College in St Andrews, is matter for conjecture.

<sup>3</sup> Exchequer Rolls, v. xliv, 179, 156.

<sup>4</sup> The amazing blunder about Bedford's death, in Bower, shows how chroniclers could err about matters within their own knowledge, and Boece may possibly have followed some such blind guides.

<sup>5</sup> Act. Parl. Scot., ii. 54.

<sup>6</sup> Boece is the only authority for the ominous appearance of the bull's head on the table before the slaying of the young Douglasses, nor is this custom of heralding a murder elsewhere known. That the bull was a black bull, Scott probably inferred from a ballad verse cited by Hume of Godscroft—

"Edinburgh Castle, town, and tower,  
God grant ye sink for sin,  
And that even for the *black* dinner  
Earl Douglas gat therein."

For the suspicions as to the complicity of James the Gross, cf. Hume Brown, p. 225. Mr Crockett's novel 'The Black Douglas' is also severe on the fat earl.

<sup>7</sup> This is usually said, but Bruce, Bishop of Glasgow, must have soon superseded Kennedy. Exchequer Rolls, v. lx.

<sup>8</sup> This Celt was one of the two who handed over Robert Graham to the tormentors. He was rewarded by Strowan, and other lands in Atholl, and was ancestor of the Robertsons of Strowan, who produced a Jacobite poet, long after, grandfather of a better poet, Lady Nairne.

<sup>9</sup> Auchinleck Chronicle, p. 8.

<sup>10</sup> James denounces him for "taking our castle of Dunbar, burning, *herships* [not "her ships" as in Exchequer Rolls, v. lxvii, Note 2, citing Raine's 'History of North Durham,' Appendix, p. 22], slaughter, oppression," and so on (April 1446). What was the queen doing in his company?

<sup>11</sup> I had originally dated the battle of Sark "October 1448." Lesley dates it "the year 1450." A friend has kindly suggested the following list of dates at this period:—

1444, May 18. Proclamation of Ten Years' Truce with England. (Bain, iv., No. 1167; *Fœdera*, xi. 58.)

1448, December 18. Lincluden Conference. (Act. Parl. Scot., i. 714.)

May 10, 1449. Prior to this the truce is broken.

May 1449. Percy and Ogle burn Dunbar.

May 10. James appoints commissioners to negotiate with England. (Bain, iv., No. 1212; *Fœdera*, xi. 229.) The commissioners are "to prolong the truce and conclude a peace."

June 1449. Salisbury burns Dumfries. Douglas burns Alnwick.

July 10, 1449. A truce concluded from 10th August to September 20. (*Fœdera*, xi. 233.)

July 18. Douglas burns Warkworth.

September 18. Truce renewed till November 9. (Bain, iv. No. 1216.) Truce interrupted by hostilities.

October 23, 1449. Battle of Sark.

November 5. Truce concluded at Durham. (Bain, iv. No. 1222.)

Mr Burnett, in Exchequer Rolls, v. lxxiii, makes the burnings and battle of Sark occur in 1448, while (p. lxxviii) he casually prints "1469" for "1449."

<sup>12</sup> The Auchinleck author, after saying that James Livingstone was put to death, announces his escape!

<sup>13</sup> Lectures, pp. 124, 125.

<sup>14</sup> Book of Douglas, i. 465.

<sup>15</sup> Tytler, ii. 22 (1873); 145 (1864).

<sup>16</sup> Exchequer Rolls, v. lxxxiv-xciii.

<sup>17</sup> Compare Book of Douglas, i. 467, with Tytler, ii. 34, 35; 151, 152 (1864). Law's MS. blames Trumbul, Bishop of Glasgow, and the Crichtons, for making James attack Douglas's property, and intend his death: cited in Exchequer Rolls, v. lxxxv.

<sup>18</sup> Auchinleck Chronicle, p. 9.

<sup>19</sup> Book of Douglas, i. 471.

<sup>20</sup> Auchinleck Chronicle, pp. 45-49.

<sup>21</sup> Exchequer Rolls, v. lxxxvii.

<sup>22</sup> Act. Parl., ii. 73.

<sup>23</sup> Compare Book of Douglas, i. 472-475; and Act. Parl., ii. 73.

<sup>24</sup> Auchinleck Chronicle, 47.

<sup>25</sup> Rot. Parl. Scot., ii. 358; *Fœdera*, xi. 310.

<sup>26</sup> The House of Hamilton, later all but royal, first makes a deep mark in history with this James, first Lord Hamilton. The origin of the family is matter of dispute; the Regent Arran, about 1544, boasted that his lineage was English. Walter Fitz Gilbert de Hameldone signs Ragman's Roll (Bain, ii. 212). At that date Hamilton, or Hameldone, does not appear to have been a Scottish place-name. There is a Hambleton in Bucks, and another (the cradle of cricket) in Hants. Douglas, in his 'Peerage,' derives the Scottish Hamiltons from the de Bellamonts of Normandy, and from William, born at Hambleton in Bucks, third son of Robert de Bellamont, third Earl of Leicester. Sir William Fraser, in his Haddington Book, rejects this theory, and prefers that of a Northumbrian lineage, from a Walter Fitz Gilbert (died *circa*. 1201-1207). His wife was Emma de Umfraville, and bore a single cinquefoil. The Hamiltons bear three cinquefoils, as may be seen on Archbishop Hamilton's castle of St Andrews. But whence came the name of Hambleton, or Hamilton? Not from estates in Scotland granted to Walter Fitz Gilbert, calling himself "de Hameldone" in 1296. His descendants changed to Hamilton the name of their estate of Cadzow. The ancestor of the Hamiltons was on the English side, holding Bothwell Castle till after Bannockburn. He then changed parties, and received Cadzow from Bruce. The sixth

Lord of Cadzow is James, first Lord Hamilton, so created in 1445. He was a Douglas man, and accompanied Douglas to the Jubilee in 1450. As we see, he went over to James at the siege of Abercorn, and obtained the lands of Abercorn from the grateful king. He also entered into a band of man-rent with the Red Douglas of Angus, the supplanter of the Black Douglas family. His marriage later with the Princess Mary, sister of James III., consolidated the House, which, according to a saying attributed to Knox, consisted wholly of murderers! (I have been permitted to use the MS. "Chapter of Family History" by Lady Baillie-Hamilton.)

<sup>27</sup> Book of Douglas, i. 486. Exchequer Rolls, v. cvi, cvii. *Fœdera*, xi. 336. Douglas, Hamilton, and many of their kin got safe-conducts for three years, in May 1453, from Henry VI. (*Fœdera*, xi. 326, 327). The difficulties about dates are here illustrated. Mr Hume Brown accepts Douglas's dealings, in May, with the rebel Celts. Sir William Fraser, *loc. cit.*, makes them seem hardly probable. Hume Brown, 236.

<sup>28</sup> We have the brief Auchinleck Chronicle, and occasional allusions in the Paston Letters. There is also, though it was unknown to Mr Burnett, the learned editor of the Exchequer Rolls, a curious despatch of Bishop Kennedy's. It was written, for the edification of Louis XI., in March-April 1464. Before that date Kennedy had been negotiating with Edward IV. (*Fœdera*, xi. 509), and had abandoned the interests of the House of Lancaster. Louis XI. had preceded him in this policy—in fact, his veering caused Kennedy to veer. The Bishop, however, though he was taking a pension from England, expresses his loyalty to France. His despatch is printed in vol. iii. p. 164 of the 'Anchiennes Croniques d'Angleterre' of Wavrin, a contemporary who was with Fastolf when he fled from Jeanne d'Arc at Pathay (1429). There are other letters and allusions in Wavrin's text. The public records, as in 'Fœdera' and Mr Bain's Calendar, supply a backbone of dates. Bishop Lesley's History (Scottish Text Society, 1895, a Scots translation from Lesley's Latin) is, in many parts, a summarised and occasionally altered version of the work of Ferrerius, an Italian clerk long resident in Scotland, where he was living in 1529. Ferrerius wrote at the request, and relied on certain promised papers and collections, of Henry Sinclair, Bishop of Ross. But the Bishop died of the stone at Paris early in 1565; his papers were carried away by his brother, and Ferrerius had to trust to his own resources. In some cases these were the recollections of contemporaries. The character and conduct of James III. are described by Ferrerius with strange inconsistency. He appears to be distracted between his own impressions and the prejudiced and aristocratic traditions of the king's enemies. These are expressed in the apology of his successful opponents as set forth in the Acts of Parliament after the murder of the king. To this day (as in Mr Tytler's History and perhaps in that of Mr Hume Brown) the indecision of Ferrerius is reflected. Buchanan, though not unprejudiced, had knowledge of some facts not possessed by Ferrerius or Lesley, while he ignores others of which Lesley had an inkling. See note 88.

<sup>29</sup> Wavrin, ii. 302; Buchanan (1582), fol. 130.

<sup>30</sup> Playter to John Paston. Paston Letters, Gairdner, ii. 13.

<sup>31</sup> *Fœdera*, xi. 474.

<sup>32</sup> *Fœdera*, xi. 475. Mr Burnett, Exchequer Rolls, vii. xli, xlii, dates these events 1462. He appears to have been misled by a document in 'Rotuli Scotiæ,' and in 'Fœdera,' xi. 487, column 1, which is dated Feb. 13, MCCCCLXII (1462)—that is, 1463 in our reckoning. But either that document was written a year later than those which accompany it, or there is a mistake of the press, or Rymer

altered it from the old to the historical year. The entry causes great trouble and confusion.

<sup>33</sup> Fœdera, xi. 487. Mr Hume Brown writes, "On the 19th of October" (1461) "Edward promised protection to every Scot who would assist Douglas in his attempt to conquer the country." This is an oversight; these letters of assurance are of October 19, 1462. Fœdera, xi. 492; Hume Brown, p. 252.

<sup>34</sup> Fœdera, xi. 477.

<sup>35</sup> Fœdera, xi. 484-487.

<sup>36</sup> Bain, iv. 270.

<sup>37</sup> Playter to John Paston. Paston Letters, ii. 110, 111.

<sup>38</sup> "Nos, volentes . . . dictam conventionem *ad debitum produci effectum*."—Fœdera, xi. 499. The homages of the Island chiefs were to be taken.

<sup>39</sup> Wavrin, iii. 163, 164 (Paris, 1863). Ferrerius, p. 386. Appendix to Boethius (Paris, 1574).

<sup>40</sup> Fœdera, xi. 502.

<sup>41</sup> Fœdera, xi. 509.

<sup>42</sup> Bain, iv. 276.

<sup>43</sup> Fœdera, xi. 510.

<sup>44</sup> Fœdera, xi. 525.

<sup>45</sup> Fœdera, xi. 535.

<sup>46</sup> Exchequer Rolls, vii. lvi, note 4; Arbroath Chartulary, p. 145; Grub, i. 375.

<sup>47</sup> Tytler, ii. Note O (edition of 1863).

<sup>48</sup> Paston Letters, iii. 47.

<sup>49</sup> Tytler, ii. 72; ii. 206 (1864).

<sup>50</sup> Tytler, ii. 64, 195 (1864).

<sup>51</sup> Stat. Eccles. Scot., i. cviii.

<sup>52</sup> Theiner, Vet. Mon., p. 480.

<sup>53</sup> Statuta Ecclesiæ Scoticanæ, pp. cxv, cxvi. The Nuncio's report is cited.

We shall probably never understand the intrigues connected with Graham. Buchanan writes with great confidence, but does not seem to be well informed. According to him the Boyds and Kennedys, despite their band (of which he says nothing), really quarrelled when James was abducted. Lord Kennedy was assaulted by Alexander Boyd and imprisoned; later he retired to Carrick, and Bishop Kennedy to Fife (July 1466). Now Bishop Kennedy, at this time, had lain for a year in his grave. Next, the Boyds assailed Graham, who had been elected to the archbishopric by his canons, and drove him to Rome, to seek confirmation in his see. While he was still at Rome, the old question of the Independence of the Scottish Church was revived by the Archbishop of York. Graham, however, obtained the Primacy, and the office of Legate for three years, that he might restore ecclesiastical discipline. Yet he dared not return home till the Boyds fell from power. Now, in fact, the Boyds fell in 1469, and Graham did not secure the erection of St Andrews into a metropolitan see till August 1472. Mr Hume Brown writes (p. 263), "From the first Graham had many and powerful enemies; and he consequently betook himself to Rome, where he seems to have made his residence." At the first, on the other hand, Graham was included in the Boyd-Kennedy band, and had powerful *friends*. Dickson (Treasurer's Accounts, p. xlvi) holds that, after the seizure of James, the Boyds persecuted Kennedy and drove him to Rome, where he resided for some years, and only returned about November 1473, when he knew the state of affairs that followed on the ruin of the Boyds. All this leaves the impression that Graham was at Rome from, say, 1467 to 1473, when we know that he returned. But, as a matter of fact, Graham was

present at the Parliament in Edinburgh on October 14, 1467. He compeared by his procurators in Parliament at Stirling on January 12, 1467-68. In 1468, again, he was one of the Lords of the Articles in a Parliament at Edinburgh (no date of month is given). Now, as far as we understand, the Lords of the Articles were apt to be chosen from the dominant faction—namely, in 1468, that of the Boyds. On November 21, 1469, Graham was present in Parliament, and was a Lord of the Articles. This was the very Parliament that found the Boyds guilty of treason, which demonstrates beyond doubt the inaccuracy of Buchanan. In July 1470, Graham gave judgment in a university squabble. On May 6, 1471, Graham was present at Parliament in Edinburgh. He is not mentioned in the session of August 2, 1471, nor in that of February 17, 1471-72. His name does not occur in records of July 1473, May 1474, November 1475, nor July 1476. Thus we have proof that Graham was in Scotland in 1467, 1468, 1469, 1470, and 1471. On November 28, 1468, was made out for him an English safe-conduct to pass through Edward's dominions to France, Brittany, Flanders, and Picardy—the warrant to run for two years. Probably Graham's visit to Rome was between May 6, 1471, and November 1473. We observe no traces of the "powerful enemies" and the prolonged Roman residence. All this throws doubt on the whole story of Buchanan, according to which Graham is a martyr for the regular appointment of bishops *a collegiis canonicorum*, as against the *aulici*, or courtiers, who desired the king to make such appointments himself. Graham *may* have been "the sole drag on the headlong Church," and therefore may have been persecuted. But Buchanan is so incorrect that we cannot rely on his details, such as that Rome turned against him because he could not pay the fees demanded by the Holy See (Buchanan, foll. 135-137; Act. Parl. Scot., ii. 87, 89, 91, 93, 98; Concilia Scotiæ, i. cviii; Martine, Reliquiæ S. Andreæ, pp. 130, 236; Bain, iv. No. 1382).

<sup>54</sup> Henry VI. gave licences to search for the Elixir Vitæ and the Philosopher's Stone. James IV. was addicted to Alchemy.

<sup>55</sup> Act. Parl., ii. 104.

<sup>56</sup> James IV. was born March 17, 1473.

<sup>57</sup> Act. Parl. Scot., ii. 113. The historians of Clan Donald (p. 249) sneer at Argyll for accepting the part of "public policeman." The family of Argyll was usually loyal to the throne, and Highlanders were generally employed to catch Highlanders. This page in history is extremely obscure.

<sup>58</sup> For the Celtic confusions, see Clan Donald, pp. 244-282.

<sup>59</sup> This scrap is printed by Pinkerton, i. 503.

<sup>60</sup> Lesley, ii. 94, 95, seems to follow the old chronicle, printed by Pinkerton. Andreas, a Fleming, was James's astrologer; we have no details of any value about these people and events.

<sup>61</sup> Bain, iv. 299, 1479-80.

<sup>62</sup> Notes of English warlike preparations, the appointment of Gloucester to supreme command on the Border, and angry charges against James, occur in 'Fœdera,' xii. 115 (May 12, 1480), 117, 139. For James Douglas, master of the Michael, who brought Albany to England, cf. Fœdera, xii. 154. Exchequer Rolls, ix. xxxvii-xxxix, may be consulted.

<sup>63</sup> Fœdera, xii. 145, 146.

<sup>64</sup> The chroniclers are not to be trusted. They say that Hommyl, the tailor, was hanged, which the editor of the Exchequer Rolls proves to be incorrect. Buchanan heaps up charges of adultery against James, which Mr Tytler believes to be without evidence. Albany's treacherous arrangement with Edward IV. is unknown to or ignored by Buchanan. Lesley admits, however, that Edward



promised to make Albany king; the abject conditions are not stated. Lesley, ii. 97; Tytler, ii. 84, 85 (1874).

<sup>65</sup> Fœdera, xii. 172-176, Feb. 11, 1482-83.

<sup>66</sup> Tytler, ii. 226, quoting MS. of March 16, 1482-83; Act. Parl., xii. 31-33, giving date March 19.

<sup>67</sup> Act. Parl., ii. 146.

<sup>68</sup> Buchanan, fol. 141. See note 88.

<sup>69</sup> August 30, 31, 1484; Bain, iv. 308; Fœdera, xii. 232-234.

<sup>70</sup> See note 88.

<sup>71</sup> Fœdera, xii. 320-330.

<sup>72</sup> Hume Brown, p. 283.

<sup>73</sup> Bain, iv. 311.

<sup>74</sup> Lesley, De Origine, &c., p. 327. Rome, 1578.

<sup>75</sup> See Exchequer Rolls, ix. lxi-lxviii.

<sup>76</sup> Act. Parl. Scot., ii. 182; Rot. Scot., ii. 483. Cf. Exchequer Rolls, x. xxxvi.

<sup>77</sup> Fœdera, xii. 334. No names are mentioned here.

<sup>78</sup> Fœdera, xii. 340. Henry granted passports to the Bishops of Glasgow and Dunkeld, and to Argyll, Hume, and others, to come to England with 100 horse. Bain, iv. 314. May Day, 1488.

<sup>79</sup> Anecdotes in Pitscottie.

<sup>80</sup> Loyal Songs, 1750.

<sup>81</sup> Act. Parl., ii. 210, 211.

<sup>82</sup> Exchequer Rolls, x. xxxix.

<sup>83</sup> Buchanan, fol. 141.

<sup>84</sup> Exchequer Rolls, viii. lxii, lxiii. See note 88.

<sup>85</sup> Hume Brown, History of Scotland, pp. 280, 284.

<sup>86</sup> James's acquaintance with Cochrane, "the mason," is rather mysterious. We may venture a guess that when James's mother was building "the magnificent Trinity College Church and Hospital" (about 1462), an intelligent child like James might make friends with an artist employed.

<sup>87</sup> Hume Brown, 288.

<sup>88</sup> If the reign and character of James III. are a puzzle, we must blame the contradictions of Ferrerius. On his page 391 he applauds the personal beauty and strength of James, who again (p. 402) "excelled all the princes of his day in strength and beauty of face and figure." He showed "the most vivacious intellect in all provinces of the mind." He patronised all arts and artists, encouraging the learned by the richest ecclesiastical appointments. He stimulated such doctors as Ireland "to virtue and all honourable arts." Ireland (one of the favourites) was eminent *pietate et moribus*. Though he resided in France, as soon as James heard of him he rested not till he brought the doctor to Scotland. Yet (p. 394) Ireland came over twice, on embassies from Louis XI., in 1479-1480, and dragged James into war with England; the naval attacks on the Scottish coast ensued (1481). Ferrerius, despite his good report of James, accuses him of preferring low favourites (p. 392). Hence arose the tumults of Mar and Albany. Again, though James encouraged virtue and learning by gifts of Church livings, he bestowed monastic wealth on luxurious loungers about the Court (p. 393). The mutiny of the nobles at Lauder is warmly condemned by Ferrerius as *de leviculis rebus*,—trivial grievances (p. 396). Yet he blames Court favourites, *aulici*, for stirring James up against Albany—the basest of traitors to king and country. He next blames the king for his friendly relations with England, which merely permitted him to lapse into "dishonourable pleasures," avarice, and neglect of his nobles (p. 399). Yet he sympathises with James when these neglected nobles revolt. He even avers that the loyal nobles insisted on James's flight from

Sauchie Burn, *equo velocissimo*. James "was worthy of a juster fortune" (p. 401). He was "clement even beyond what was prudent," and "more rarely than was expedient did he punish the guilty" (p. 402). Lesley is hardly more consistent than Ferrerius. As to James's relations with women, nothing unusual has reached us on good authority. "The best of kings," as Ferrerius calls him, became addicted to *voluptates parum honeste*. This is vague. Lesley makes the mutinous nobles at Lauder rebuke the king for that he neglected the queen, and set in her place "ane howir callit the Daesie." About this charge Ferrerius has nothing to say nor has Buchanan. Bishop Atterbury remarked to Lady Castlewood concerning another James III., "He hath every great and generous quality, with perhaps a weakness for the sex which belongs to his family, and hath been known in scores of popular monarchs from King David downwards." In the case of a popular monarch, a Daisy more or less would not have excited moral indignation—in the fifteenth century. In the text I have quoted a story of Buchanan's about James's younger sister, Margaret, "forma egregia, et consuetudine fratris infamen." Now, on December 14, 1482, "Edward IV. grants a commission to forward the marriage between *Margaretam* sororem germanam fratris nostri (Jacobi III.) ac predilectum consanguineum nostrum Antonium, Comitem de Ryvers, Dominum de Scales" (Fœdera, xii. 171, 172). Now, if we believe Lesley, just six months earlier James had been chidden by moralists like Angus on the score of a lady named "The Daisy." "Daisy" is the pet-name for Margaret, and possibly a royal mistress named Margaret has been confused with the king's sister. That the Princess Margaret had an illegitimate child by Crichton is inferred from the circumstance that a Margaret Crichton, a kinswoman of James IV., was meanly married to two burgesses before she became the wife of George, Earl of Rothes. Had Crichton *married* the Princess Margaret, it is assumed that their daughter would not have made such alliances. It is acknowledged that Buchanan errs when he makes James III. seduce Janet Dunbar, *wife* of Crichton; for Janet was Crichton's mother, and his wife was Marian Livingstone, alive in 1478 (Riddell's Remarks upon Scottish Peerage Law, pp. 190-195). Now, Margaret Crichton, daughter of Crichton and the Princess Margaret, "could not, from what is stated, have been of age" when she appears as wife of William Todrick, burghess of Edinburgh, in 1505. She must, therefore, have been born about 1485 at latest, and between 1478 and 1484 there is time enough for Crichton's wife to have died, and for him to have married the Princess Margaret (Riddell, *op. cit.*, p. 195, Note 1). Moreover, if Margaret Crichton was born in 1485, her father had been forfeited in February 1484 (Act. Parl. Scot., ii. 161). The love-affair from which she sprang, therefore, could not be, as Buchanan says, the chief cause of her father's forfeiture (1484), still less of his flight to sanctuary at St Duthac's in Tain (1483). (See Appendix I. to Preface of Treasurer's Accounts, and Buchanan, fol. 141.) In short, if under age in 1485, Margaret cannot have been conceived till *after* her father's flight and forfeiture. Thus whether Crichton had an illegitimate daughter by the Princess Margaret, or whether he was the husband of that princess, is not absolutely certain; but the odious anecdote of Buchanan is vitiated by his confusion between Crichton's mother and Crichton's wife, while it is at least conceivable that, in the late gossip which reached Lesley and Buchanan, the Daisy and the Princess Margaret have been blended.

Thus the character and conduct of James III. remain a mystery, and we need not throw stones at a prince so unfortunate and so clement. For the reign of James III., I conceive that Lesley, Ferrerius, and Buchanan used a common stock, with such alterations as prejudice or private information suggested.

## CHAPTER XIII.

## JAMES IV.

DISLIKED as the murdered king had been by his southern nobles, the Revolution which overthrew him was not popular. He had not, as is said, "alienated all classes of his subjects."<sup>1</sup> The general conscience was revolted by the appearance of a son in arms against his father. But even Sir Andrew Wood, the great sea-captain, while he spoke out boldly to the lords of the new monarch, transferred his allegiance to the son of James III. when the father's death was certain fact. The triumphant party of the prince took care to secure themselves by parliamentary means from any future punishment; and while seizing office and grants of land, and forfeiting the late king's favourite, Ramsay, Earl of Bothwell, they took no extreme and sanguinary revenges. In every one of the long minorities of Stuart kings new noble families were apt to rise on the ruin of old royal favourites. In the beginning of the reign of James IV. the Border houses of Home and Hepburn played the parts of the earlier Crichtons and Boyds. Hepburn, Lord Hailes, a man already notorious, was loaded with offices, and obtained the forfeited earldom of Bothwell, at the cost of Ramsay, the servant of James III. From the wild reiving Hepburn stock later came the notorious Bothwell of Queen Mary's reign, with the crew of Hepburn malefactors, and under the flag of Hepburn the ancestors of John Knox were wont to be arrayed. The Master of Home (the dubious warrior of Flodden) was made Chamberlain,<sup>2</sup> and Hailes was governor of the king's younger brother, the Duke of Ross: places and estates rained on the cadets of both Border families. Argyll was made Chancellor, and the Kers of the Border (Ferniehurst, Cessford, and so on) founded their fortunes. Angus was merely made guardian of the king, and was perhaps dissatisfied.

The spoils of office were distributed even before the coronation, which was held at Scone about June 24-26. An embassy was promptly sent to propitiate Henry VII., and the truce between the countries was renewed — though not kept with immaculate strictness on the seas or as regarded the intrigues of the closet. It is singular that two of the late king's detested servants, Ramsay (Bothwell) and Ross of Montgrenan, were among the negotiators.<sup>3</sup>

James IV. rode the "ayres," presiding at courts of justice throughout the shires, and winning affection by his activity and popular manners. We find notes of his expenses at cards, for hawks, for the corn of two poor women trodden down by his horse; and Tytler would have us believe, though erroneously, for various gifts to "the Lady Margaret," his mistress, the unfortunate daughter of Lord Drummond.<sup>4</sup> James, not yet seventeen, was an energetic and popular prince. He thus escaped, though not without occasional perils, from the unhappy minority common to younger and less amiable princes of his line. His first Parliament (September 1488) already entered on schemes for James's marriage; but these were deferred. Penalties were denounced against traffickers with Rome for benefices: a jealousy of Rome and of her interference was frequently displayed during the reign; but the Pope's absolution was won for the parricidal rebels now in power.

Insurrections broke out (April 1489), in revenge of James III., under Lennox and Lyle in the west (men who had been out in the affair, and were now charged with the preservation of the peace), under Lord Forbes and the Earl Marischal in the north-east. The king, always warlike, reduced the fortresses of Crookston and Duchal; Argyll, with shifting fortunes, besieged the strong Lennox castle of Dumbarton; and Lennox, preparing to cross the Forth by a ford, was betrayed (says Tytler, who follows Buchanan) by one of Clan Alpin, and routed by the king and Lord Drummond, the father of his future mistress. The revolted nobles were presently pardoned and restored to favour (1489-90). The reader will note the importance which the possession of Dumbarton, perched high on an all but inaccessible rock commanding the Clyde estuary, conferred on the family of Lennox. Dumbarton was the gate by which France entered Scotland in times of danger. We shall see how a later Lennox would have betrayed it to England, and how the death of Darnley, son of that Lennox, was avenged at the taking of the family castle.

Even in the midst of these turmoils there are signs of the European importance to which Scotland now attained. Hitherto her foreign relations had been mainly those of war with England and of alliance with France. But the advances in the navigator's art, and the ambitions of Continental princes, now made Scotland a card worth reckoning in the game of European alliances. The young king was not only warlike, but was intent on organising a navy. His father's friend, Sir Andrew Wood, had overcome some English pirates, or privateers, in a two days' battle in the Firth of Forth. His two ships, the *Flower* and the *Yellow Carvel*, were so well found and armed, and so gallantly manned, that they disdained long bows, and preferred to grapple with and board their enemies. A ship of the Scottish king's had been insulted and chased by English adventurers; but James made it plain that, with such a commander as Sir Andrew Wood, he meant to cause the flag of Scotland to be respected on the seas. Wood's two vessels were lain in wait for, in the Firth, by three under the sturdy English Stephen Bull. All day they fought in sight of land, they drifted into the mouth of Tay, and Sir Andrew (says Pitscottie) was the richer for three prizes. James even crippled his finances by his zeal in shipbuilding, which was the more expensive as the ancient woods of Scotland had already suffered from neglect (as Æneas Sylvius Piccolomini proves), and timber had to be purchased from France. The friendship of a young prince so vigorous was sought by foreign Powers with which Scotland had previously been unconnected. As early as July 27, 1489, while Dumbarton was yet held by the rebels, we find "Snawdon herald" despatched to meet the ambassadors of Spain at Berwick; while in August "contracts between the king and the ambassadors of Spain" are executed. Already in the winter of 1488 there had come envoys from the Duchess of Burgundy, the patroness of Perkin Warbeck, and the inveterate enemy of Henry VII. of England.<sup>5</sup> With Gueldres, with France, with Denmark, James had constant relations; and, as will be seen, he was an important figure in the alliances and intrigues of high European politics. All this was inconvenient from the first to Henry VII., who worked neither by open war nor by reasserting the ancient claim to feudal superiority. He preferred the policy, already ancient, of making private treaties of alliance with the treacherous house of Douglas, while he initiated the Tudor method of bribing private

spies and traitors. Few things in Scottish history have been more disguised in popular books than the conduct of the house of Douglas. The comradeship of Bruce and the Good Lord James has thrown a glamour over the later Douglases,—men princely in rank, daring in the field, but often bitterly anti-national. The partiality of Hume of Godscroft, their *sennachie* or legendary historian, the romances of Pitscottie, the ignorance or prejudice of Protestant writers like Knox and Buchanan, the poetry of Scott, and the platonic Protestantism of Mr Froude, have concealed the selfish treachery of the house of Angus. While peace was being consolidated, and the coinage improved at home, the English king was busy weaving plots beyond the Border.

The new treasonable treaty of Angus and Henry VII. is of November 16, 1491 (?). It exists only in a form mutilated by time or rats. Plain it is, however, that, if hard pressed in Scotland, Angus is to hand over to Henry the important castle of Hermitage, commanding the pass into Scotland through Liddesdale. Angus is to be repaid by lands in England, and his relations with his own king are to be subject to Henry's approval. The traitorous deed is signed by himself and his son George. Meanwhile the unconscious James had been playing "at the cards with the Earl of Angus."<sup>6</sup> That hypocritical traitor did not wholly escape punishment. He, and his party, had justified their rebellion against James III. by the popular pretext that James meant to bring in the English. Angus himself had been guilty of this disloyalty while the third James yet lived. James IV. had scarcely been three years on the throne when, as we see, Angus repeated his crime. But, on December 29, 1491, he was stripped of Hermitage, and, on March 6, 1492, of Liddesdale, which now came into the hands of Bothwell (Hepburn). Angus, however (July 4, 1492), received the lordship of Bothwell, resigned by the earl of that title. He did not cease to be trusted even with public negotiations with England,—he, a known betrayer of king and country: so extraordinary were the political conditions of the time. Earlier in this year, 1491, Henry had entered into a shameless arrangement with the late king's favourite, Ramsay, the forfeited Earl of Bothwell. He with Lord Buchan (so he said), uncle of James III., and Sir Thomas Tod, promises to hand over to Henry the bodies of James IV. and his brother, the Duke of York, for the reward of a loan of £266, 13s. 4d.<sup>7</sup> Tod returned to Scotland, and

became Moneyer to the king. Ramsay, received into favour by James, acted later as a spy and informer of Henry's, who, for his part, in 1493, proposed a marriage between James and an English lady of royal extraction. Thus the young king made love, played cards, hunted, hawked, and studied, in the midst of such plots as beset the heroes of historical romance. Whether there was any connection between the Tod-Ramsay plot and the causes which led to Angus's disgrace and his treaty with Henry VII., is matter only for conjecture. It is probable that these underhand schemes of Ramsay escaped the knowledge of Scotland, with which Henry concluded a five years' truce in December 1491: James had domestic difficulties on his hands.

The death of his father was not forgotten, and a belated attempt was made (February 1492) to still "the heavy murmur and voice of the people," by offering a reward for the actual murderers of James III. The reward was never claimed, nor was a search for the late king's treasures more successful.

Ecclesiastical factions were rife in Scotland. Schevez, who had succeeded the much-vexed prelate Graham as archbishop, was found to be too powerful as sole primate. As early as January 1488, James and his Parliament had decided that Glasgow must be an archbishopric, answering to York, as St Andrews to Canterbury, and Innocent VIII. issued a bull to that effect on January 9, 1491-92.<sup>8</sup> The king had been urgent with Rome to this end, and had dwelt, in his letters, on the goodliness of Glasgow Cathedral. Most readers will remember Andrew Fairservice's account, in 'Rob Roy,' of how this great minster was rescued from the pious violence of the Reformers. The Archbishop of St Andrews disputed the matter till 1493, when the strife was allayed by a royal threat to stop payment of his rents. The war of clerics broke out later, and furnished a congenial theme for the humour of John Knox. The pall, the style of primate, and the privileges of Legatus Natus, were not granted to Glasgow. The new archbishop (1494) laid information against certain Lollards of Kyle in the wild Whig region of Ayrshire; but, by the tact of James, and the humour of one of the accused, the inquest broke up in laughter.<sup>9</sup> The king thought the whole affair very insignificant. The articles against the Kyle freethinkers were copied by Knox, probably from the Court Books of the Official of Glasgow. The Pope, in Kyle circles, is held to be Antichrist; the consecrated wafer remains mere bread; priests may marry; tithes should not

be paid ; the Mass profits not souls in Purgatory ; relics and images are vain things,—such are a few of the heresies. In the summer of 1491, envoys, including Dunbar the poet, were sent to France, and others appear to have visited the Spanish court. The old alliance was renewed, and a secret treaty bound James to attack England if ever she was at war with France. A truce for five years with England was concluded, however, as we have said, on December 21, 1491.<sup>10</sup>

It was not in nature that James should escape trouble with his Celtic subjects. In a Parliament of May 1493, John, Lord of the Isles, who had been dispossessed in 1476, but represented by his bastard, Angus, whom an Irish harper dirked, was forfeited, and reduced to the estate of a pensionary. His nephew, Alastair of Lochalsh, had been endeavouring to recover the earldom of Ross by arms. James (1493) visited the West Highlands, and appears to have conferred charters on Mackintosh, captain of Clan Chattan, Maclean of Lochbuy, Alastair of Lochalsh, of the Isles family, and John of Isla ; the two *de Insulis* were knighted, and, from dependents of the Lords of the Isles, became freeholders of the king. James not long after withdrew these charters, whence came new strife. His lenity had no effect, and in April 1494 James fortified Tarbert, which he converted into a strong place of arms. Dunaverty, in South Kintyre, he also seized to the prejudice of John of Islay, grandson of Donald Balloch. Just as James was departing, John of Islay captured the castle, and hung the governor in full sight of the king.<sup>11</sup> James was soon avenged, by the old plan of setting a Celt to catch a Celt. MacIan of Ardnamurchan captured John's sons, who were hanged on the Borough Moor of Edinburgh.<sup>12</sup> In 1495 James again visited the Highlands, where Sleat, Keppoch, Clanranald, Lochiel, and Barra submitted, while Kintail (Mackenzie) and the son of the captain of Clan Chattan were imprisoned. In 1496, chiefs were made answerable for the execution of summonses within their districts, and five chiefs bound themselves over, to Argyll, to keep the peace. James was well advised in visiting the Celts in person, with a crimson and black velvet surcoat over his armour, a hood lined with lambskins, a pair of "breeks of English green," and other splendours adapted to inspire admiration.

Returning from his Island expedition of the early summer of 1495, James met O'Donnell, chief of Tyrconnell, at Glasgow. They had business in hand of a kind likely to pay back Henry VII. for his



dealings with Angus, and his yet undiscovered treachery with Ramsay and Tod. James, in fact, was now in the full imbroglio of the Perkin Warbeck mystery. This historical problem we may never understand, but few things are more improbable than that the persons charged with the slaying of the "Babes in the Tower" allowed one of them, Perkin, to escape. At the same time, to prove the deaths of the Princes was exceedingly awkward for the slayers, and Henry VII. preferred to demonstrate that, whatever the fate of the vanished Prince, Richard, Duke of York, might have been, the claimant backed by James was not he. After that claimant, Perkin Warbeck, fell into Henry's hands, he was compelled to give the account of himself which follows in summary. He was born (so he was made to say) in Tournay, son of John Osbeck and Katherine de Faro, neither of whom was called to corroborate the story, though Charles VIII. offered to send them to England.<sup>13</sup> In 1486, Warbeck, the claimant, went to Portugal, attending on the wife of an English knight of the faction of York. In 1487, according to Mr Gairdner's reckoning, Perkin took service with a Breton merchant, Pregert Meno, who dealt, among other things, in clothes, or stuff for clothes. Four years are now left unaccounted for, as Mr Gairdner makes Perkin first appear in Ireland in 1491.<sup>14</sup> But, if we make Perkin take service with Meno in 1487, it is notable that, in November 1488, and in February 1490, we remark certain Scoto-Burgundian transactions, which may be connected with this pretender. An English herald comes with letters from the Duchess of Burgundy to James IV. (November 1488). A herald "comes forth of *Ireland* and passes to the Duchess of Burgundy" (February 1489-90).<sup>15</sup> However we fix the year of Perkin's arrival in Ireland, he probably began his career as a *prétendant* in 1490 or 1491. According to his confession, he landed at Cork, where the people, seeing him richly dressed (apparently to advertise his master's wares), declared that he *must* be one of the Royal House of York. They then fixed on the Duke of York, escaped, somehow, from the Tower, as the most likely character, and taught the claimant English. Did he speak it with an Irish accent? This is the tale which the unhappy claimant, when a prisoner of Henry VII., was made to recite, and it would be better evidence if it were corroborated by the various persons involved in the early part of the story.

By March 2, 1492, we find James receiving letters from Ireland,

“from King Edward’s son,” that is, the claimant. After adventures, treacheries, and intrigues over which we cannot linger, James, returning from the Isles in 1495, met O’Donnell as we saw, while Henry at the same time proposed a match between the Scottish king and his own daughter, Margaret.<sup>16</sup> James was not thus to be won. His real object was to recover Berwick, by aid of Perkin. The claimant was welcomed at Stirling on November 20, 1495. He was introduced to the nobles, a pension of £1200 a-year was settled on him, and, in January 1496, he received the hand of James’s cousin, Lady Catherine Gordon, daughter of the Earl of Huntly, now practically “Cock of the North” in place of the old forfeited Earls of Ross. If a Tournay burges lad, and walking tailor’s advertisement, like Perkin, could so delude princes and peers, he must have been remarkably subtle. James not only rejected for his *beaux yeux* a daughter of England, but put aside a Spanish offer of marriage, made (not very honestly) to prevent him from attacking England, and so leaving the hands of France free in Italy, as against the forces of the Pope and Spain.<sup>17</sup> The Spanish diversion was seen through, for James got possession of the ambassador’s private instructions,<sup>18</sup> which were far from being candid and satisfactory. However, he temporised, and sent the Archbishop of Glasgow to Spain. Meanwhile the claimant, Perkin, received royal treatment. The affair of Spain was prosecuted, in July 1496, by Don Pedro de Ayala, who came to win James over from the party of France. This gentleman has left a most pleasing portrait of the king’s person, piety, learning, headlong courage, and devotion to the sex. His instructions were to amuse James with the hope of a Spanish marriage, and to work for peace with England. But, in fact, there was no daughter of Spain for Scotland; Katherine, the Infanta, was to be betrothed to Arthur, Prince of Wales, and later wedded to his brother, Henry VIII., and finally sacrificed to the gospel light that dawned in Boleyn’s eyes. Ayala’s mission was not yet rewarded by peace.

James, after a visit to his favourite St Duthac’s shrine in Tain (now a bald and bleak shell of masonry, beside the sea), made ready for war. He would attack Henry VII., who, on September 2, vainly offered to the Scottish king his daughter’s hand. Artillery and ammunition-carts were repaired: the woods of Melrose were cut for timber, tents and gilded vanes were constructed, the claimant’s banner was wrought in red and blue taffeta, embroidered

with his white rose, the badge of York. Meanwhile Ramsay, late Earl of Bothwell, kept Henry well informed. He accused Buchan, the king's great-uncle, and the Duke of Ross, the king's younger brother, of sharing with Murray in his perfidy. James's war was said by Ramsay to be "contrary to the barons' will, and that of all his whole people." The spy had been with Perkin and a messenger from Carlisle, in the king's closet. Ramsay announces James's march to the frontier as fixed for September 15, 1476. He hopes James will be punished for "ye crouell consent of ye mourdir of his fadyr," Ramsay's patron and preserver in the slaughter of Lauder Bridge. He spies, you see, out of loyalty to a murdered king. A gentleman spy has usually such virtuous motives to palliate his treason. Perkin, Ramsay avers, is to surrender Berwick to Scotland if he is successful. Conrescault (a Scot by descent) has arrived at St Andrews, out of France. Perkin has been snubbed by a Flemish skipper, of whom he asked news of "his aunt of Burgundy." King James must coin his plate; his artillery is poor, and so are his chances.<sup>19</sup> Ramsay was not detected by James, was rewarded with lands, and died prosperous in 1513. His example of treason was largely followed, in later years, by the Angus faction.<sup>20</sup>

The expedition planned by James against England set out, but the White Rose was as coldly welcomed by Northern England as it was to be in 1745. Perkin withdrew sadly to Scotland, while James idly harried Northumberland. In October he was at home again. In March 1497, while Border raids were frequent, Spanish despatches show that James was weary of his ambiguous guest. Perkin had behaved, in the September raid of 1496, with what we may consider clemency and good taste. James thought otherwise. His army was harrying the English Border in the cruel old fashion. Perkin remonstrated; he could not bear to see his subjects robbed and misused. This was not the way to win their hearts. James took ill "this ridiculous mercy and foolish compassion," say the English chroniclers. But he would not give up Perkin, and a state of war with England, in the early part of 1497, was indicated by Border raids. Early in July 1497, Perkin, with his wife and Robert Barton (one of James's famous sea-captains), sailed from Ayr, on an expedition of dubious object.<sup>21</sup> Probably James expected Perkin to land and create a diversion in rebellious Cornwall: in any case certain negotiations with England were dropped,

and, late in July, James began a great raid with his siege-train of artillery. He in vain beleaguered Norham Castle, and retired on the news of the approach of Surrey with a large army. Surrey instantly crossed the Border and besieged Ayton Castle in the Merse. James now sent letters to raise the country for the relief of Ayton, whither he proceeded in person, but all ended peacefully, and strangely. On or about August 19, James met the English Governor of Berwick at Dunbar, and, on August 21, letters were sent to inform the country of "the scaling [retreat] of the Englishmen."<sup>22</sup> Articles of a seven years' truce were next signed at Ayton Kirk on September 30, Don Pedro de Ayala taking the blessed part of the peace-maker.<sup>23</sup> The whole of this business (the meeting with the Governor of Dunbar, the withdrawal of the English from Ayton, and the making of truce) has almost a collusive air. Was Perkin, after all, left by his ally, James, to his fate? Probably his fate was, by September 30, already known, and James merely made peace when he found that his ally's cause was lost. For, after misty adventures in Ireland and Cornwall, Perkin, who had left Ayr in July, was a fugitive from his own army, at Taunton, by September 21. Thus James might honourably lay down arms on September 30.<sup>24</sup> The truce was next prolonged till a year after the death of either contracting party (February 10, 1498).<sup>25</sup>

Under James IV. the prosperity of Scotland, and the "young adventurousness" (as the spy, Ramsay, said) of her king, brought the country into the tide of European politics. As in Æsop's fable, she swam, like a pot of clay, among pots of bronze. But James's luck and astuteness had now carried him through the adventure of Perkin Warbeck with honour safe, and without heavy material loss. He next settled the Highland question, as far as it ever was settled till after Culloden. The Lords of the Isles had been dangerous, chiefly by their ancestral hold of the mainland, in Knapdale and Kintyre, with their occasional tenure of the great earldom of Ross. We have seen how James deprived the Lord of the Isles of these realms (1493). We have remarked that, in 1496, the chiefs were made responsible for peace within their bounds. But, in 1496 and 1497, James's preoccupation with Perkin gave Alastair of Lochalsh, nephew of John of the Isles, his opportunity to revive the ancient insular lordship, and to renew the attacks on Ross. Defeated there by Mackenzies and Munroes, he was slain by MacIan of Ardnamurchan in the isle of Oransay. This MacIan, of the

blood of Clan Donald, had already been useful, and had been making a spirited bid for the office of "public policeman," usually held by the Campbells. In 1497 and 1498, James had leisure to visit the Isles in person. He revoked certain recently granted charters: he made the Earl of Argyll (Campbell) Lieutenant of the Isles, and gave large grants of lands, in Lochaber, to that rising house, the Seton-Gordons of Huntly. Henceforth these half-Lowland houses of Argyll and Huntly were to be, in great part, responsible for the police of the North, the ancient Celtic princes being overthrown. But the process of pacification was feeble for about three centuries, being complicated with notorious acts of injustice on the part of the "policemen." As late as 1724, the old feud rankled, the Duke of Gordon was bearded by his Badenoch tenants, his fishing-nets were cut, agrarian outrages prevailed, his factor, Glenbucket, was attacked, Clan Chattan was ready for war; James VIII., from his exile, pacified the Celts. Argyll, too, had ever an ill subject in Lochiel.

All these things were to be; but now, under James IV., the heather was on fire, and Donald Dubh (the child of Angus Og, so strangely kidnapped by Atholl for Argyll, long ago) was at the burning.<sup>26</sup> A son of Angus of the Isles and of Argyll's daughter, his legitimacy was contested. Argyll had kept him in Inchconnel Castle, but he was released by the Glenco men, and protected by Macleod (1501). This chief was ordered to give up Donald, and was forfeited for his refusal. In brief, the Isles clung to their rightful heir, while Appin, MacIan, Huntly, and Argyll vainly tried to extinguish the flame, establish "true men" in the Rough Bounds, and expel "broken men." Lochiel and Maclean of Dowart were tampered with, to little result. Macleans and Camerons were fighting for the lands of Lochiel, and, in 1503, Donald Dubh ravaged Huntly's property in Badenoch, and wreaked vengeance on Clan Chattan, being supported by Dowart, Lochiel, and Macleod. A mutilated document seems to imply that the Celts were seeking aid from England and Ireland.<sup>27</sup> Attempts were made, on the part of James IV., to cause "the Law to come to Moidart" and Knoydart, and other remote districts, by dint of courts at Dingwall and Tarbert, Inverness, Perth, and Rothesay. Not till 1506 was the Island confederacy broken. Mackay got the Macleods' lands of Assynt, the Mackays being generally serviceable to central authority down to 1745. Donald Dubh was made prisoner, but escaped forty years later, and

fell to his old works. Clan Chattan and the Stuarts of Appin, as being loyal to James, had much to suffer from Camerons and Macleans. Both remained true to the Stuarts (with one deplorable exception) till Lochiel and Clan Chattan, in turn, were fatally loyal to the same family, two hundred and fifty years later. From 1506, till Flodden, the Highlands were comparatively quiet; Huntly, as Sheriff of Inverness, Ross, and the Northern Isles, Argyll, with the same powers in the south, Appin, Mackay, and MacIan having, on the whole, the better of the quarrel with Clan Donald, Clan Gillian, Macleod, and the Camerons. It is curious to observe the secular character and recurring features of Celtic turbulence, usually exhibiting itself, on the whole, under these Island lords, the ancestors of Keppoch, Glengarry, and Clanranald. The enduring cause of this restlessness was the State's want of money, and the absence of a standing army. A few fortresses at important points and passes, held by royal officers, and manned by men duly paid, would at any time have settled the Highland question. But, having neither money enough nor a standing army, the Stuart kings were wont to purchase powerful chiefs like MacIan, or half-Lowland nobles like Huntly and Argyll, to keep the clans in order. These nobles annexed lands; dispossessed the holders; had to "thole their feud," and so the circle of wrongs and revenges revolved.<sup>28</sup> James had done a good deal to pacify the clans, and the Celts, under Lennox and Argyll, were to fight for him at Flodden, instead of aiding England, as was their wont. But Flodden was not their day.

Every attempt to elucidate events in the Celtic region obliges us to break away from the chronological sequence of occurrences in Scotland. To return to these central affairs, when the long truce had once been negotiated at Ayton (September 30, 1497), after Perkin ceased to trouble, the pacific Henry VII. reverted to his old scheme of a royal marriage. Seldom has a father offered the hand of a daughter so sedulously to a reluctant lord, as Henry offered the hand of his daughter Margaret to James IV. From July 1499 to January 1502, the negotiations lingered on, and the treaty was not settled till January 24, 1502. Henry, with his wonted avarice, made but a poor settlement on his daughter, and family quarrels on this head embittered the strife which led to Flodden. More than a year passed before Margaret, a girl of fifteen, in selfishness and capricious passion a genuine Tudor, was married to James at Holyrood on August 8, 1503. The most

permanent result of the rejoicings was Dunbar's poem of "The Thistle and the Rose." Already James III. had used embroideries of "thrissilis and a unicorne," and the thistle, Burns's "symbol dear," may be older than its recorded recognition.<sup>29</sup>

This marriage, with its accompanying treaties for perpetual peace, mutual aid, and order on the Marches, brought not peace but a sword. The secret bond with France, negotiated by Bothwell and the Bishop of Glasgow (1491), lay in abeyance, but was more potent for ill than the English marriage was for good. The new queen's earliest letters show her litigiously anxious and jealous about her private wealth. Margaret Tudor, as truly as her granddaughter, Mary Stuart, was "that daughter of debate, who discord still doth sow," but, for some eight years, matters passed peaceably enough between the two kingdoms. To this end nothing was more necessary than quiet on the Borders, which James did his best to secure. The Borderers of Eskdale were outlawed, and, in 1504, James entered that country in state and splendour, combining sport with severity. Courts were held at Dumfries, Canonbie, and Lochmaben, and ropes for hanging thieves are reckoned among the expenses of the raid of Eskdale. The birth of a prince, on February 10, 1506, and his death within the year, may seem to mark the turn in James's prosperous fortunes.

Now, too, the politics of Europe began to draw him into matters of more consequence than the claims of Perkin Warbeck. In 1507, Pope Julius II. sent an embassy, for the purpose of bringing James into the League formed to check French aggressions in Italy. James accepted a consecrated hat and sword from the Pontiff, but would not desert France. An English envoy, apparently Wolsey, was sent in March 1508 to anticipate the arrival of a French ambassador, a Scot by descent, Stewart of Aubigny.<sup>30</sup> D'Aubigny arrived, and was welcomed with tournaments, and a poem by Dunbar. He died in the land of his fathers, but his visit increased James's tendency to side with France. Wolsey's mission dealt with these events. The Earl of Arran and his brother, Sir Patrick Hamilton, had made a journey to the Court of France, and were returning through England without safe-conducts, when they were arrested. They declined to take an oath of peace as regarded England. James defended their conduct, but agreed to delay entering into a fresh league with France, in hopes of securing the liberation of his subjects and kinsmen. They were

detained, however, and another grievance arose out of a Border fray, in which a Ker, Warden of the Middle Marches, was slain by a Heron. The murderer had accomplices, Starhead and Lilburn: Heron and Starhead escaped, and James, taking up the feud for Ker, vainly demanded their arrest.

The death of Henry VII. (1509) removed a pacific influence, and left two hot heads, James and Henry VIII., in the not always amicable relation of brothers-in-law. Henry's detention of certain jewels, the property of his sister Margaret, added the petty virulence of a family quarrel to a national debate. On the Continent the banded powers of Pope Julius II., Louis XII., Ferdinand, and Maximilian, united in the League of Cambrai (December 10, 1508), crushed Venice; but the successes of the French alarmed the Pope, who, after three years, formed the Holy League (1511) against France, with Ferdinand of Aragon, Maximilian of Austria, Venice, and Henry VIII. James's ally of France was now in peril. In the intervening years (1508-1512), James had been making warlike preparations, building especially the great ship Michael, with sides of oak ten feet thick, and carrying 1000 men-at-arms, in addition to her crew. His sea-captains, the Bartons, had been waging a kind of piratical war, in Drake's manner, with Portugal, and had caused a number of international difficulties. The Earl of Surrey, indignant at the sight of Scots "pirates" in the narrow seas, equipped two vessels under his sons, Lord Edward and Lord Thomas Howard. These attacked, and, after a hard fight in which Barton fell, took the Scottish vessels, and held them as prizes (August 1511). Henry disregarded James's remonstrances, and was also irritated by the murder of an Englishman in revenge for that of Sir Robert Ker. Thus there was all possible material for a deadly quarrel with England. Henry, with France on his hands, tried to conciliate Scotland; but James would not treat while Henry was a party to the league against France. James was determined not to desert France, but otherwise he laboured for peace, trying to reconcile Pope Julius and the French king. On April 10, 1512, was born a prince, later James V. Meanwhile de la Motte went and came from France, urging Scotland to war with England, for the sake of the Ancient League. The moment was one of the most critical in our history. France was attacked by a great league: Maximilian, the Pope, and England were united against her. If James could have held his hand, the fate of



Scotland might have been less gloomy. But the two old allies had seen much sunshine and much storm together ; France had diverted Edward III. from Scotland, when, under David II., she seemed ready to fall into his hands. If France went down before Henry VIII., the turn of Scotland was likely to follow, as James clearly foresaw.<sup>31</sup> Then there were the unsettled quarrels, the family feud about the jewels, and the final appeal of the French queen to James. Hot-headed and high-hearted, James carried into foreign affairs the spirit of a knight-errant. But he also had shrewdness enough to see that the ambition of Henry, and his greed for renown, and his possession of his father's treasures, were all so many menaces to Scotland. Now, with Henry engaged in France, or never, was James's chance. He renewed the Ancient League "against all mortal," and Louis XII. in return naturalised all Scots then resident in France. We have often noted that the Scottish clergy were ever the staunchest defenders of Scottish freedom, and the most determined allies of France. But, at this crucial moment, the aged and excellent Bishop Elphinstone, of Aberdeen, strongly opposed the French alliance, or, at least, was in favour of delay. He was cried down, and the majority of the nobles gave their voice for war.<sup>32</sup> The ecclesiastical statesmen were divided, and Forman, Bishop of Moray, later Archbishop of St Andrews, for his own reasons, was inflaming James in French interests. An envoy of Henry (March 1513), Dr West, found James in a strange mental condition. He had been making a religious retreat, in one of his periodical accesses of repentance for Sauchie fight ; indeed, remorse sat *post equitem*, and this gay and gallant knight was ridden by an intermittent fever of repentance. The penitential belt of iron which he wore beneath his clothes was only one proof of a sorrow which he could not drown in wine, or forget in the arms of women. He spoke of a long contemplated journey to Jerusalem, in which France would be serviceable ; but, agitated as was his temper, to West he promised no more than that, if he attacked England, he would first announce to Henry in France his intention, by a herald. Nothing can be more curious than the cool business-like letters of West, describing his interviews with James, "a fey man," a doomed and distracted king, on the brink of a tragedy. Dr Brewer represents James as "untrue to his word, and in this respect most opposite to his rival," Henry VIII. If ever a man was false, Henry VIII. was that man, and, in West's letters, the English diplomatist represents Henry as prepared to do

justice to James, in a private matter, only if James will abstain from aiding France.<sup>33</sup> This conduct is not austere honourable. James was ready to keep the peace if his grievances were redressed. He also explained to West, with much candour, that he expected money from France, in return for his assistance. He declined to sell his famous great ship to Henry. West describes his phrases as "cracks," boastful lies. According to Dr Brewer, James "was bound by treaty . . . not to levy war against England, but allow their mutual differences to be decided by arbitration." Henry, on the other hand, was ready to be just—if James would not aid his ally. At odds with the Pope, James told West that he would appeal to Prester John! West could extract nothing to his purpose.

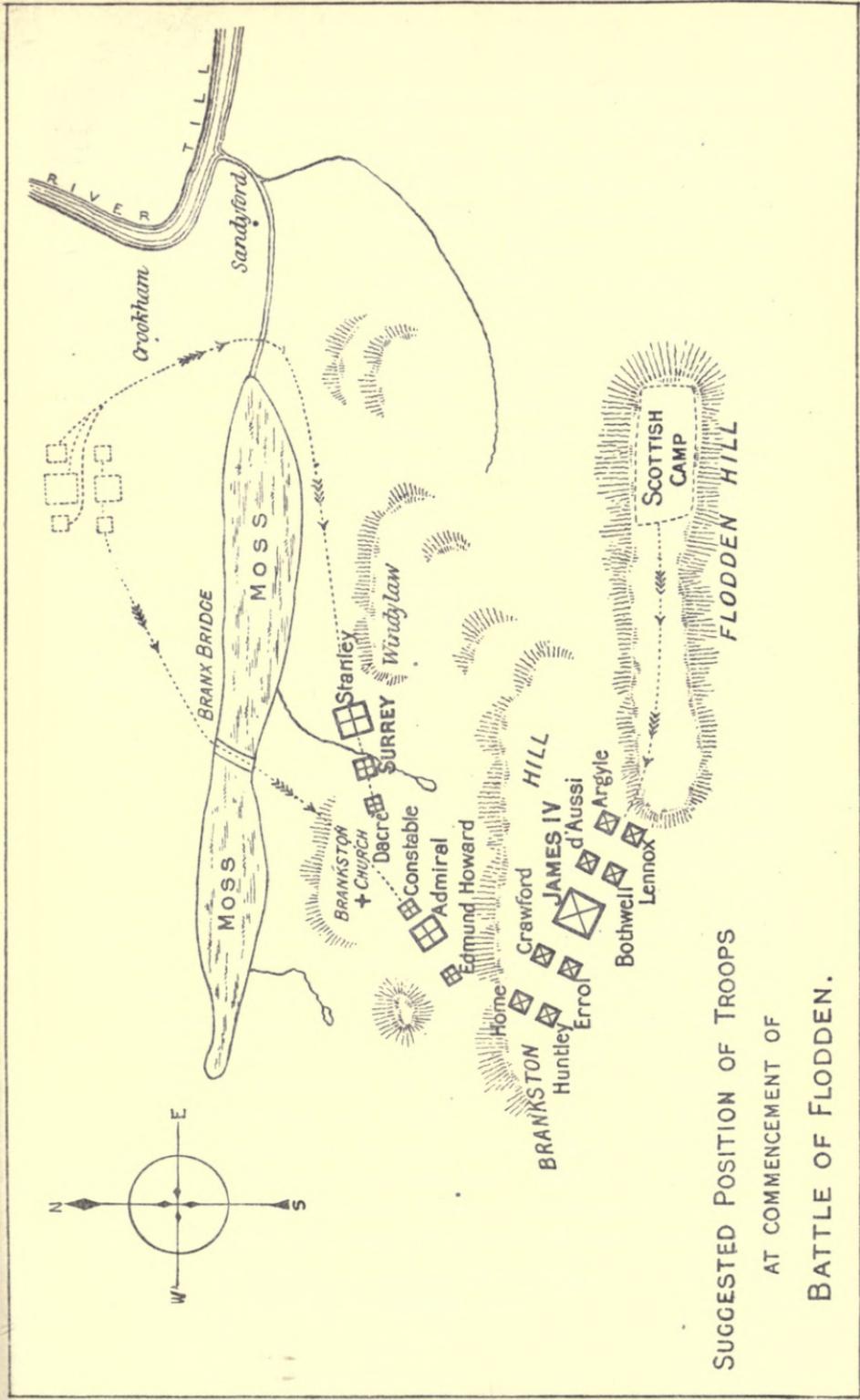
Abroad, Forman, later Archbishop of St Andrews, was dealing with France in the friendly spirit of Bishop Kennedy. He is said not to have been so honest. Then in May, de la Motte came from France, bearing the fatal turquoise ring from the French queen, Anne of Brittany, who dubbed James her knight, and bade him, for her sake, step three feet and strike one blow on English ground.<sup>34</sup> Even now, James made, in a letter to Henry (May 24), an effort to secure peace. France and Spain, he says, have entered into a year's truce from April 8. The Emperor and Henry on Spain's side; James and Gueldres on that of France, may, if they please, be included. James hopes that Henry will agree: he himself is, and ever has been, anxious for the universal peace of Christendom, and war against the Infidels. "Vain hope and vision vain," the very offer of Jeanne d'Arc to Talbot under Orleans wall.<sup>35</sup> But James, always hankering after some expiatory voyage to Holy Land, and "very sad and dolorous," says Pitscottie, in the distracted state of his affairs, appealed in vain to the English king. On June 30, Henry invaded France. James resolved on war. About this time occurred the incident of the mysterious admonishing figure in blue coat and white girdle, which stooped over James at evensong in Linlithgow church, and bade him keep peace and shun women. Young Sir David Lyndsay (a great contemner of "ghaists") vainly tried to seize the appearance. As James, though superstitious, remained unmoved, he probably suspected a device of his queen, though *she* was interested less in peace than in the reduction of James's gallantries. He sent forth his fleet of thirteen ships, with 3000 men under Arran, who, after committing a foolish

and unauthorised outrage on Carrickfergus, in Ireland, was to have been superseded by Sir Andrew Wood. But Wood came too late, and the fleet vanishes into fairyland: part was later purchased by France, part returned battered, of part no tale is told. A herald (July 26) was sent to Henry in France, insults were exchanged, war was inevitable. In vain was a midnight phantasmagoria produced at the Market Cross of Edinburgh summoning the king and his lords before "Platcock," probably Pluto. None the less Home, early in August, made the futile Ill Raid on the English Border, returning defeated and disgraced.

A vast army met on the Borough Moor, Highlanders, Islesmen, Lowlanders (August 13-20, 1513), and, on August 22, "King James was o'er the Border." Wark and Eital castles he took, and, after a siege of five days, made himself master of Norham (August 29). This castle (whose very ruins are of great size and strength, showing wall and trench within wall and trench) is perched on a steep cliff, now covered with wood, above the Tweed. James is said to have had good intelligence from within that the place was weakest, from the crumbling of the soil, where the scaur was most precipitous. Having possessed himself of this strength (a castle of the Bishop of Durham's), which he could not safely leave in his rear, James took Etal, Chillingham, and Ford, which stands on a height above Till, and within scarcely more than a mile of Flodden ridge, across the Till on the north. On Flodden ridge James (who knew of Surrey's approach, and had no time to besiege Berwick) fixed his camp, placing for three or four days his headquarters at Ford Castle. James's sole object was, by making a diversion, to cause Henry VIII. to conclude a peace with France. He wisely lured Surrey as far as possible from his base. There were some negotiations as to sparing Ford Castle, between Lady Heron, James, and Surrey, who was now (September 3) approaching with the Stanleys from the south, by Newcastle and Alnwick. These dealings are all the historical facts behind Pitscottie's and Buchanan's legend that James was distinguished by Lady Heron; and (*teste Pitscottio*) his son, the Archbishop of St Andrews, by her daughter, of whom no trace has been discovered by genealogists. It is conceivable that, in the three or four days of James's stay at Ford, Lady Heron gave the king some encouragement; and it is probable that she gave Surrey some information. From Alnwick Surrey sent his insulting challenge by Rouge Croix: he had been joined by his

equally insolent son with a force of sailors, while La Motte, the French ambassador, was with James. On Monday, September 5, the Scots began to demolish Ford Castle: a tower with the king's rooms, so called, still exists. James now retired to his well-chosen camp on the crest of Flodden. He had secured his flank, by taking the castles, and had caused a diversion favourable to France, which was all that he intended. The English were some 40,000, the Scots perhaps 60,000 men. Desertions are talked of, but the Scots were well provisioned, while Surrey's men, marching, much discontented, under heavy rains, were reduced to drinking water, which no English force could endure. The English army pitched their tents in Wooler haugh, a plain about six miles to the right of Flodden crest. Beholding the impregnable position of James, Surrey, on September 7, requested him to descend to a fair field on the plain. The king replied that "he would take and keep his ground and field at his own pleasure." Surrey then (September 8) put Till between him and the enemy, and marched, possibly behind a ridge of hills, to Barmoor wood, which is north of Flodden, where he encamped in very great discomfort from rain and lack of liquor. James probably supposed that he was marching on the road to Berwick. According to Hollinshed, it was Lord Thomas Howard who now advised his father, Surrey, to cross Till again, and, by a detour, place himself on James's rear. He could thus either force James to leave his hold, or cut off his communications with Scotland. By noon, on Friday, the English van and artillery had crossed Till by Twizel Bridge, which James could not (I venture to think) see from Flodden, while Surrey, with the rearguard, crossed by Millford.

The English now advanced due south against Flodden. They found a kind of natural causeway through a swamp, and moved on towards Branxton hill. This is the middle of three ridges, like a gigantic staircase, descending from Flodden (on the north) to the level of Tweed. James might have sat still on Flodden ridge, and awaited Surrey's attack, if attack he did. James was well provisioned; not so Surrey, who could not have long maintained his position or kept his men together. He appears, according to a letter of the Regency of James V. (January 16, 1514), to have known nothing of the English approach till just before evening, when *Angli se ostentant*. Having lost touch of Surrey, he could not stop him at Twizel Bridge, as Scott supposes, in "Marmion." James, on detecting the English approach, fired his camp, and, under cover





of the smoke, descended from Flodden to Branxton ridge. His army was arrayed in five bodies, the king's in the centre, the four sets of double companies stretching out from it and forward, "like horns." Paolo Giovio uses, here, the very phrase of Zulu warfare; the king's force is the "head," the four other bodies in advance on either side are the "horns." Each advanced body probably consisted of two battalions, under Home and Huntly, Crawford and Errol, d'Aussi and Bothwell, Lennox and Argyll. Home's Border spears and Huntly's Gordons, Errol's and Crawford's men from Perthshire, Fife, and the Merse, were on the Scots left, then the royal division in the centre, with Bothwell's, and the Celtic levies of Argyll and Lennox, on the right of the Scots. In perfect silence, barefoot, because of the slipperiness of the wet hillside, the Scots descended, and the Admiral, on the English right, sent to Surrey to bring up his rearguard. Edmund Howard's force was most advanced, and was charged by Home and Huntly. Dacre, advancing to support Edmund, was deserted by his Tynemouth men. Brian Tunstal fell, the Cheshire levies were wavering, when Dacre checked Home and drove off Huntly's men. It is said that Home's Borderers began to plunder: their whole conduct is mysterious.

Meanwhile the Admiral, in the centre of the vanguard, clashed with Crawford and Errol. Crawford fell, Rothes was slain, Errol's command was broken by the Percys. James now threw his centre against that of Surrey. The English artillery mowed down his charging spears, while the Scottish guns, ill-worked, were silent or useless. Attended by Herries and Maxwell, James appears to have made straight for the English standard, and for Surrey himself, described (by Pitscottie) as a decrepit creature in a chariot. While the central ranks of England reeled under James's charge, the Admiral and Dacre, successful in their own affairs, fell on the flank of the Scottish centre, which was now aided by Bothwell, with the forces of the Lothians. The ancestors of Knox may here have fought under the Lions and the Rose of Hepburn. Meanwhile "Stanley broke Lennox and Argyll": the Celts, as at Fontenoy, charged "like furies," but in vain. Lennox and Argyll fell like heroes on the right, while their men fled. Meanwhile the Scottish centre maintained that desperate battle of spears against the deadly sweep of the English bills, odds which Scott has made immortal.

"The stubborn spearmen still made good  
Their dark impenetrable wood,"

even while Stanley, too wise to pursue the fleet-footed Highlanders, threw his forces also into the mass which assailed the peers of Scotland and the king. Rear, flank, and front of the Scottish centre were now attacked by footmen and horsemen, lances and bills. James fought his way within a lance's length of Surrey, as Surrey confessed, and there died, his body riddled with arrows, his left hand hanging helpless, his neck deeply gashed by bill or blade. But his lords and men, as at Neville's Cross, pressed forwards round the king who had died before their front rank, and night fell while the "dark impenetrable wood" of spears was yet unbroken.

Morning found the hill deserted, the artillery unguarded; but the Scots under Home had to be scattered by a discharge of cannon before they abandoned a chance to plunder. The English in the morning captured the seventeen deserted pieces of Scottish artillery, which had been silenced at the beginning of the battle, says Hall. They were on a height, and the Scottish gunners may have been unskilled in firing at objects below them. Moreover, the fighting at Flodden was hand to hand, after a brief artillery duel, and it was impossible to shoot into a melley of friends and foes.<sup>36</sup> A letter from the Bishop of Durham, whose castle of Norham had been ruined, adds a few details of the fight. It was won, not by archery, as it was natural to suppose, but by the sweep of the English bills, which sliced off the points of the long spears in which the Scots put their trust. The arrows, the bishop declares, did not harm the armed nobles, "such large and strong men that they would not fall when four or five bills struck one of them." The Borderers, we learn on this good authority, plundered during the battle—plundered both sides. They were led by Home, presently to be a world's wonder for his treachery—a friend of Angus—and the bishop's letter justifies the legendary contempt of Home which is expressed in ballad verse—

"Up wi' the Sutors o' Selkirk,  
And down wi' the Earl o' Home."

The saddest circumstance is that the English had been deprived of beer for three days, and could hardly have endured another day of drought; while it is melancholy to think that if the Scots, on Flodden side, had sat still, drinking their beer, which the learned bishop highly commends, the force of Surrey, unvictualled, would have melted like a mist.<sup>37</sup>



The English found thirteen earls dead in a ring around the body of their prince: the Archbishop of St Andrews, his young son, had also fallen with the Bishops of Caithness and the Isles.<sup>38</sup> With these clerics died many lords and chiefs, while the song attests the slaughter among the yeomanry and burgesses,—“The Flowers o' the Forest are a' wede awa.” This defeat was the great sorrow of Scotland, and, even now, in any national misfortune, people say, “There has not been the like since Flodden.” But no defeat bore less of dishonour, no battle lost by chivalrous folly was ever so well redeemed by desperate valour, and no fight since chariots charged on the plains of windy Troy has been so chanted by a descendant of the Flowers of the Forest.

They carried back their banner, as tradition runs, to the little town of Selkirk, where a yearly ceremony keeps alive the recollection of their immortal defeat. The Scots long cherished the inevitable hope that their brave king had not died,—like Arthur he would come again.<sup>39</sup> But his dust wastes in England, and his sword and dagger are now in the College of Arms in London, glorious spoils of war. It had been well if his descendants at Edgehill, Montrose, and Culloden had known, as the fourth James knew, how a king should die.

If want of supplies prevented Surrey, as something did prevent him, from pursuing his victory (so the Bishop of Durham alleges in his contemporary letter), that offers another proof of James's error in deserting his original position. He had turned back from Surrey once, and therefore, perhaps, hurried from Flodden Edge to meet him. It is probable that Surrey's force was nearly as crippled as that which, with almost all its leaders dead, drew sullenly across the swollen and darkling fords of Tweed. These losses of Surrey's, it is true, could not be gathered from Henry's letter to the Pope. He represents Surrey's force as greatly inferior to that of James, and declares that the victory was gained with little loss to England. In this letter Henry asks that St Andrews shall be reduced to a simple bishopric, dependent on York—a position from which, for a personal reason, he soon receded. As James died excommunicate, and at odds with the Pope, Henry begs leave to bury him with Royal honours in St Paul's.<sup>40</sup>

In these ages the fortunes of a nation depended, to an extent now not readily conceivable, on the personal character of the king. In spite of the odious crime of his youth, which saddened him at in-

tervals, and set him on pilgrimages and practices of penance, the character of James IV. was "in harmony with his environment." Consequently he was happy, or at least joyous, while Scotland assuredly advanced in wealth, commerce, learning, literature, and the general consideration of Europe. She, too, had her part in that rising wave of genius and discovery which accompanied the finding of America, the invention of printing (which reached Scotland under James), the revival of knowledge of Greek and of the ancient world. As Leo X. said, it was then good to be alive. There was a vast secular blitheness in the air; the clergy took more than their part in a movement which might be typified by Titian's picture of the revel of Dionysus. From this ecclesiastical luxury and laxity was to come the reaction of wrath, and from the fresh criticism of the age arose the Protestant revolt, and Puritanism. But these did not yet rule the world.

The temperament of James was gay and generous: he was physically strong, and, as has been said of him, probably the most active man in his kingdom. The king showed himself everywhere, in progresses and journeys of "Ayre," for the administration of justice. He rode about unattended and safe, mixing incognito with the people, an equestrian Haroun Alraschid. His delight in horses and hunting, pageants, dances, athletic pastimes, practical affairs, ship-building, forging arms, dentistry, and even in the early chemistry and nascent physical science of the time, won favour, from his subjects, even for his interest in the fine arts. He was here his father's son, without his father's melancholy reserve. The qualities which made Charles II., in spite of his innumerable faults, to be loved and popular, shone in the manlier and more spirited character of James IV. His extravagance did not provoke discontent, as his father's reputed habit of hoarding had done. He flattered the intense national pride by making Scotland to be sought after and respected, by his successful interference in Danish affairs, and by his resolute yet winning attitude in face of foreign Powers. His letters to his kinsman, the Duke of Gueldres, show an aspect of political common-sense which we do not usually associate with his character.<sup>41</sup> He took a wrong from no Power—Portugal, France, or England. His adhesion to the French alliance, regretted, it is said, by a minority of the nobles, had the sympathy of the people.

A letter from Ayala, the Spanish ambassador, to his Government (July 25, 1498) may be contrasted with the lamentations of Æneas

Sylvius Piccolomini, shivering through wintry Scotland some seventy years earlier. Ayala was sent in the interests of Spanish friendship with England, but he was thought to fall too much under the genial charm of James. The king "is of noble stature, neither tall nor short, and as handsome in complexion and shape as a man can be." He wore his hair and beard long. He spoke Latin and Spanish very well, also French, Gaelic ("the language of the savages"), German, Flemish, and Italian. Scots is said to vary from English as much as Aragonese from Castilian. He had read much, in history and the Bible. He was scrupulously exact in religious duties; would not ride on Sunday, even to Mass; veracious even in jest, but in battle far too venturesome for a king, and apt to begin fighting before making his dispositions for the conduct of the battle. Thus was Flodden lost. He was the most temperate man out of Spain, and had abandoned his love intrigues, "as well from fear of God as from fear of scandal in the world, which is very much thought of here." This was a temporary repentance.

The revenue, we learn from Ayala, was derived from rent on arable and pastoral lands. The import duties were trifling, but export duties on wool, hides, and fish were considerable. Then there were fines, feudal incidents, and rent in kind, fish, and poultry. There was little or no reserve of coined money. The people are poor, and too warlike to be industrious, though the king has in some degree abated private feuds. The property of the country (by an exaggeration) is reckoned to have been increased by a third. Fish is wonderfully abundant. Corn is good, but more land might be under tillage. We learn, accidentally, from Hall, that one cornfield, under Flodden, was regarded by the English as a fair field of battle, being large enough for both armies to encounter in. This was just over the Border, and it is likely that great fields were also cultivated in the neighbouring parts of Scotland. The people are handsome, they dress to the limit of their means, are hospitable, brave, strong, and agile, but extremely envious. The army "does not cost the king a penny"; but, for want of a regular paid force, the Highlands could never be controlled by garrisons, and nobles like Huntly and Argyll were intrusted with powers which they were certain to use for their own advantage. This, indeed, is one great secret of the Highland troubles. Ayala declares that two earls brought in 30,000 picked and well-armed men, not half their actual following. The Highlanders "do not know what danger

is," which lesson they learned at Flodden. The prelates have the chief share in administration. The royal progresses are frequent, partly for the administration of justice, partly that the Court, in each district, may consume its rents in kind. The women are frank but chaste, absolute mistresses in their own houses, and, as regards finance, "even of their husbands." They are very graceful, handsome, and well dressed, better dressed than the English. "The houses are good, all built of hewn stone, and provided with excellent doors, glass windows,<sup>42</sup> and a great number of chimneys. There is as great difference between the Scotland of to-day and the Scotland of old time, as there is between bad and good."<sup>43</sup> This may be a flattering picture, but it must indicate a marked advance on the material prosperity of fifty years earlier.

Well educated himself, James was interested in education. The Parliament of 1496 decreed that all Barons and Freeholders of competent estate should send their sons to school, at eight or nine, till they had learned Latin, after which came a three years' course in "the schools of Art and Law." Aberdeen University, founded by the public spirit of the good Bishop Elphinstone, arose early in 1495. The College of St Leonard's, in St Andrews, was founded by Prior Hepburn. Printing was introduced in 1507, by Walter Chepman, who received a royal patent. The educational reforms of the reign were certain to end in the overthrow of the power of the Church. More and more, and rapidly too, laymen would become fit to take the places of clerics such as Andrew Stewart, Bishop of Caithness, one of the king's chief officers of the revenue; Elphinstone, the old and respected Bishop of Aberdeen; Forman, the diplomatist, Bishop of Moray, the Wolsey of Scotland, and a fomenter of the war which ended at Flodden. Another great ecclesiastic was James Beaton, Archbishop of Glasgow, and later of St Andrews, one of the Beatons of Balfour. He was uncle of Cardinal Beaton, who was uncle of Queen Mary's Beaton, Archbishop of Glasgow, her Ambassador at the Court of France. These men combined many lucrative offices: their morals, as a rule, were lax, especially as to love of money, they were exposed to envy, and when an educated generation of lay nobles arose, they and their Church were doomed to fall together. To educate a new class is to transfer power and property; and the universities, endowed as bulwarks against heresy, proved to be fountains of heterodoxy, like the Well of St Leonard's. The prelates under James IV. may have

been respected, as Ayala says ; but only two generations or less lay between their successors and the virulent derision of Knox. Already, under James IV., we find Dunbar writing—

“ Sic pryd with Prellatis, so few till preiche and pray,  
Sic hant of harlottis with thame, baith nicht and day.”

It is already the complaint of Knox against “dumb dogs of bishops” and amorous cardinals. The general satire of Dunbar tries to prove too much, for example that oppression and injustice were never so rife before in Scotland. This is the common error of satirists. But James set an ill example in giving St Andrews to his natural son, a minor, the pupil of Erasmus. Benefices were being robbed, under one colour or another, by the nobles. “In one see there had been a succession of Stewarts, in another of Gordons, in another of Hepburns,” says Mr Gairdner, and James was a sedulous jobber in the good things of the Church. In the next reign the Church ran through scandal to ruin.

In land tenure a change was made by a statute of 1503. “It shall be lawful to his Highness to set all his proper lands, both annexed and unannexed, in feu farm,” that is, on a rent payable in money or kind, with or without stipulated “services,” but free from military service, and incidents of “ward.” Rents would rise, but feudal casualties would be avoided by the tenant. In the case of small holdings the increase of rent led to hardship and changes of occupants—

“The gentlemen their steadings take in feu,  
Thus must they pay great rent or leave their stead.”

So writes Sir David Lyndsay in the following reign.<sup>44</sup> A judicial reform was attempted (March 1504) in the establishment, by Parliament, of a Court of Daily Council. Judges, selected by the king, were to sit daily in Edinburgh, or wherever the king resided, “to relieve the Lords of the Session of the confusion and pressure of business, . . . and to afford immediate redress to those poorer litigants whose matters had been delayed from year to year” (Tytler). In 1505 the College of Surgeons was instituted by the Town Council of Edinburgh, and in 1506 was erected into “The Royal College” by the king. On the whole, we are now beginning to enter on really modern history, industrial, commercial, free-

thinking, for the reign of James IV. held nearly all the sunshine of the Renaissance that ever beamed on Scotland.

“ There came a wind out of the East,  
A sharp wind and a snell,”

and the spring of the Renaissance was blighted by a gale from Geneva. With the death of James IV. ends the brief European success of Scotland. It is singular that James fell in a contest, practically, with the Papacy, and with that champion of the Papacy who was to become its most dangerous foe, while James's descendants were to lose all for the Holy See. The problem of Scotland, from the days of Edward I., had been to keep her independence at any material cost. This necessarily united Scotland with France, and that alliance was occasionally fatal. The temporal and even, later, the religious interests of Scotland drew her mainly towards England, while national pride tempted, some aver, even the Cameronians, as late as 1707, to welcome a king fostered by France. In the reign of James V. a Scottish reader's sympathies will be divided between patriots who stood for the nation and the Church, on the one side; and politicians on the other, who were ready to make an Englishman their king and master, by no means purely in the interests either of national prosperity or of Bible truth. While the Anglophiles' was the winning side, and while their cause was, as we believe, finally the better for the national welfare, we must not let either their success, or our sympathy with freethought (which the Reformers detested when it did not agree with their own ideas), blind us to the recklessly shameful, selfish, hypocritical, and sanguinary character of certain intrigues. These will be, to some extent, elucidated in the following chapters. In leaving the reign of James IV., it should be said that Flodden was in one sense a decisive battle. Not for more than a century did a Scottish army dare to venture far across the Border, as, later, to Worcester, or to Derby. So permanent was the effect that a descendant of one of the Scottish heroes (the late Lord Napier and Etrick) told the author how, when his father took him to view Flodden, about 1830, there were tears in the elder man's eyes.

## NOTES TO CHAPTER XIII.

<sup>1</sup> Hume Brown, p. 247. Ferrerius may be cited to the same effect. See note at end of last chapter.

<sup>2</sup> Accounts of Lord High Treasurer, i. lxix.

<sup>3</sup> *Fœdera*, xii. 346, July 26.

<sup>4</sup> The poisoning of Lady Margaret Drummond and her sisters is mysterious, and may have been accidental. Tytler was mistaken about the early *liaison*. Cf. Treasurer's Accounts, i. cxxxiii.

<sup>5</sup> Treasurer's Accounts, i. 99, 117, 118.

<sup>6</sup> Gairdner's Letters of Richard III. and Henry VII., i. 385. Treasurer's Accounts, i. 133, cvi, 180. Tytler dates Angus's exile to his castle of Tantallon (July 29, 1491) after the conclusion of this treaty. The treaty, however, is indorsed "in a modern hand," November 16, 1491. Dr Burnett, Exchequer Rolls, x. lv, makes Angus's loss of lands subsequent to his treaty, as does Mr Dickson, Treasurer's Accounts, i. cvii. Sir William Fraser objects to the date of the treaty (November 16, 1491), that it is only indorsed in a modern hand, and that in November 1491 Angus was in Scotland. He attributes the treaty to the end of 1489, when Angus was absent from Scotland, and had English safe-conducts. (Compare Gairdner, Richard the Third, 299, note.) One thing is certain, if the treaty is of November 1491, Angus cannot have been "commanded to Tantallon" in July 1491, *after* making the treaty.

<sup>7</sup> *Fœdera*, xii. 440, April 17, 1491.

<sup>8</sup> In 1488 the Pope had freed the Bishop of Glasgow from subjection to St Andrews. Theiner, p. 502. The bishop, Blackader, had been of James's party against James III.

<sup>9</sup> Knox, i. 11, 12.

<sup>10</sup> Rot. Scot., ii. 503. The treaty with France, negotiated by the new Earl of Bothwell, Patrick Hepburn, is in 'Inventaire Chronologique des Documents relatifs à l'Histoire d'Ecosse,' p. 53—Abbotsford Club.

<sup>11</sup> Tradition, *apud* Gregory, History of West Highlands, p. 89.

<sup>12</sup> The tradition, in Macvourich's late MS., is confirmed by a charter to MacIan. Gregory, p. 90.

<sup>13</sup> For authentic records of these persons, see Gairdner's Richard the Third, pp. 334, 335. For a letter of Perkin to his mother, cf. p. 329.

<sup>14</sup> Richard the Third, p. 268 (edition of 1898).

<sup>15</sup> Treasurer's Accounts, November 26, 1488; February 27, 1489-90.

<sup>16</sup> June 23, 1495. *Fœdera*, xii. 572. Mr Tytler points out that there had been a raid on England, in Perkin's interest, by Elliots, Nixons, and Henrysons, in the autumn of 1493. Tytler, ii. 117, note.

<sup>17</sup> *Fœdera*, xii. 572. Bergenroth, Catalogue of Spanish Papers, i. Nos. 130, 137, &c., &c.

<sup>18</sup> Bergenroth, i. No. 132.

<sup>19</sup> Ellis, Original Letters, 1st series, i. 23-32.

<sup>20</sup> If we could believe Ramsay's story, the Earl of Buchan, his ally in a previous plan for kidnapping James, had never forgotten the part James played at and before Sauchie, never forgiven James's parricidal revolt against Buchan's nephew. Buchan must have trained the Duke of Ross to rise against James as James had

risen against his father. But, in opposition to Ramsay's tale, we have the Duke of Ross's large contributions to aid Perkin's war, and the fact that he was forwarding "The White Rose's" (Perkin's) letters to the Duchess of Burgundy. Treasurer's Accounts, i. cxxxviii. Mr Tytler believed that the Duke of Ross, Buchan, and the Bishop of Murray were really in league with Ramsay (*ci-devant* Bothwell) and Henry VII. to kidnap Perkin, while the Duke of Ross was to place himself in the hands of the English king. Letters, Pinkerton, ii. 438, 443; Tytler, ii. 118, note 2 (1874).

<sup>21</sup> Gairdner, Richard the Third, pp. 317-326; Treasurer's Accounts, pp. clii-cliv.

<sup>22</sup> Treasurer's Accounts, pp. clvii. 352, 353.

<sup>23</sup> *Fœdera*, xii. 673.

<sup>24</sup> Gairdner, Richard the Third, p. 327.

<sup>25</sup> In this view of the circumstances I follow in part Mr Gairdner's theory (Richard the Third, pp. 316-327). When Perkin left Ayr, James intended him to land in England, and raise a Yorkist force. Meanwhile James would aid him by a diversion on the Border, just as he aided France in the campaign ending at Flodden. But Perkin, in place of going straight to England, wasted time in Ireland, and finally failed egregiously at Taunton. James, therefore, had no more motive for, or hope in, war with England.

<sup>26</sup> Gregory, pp. 53, 96.

<sup>27</sup> Act. Parl. Scot., ii. 240 (1503).

<sup>28</sup> Mr Tytler, anxious perhaps "to be rid of a knave," makes Donald Dubh carry "his aged head" to Ireland, "where he soon after died" (1506). Donald Dubh, in fact, was taken prisoner, and committed to Edinburgh Castle. He was not so "aged" but that he had a final escapade forty years later, in the Regency of Arran, during the minority of Mary, granddaughter of James IV. Tytler, ii. 130; Gregory, p. 103. Donald Dubh was the last male of his house in the direct line—that is, granting his legitimacy. But Mr Burton calls Donald a bastard, "illegitimate like his father," Angus Og, "in the succession to the lordship of the Isles the rule of legitimacy was suspended."—Burton, iii. 64 (1873). Act Parl., ii. 247.

<sup>29</sup> Treasurer's Accounts, p. 85.

<sup>30</sup> Gairdner, Letters, i. lxi.

<sup>31</sup> See his Letters to the King of Denmark, &c., reproduced in Mr Gregory Smith's 'The Days of James IV.,' pp. 124-139, an excellent *résumé*.

<sup>32</sup> Boece, Lives of Bishops of Murthlac and Aberdeen. In Gregory Smith, *op. cit.*, pp. 137-139.

<sup>33</sup> Letters and Papers, Brewer, i. 521. If James, as in Dr Brewer's opinion, was untrue to his word, then

" His honour rooted in dishonour stood,  
And faith unfaithful kept him falsely true,"

for he was also, and apparently, since 1491, had been pledged to the French alliance.

<sup>34</sup> Pitscottie tells the story of the ring. Mr Hume Brown adds that a turquoise ring, said to have been taken from James's finger, is (with his sword and dagger) in the College of Heralds at London.

<sup>35</sup> See the Letter of May 24, 1513, in Gregory Smith, *op. cit.*, p. 136.

<sup>36</sup> The account of Flodden is mainly from 'Flodden Field,' by Mr C. J. Bates (Newcastle, 1894). Mr Bates has made an elaborate collection of the evidence. The writer has also gone over the ground. See note "Flodden," *infra*.



<sup>37</sup> L. and P., i. 674.

<sup>38</sup> A plain sapphire ring, perhaps from the hand of one of these prelates, was found on the field, and is in the British Museum.

<sup>39</sup> The English never showed his penitential belt of iron. See Queen Catherine's letters, Ellis, i. 88-91.

<sup>40</sup> Theiner, p. 511.

<sup>41</sup> Much of James's foreign correspondence is in Mr Gairdner's 'Letters and Papers,' already cited. The letter to his kinsman, the Duke of Gueldres, proving James's loyalty to Henry VII., is of 1505 (L. and P., ii. 192).

<sup>42</sup> The glass was imported, and probably not in very general use.

<sup>43</sup> Calendar, S.P., Spanish, i. 167-170.

<sup>44</sup> Cf. Exchequer Rolls, xiii. cxv.

#### FLODDEN.

That James justified Ayala's criticism, at Flodden, by fighting "before he had given his orders," and by playing the part of the knight adventurous rather than of the general, is certain. But his previous conduct in the campaign has been, perhaps, too hardly judged. Thus Mr Hume Brown (p. 334) makes James expend "six weeks" in besieging Norham Castle. This is a manifest slip of the pen; six days are meant, or rather five days (C. J. Bates, "Flodden Field," 'Archæologia Æliana,' p. xvi). On August 29, when Norham fell, the Scots had been but one week on English soil. Yet Mr Hume Brown says, "For a feudal host his army had already been long in the field." Buchanan's account of James's proceedings just before the battle seems to be prejudiced or misinformed ('Rer. Scot. Hist.,' fol. 151: Edinburgh, 1582). James only stayed at Ford Castle "for the inside of a week"; his army cannot, if we accept the English accounts, have been much weakened by desertions, as Buchanan asserts, "*sui tam pauci*." Nor did the Scots lack supplies, as Buchanan would have us believe that they did or feared that they might come to do. The Bishop of Durham reports "their abundance of victual, wines of all sorts, beer and ale . . . not lightly credible, unless it had been seen, tasted, and viewed by our folks to their great refreshing" (Ruthal to Wolsey, September 20, 1513; Gregory Smith, p. 171).

To take Norham Castle was necessary, and it was done with surprising celerity; while Etal, Ford, and, it seems, Chillingham, were also reduced. Mr Hume Brown, however, says that James was "wasting his time in these petty achievements, letting slip the opportunity of striking a really important blow, and specially of taking at advantage the coveted town of Berwick, then unprepared for a formidable attack." It is not, perhaps, possible for us to say whether James *could* have taken Berwick between August 22 and September 6; and, had Surrey found him failing before Berwick, James's position would have been disastrous. Buchanan makes James's advisers suggest the attack on Berwick, and aver that it was unprepared for resistance. But this is hardly evidence; and, if Norham held out for five or six days, how long might not Berwick have resisted, especially as, in Buchanan's theory, but few standards were left, most of the army having deserted? Norham fell on August 29; the pause for negotiations as to Ford Castle ended on September 5. Who can say that Berwick Castle might have been won in that brief interval? James's policy was simply to make a diversion in favour of France, by luring Surrey as far north as possible, and awaiting him on the apparently impregnable post of Flodden Edge. It was necessary for James to destroy the cover of his approaching foe by taking the neighbouring castles, and this he

did. That he dallied with Lady Heron is "an old wife's tale," says Mr. Bates, referring to his own 'Border Holds' (i. 305-309). Declining Surrey's provocations to a fight on the level plain, James held to Flodden Edge, and, perhaps, made no serious military error till, after totally losing touch of Surrey, he permitted him to advance from the north, and was thus allured from his stronghold on Flodden. It seems a great fault in James that he did not keep in touch with Surrey, by aid of a handful of Home's Border pricklers. Indeed Mr Bates supposes that James was "perfectly well aware of Surrey's advance to Barmoor, and no doubt concluded that he was on his road to Berwick, which, indeed, would have formed a good base of operations" (Buchanan, ed. *Elzevir*, p. 494). James, in truth, was perfectly out-manceuvred for lack of intelligence, which (as far as can see) he might easily have procured. Even if he had not held the bridge at Ford (Bates, p. 6), surely a Border horseman could have swum the flooded Till, and brought information. Meanwhile Surrey's march round by Twizel, with an army fatigued, drenched, ill-fed, and all but mutinous, was an adventure so daring that it could only be justified by success. That it did succeed is the highest testimony to the marching and fighting powers of the English people under arms. It is to be supposed that, on seeing the English make for the second step of the great staircase between Flodden Edge and the plain, James feared that they would cut his communications with Scotland. Now this could not readily have been done, especially as, by the rules of the challenge, Surrey was bound in honour to fight that day. If he did not, he was dishonoured; moreover, as a matter of fact, he could not have held Branxton Edge for lack of supplies. James, however, did not await the attack which Surrey was bound to deliver, in his stronghold of Flodden, but moved down-hill under cover of the smoke of his burning camp. From this moment better discipline than that of Celts and Borderers, better artillery, and the sterling qualities of the English levies, with the headlong ardour of James, made the Scottish defeat a certainty. The English never won a better deserved victory.

The authorities have been marshalled by the industry of Mr Bates:—

1. Surrey's despatches, through Queen Katherine, to Henry VIII., then besieging Tournay. A. 'The Gazette,' in French, signed Thomas Howard, the Admiral (Pinkerton, ii. 456-458). B. This exists in a Latin version, written from Rome, November 17, 1513, to Cardinal Bainbridge, printed by the Roxburghe Club, 1825. The version in our Calendar of State Papers, Venetian ii. 134, is "an abstract, of doubtful accuracy, taken from the Sforza archives, at Milan."

2. The popular 'News-letter,' 'The Trewe Encountre or Batayle lately don betwene Englande and Scotlande,' of which a lost part was discovered, in MS., by Dr Laing ('Proceedings of Soc. Ant. Scot.,' vii. 141, 1867).

3. An Italian song of triumph. 'La Rotta d'Scocesi' (Roxburghe Club, 1825). This poem has a curious interest. Buchanan avers that Angus Bell-the-Cat (that veteran traitor) made a long speech, before the battle, advising retreat, and that James bade him go home, if he was afraid. Angus replied, weeping, that, "while his bodily strength endured, he had never spared himself for the safety of the realm, and the glory of the king" (Buchanan, fol. 152). To cite Dr Johnson as to one Pott, "If Angus said that, Angus lied." He had mutinied under arms at Lauder Bridge; he had, with Albany, intrigued to lay Scotland at England's feet; he had raised the standard of parricidal rebellion at Sauchie Burn; he had disposed of himself, and promised to sell the passes of Liddesdale to Henry VII. We are not moved by the tears of this venerable impostor, who, says Buchanan, withdrew, leaving his sons and retainers. But did this event occur at all? The Italian

poem, written "the moment the details of the victory arrived at Rome," says that, in the thick of the actual fighting,

"Veniva appresso il Signor Dalisse :  
 quel vecchio che con lunga orazione  
 lo dissuase do sta impresa, et disse  
 che ella seria la sua destrutione."

The old Lord Dalisse is clearly Douglas, that is, Angus, and this is at least contemporary, if untrustworthy, evidence (Bates, p. 19; 'Rotta,' p. 35).

4. 'Scottish ffeilde,' by a Cheshire Squire, Leigh of Baggaley Hall, written about 1515 (Percy's Folio, Hales and Furnivall, 1867, i. 202).

5. A letter of the Regency of James V. to the Danish Court, January 16, 1514 ('Epist. Reg. Scot.,' p. 187).

6. Pauli Jovii. *Historiarum sui temporis*, tomi i., ii. Florence, 1550, 1552.

## CHAPTER XIV.

## JAMES V.—THE MINORITY.

SCOTLAND accepted her defeat at Flodden with a grief equalled by her resolution. The merchants of Edinburgh, in the absence of the magistrates, fallen in fight, discouraged the noisy displays of feminine excitement, and set about building that wall over whose ruined part Bothwell tried to clamber on the way to the murder of Darnley. The wall, narrowing the space, naturally led to the erection of the high many-storeyed "lands," yet conspicuous in the Old Town. But there proved to be no real ground of alarm; Surrey could not invade in force, and Border raids under Dacre, with reprisals by Home, were the only military movements. This reserve can hardly be attributed to the chivalry or benevolence of Henry.

In late September a Parliament, in which the clergy must have preponderated, met at Stirling, where the infant James I. was crowned. James Beaton, Archbishop of Glasgow, with Huntly, Angus, and Arran, were to be the advisers of the queen-mother, who, by an arrangement that could not hold long, and in deference to James's will, was guardian of her son. If we follow Leslie, "they next came to Edinburgh," where disputes arose as to the vacant benefices. To settle the disputes, messengers were sent to Albany in France, the son of the traitor to James III. Albany commissioned an ill-starred knight, de la Bastie, to bear his answer, and early in November he, with Arran, arrived. He delivered to a Parliament at Perth the proposals of Louis XII. for the continuance of the old league, and for the return of Albany with forces. Henry VIII. attempted to prevent Albany's arrival, and war continued on the Borders in the spring of 1514. A Parliament held at Edinburgh in March 1514 formally summoned Albany, and Islay Herald

was sent to bring him over.<sup>1</sup> On April 30 Margaret bore a posthumous and short-lived prince, the Duke of Ross, to James IV., who, obviously, cannot have been neglecting his wife, as we read in 'Marmion.' The disorders of the country may serve as a pretext for Margaret's next step: on August 6 she married the young Angus, grandson of Bell-the-Cat, a wedding of infinite consequences. First a feud with Home, the Chamberlain, arose: he was then a partisan of Albany, whose interests were threatened by the match. Arran and James Beaton were no less alienated while the death in October of old Bishop Elphinstone, nominated to the see of St Andrews, let loose the waters of strife. Margaret selected for St Andrews her uncle-in-law, the famous translator of Virgil, Gawain Douglas, and on November 23 wrote from Stirling Castle, in his behoof, to Henry VIII., who had already solicited the Pope.

The project was excellent. Never had the Bishop, or Archbishop, of St Andrews failed to oppose the designs of England. But now, with his sister and Angus in possession of the infant king, and with Angus's uncle as head of the Scottish Church, Henry's position would have been strong beyond precedent. Already Gawain Douglas had seized and held the castle of St Andrews. But all of Henry's hopes were to be defeated. His sister, even when she wrote from Stirling, was blockaded, or at least threatened there, by Home and Arran.<sup>2</sup> She was imploring Henry to release her with an invading army. At about the same time Gawain Douglas was besieged in the St Andrews Castle by Hepburn, that militant prior who founded St Leonard's College, fortified the abbey with a strong towered wall, and left his arms blazoned on many a stone of the ancient city. Hepburn had been duly elected by the canons; he thought, also, that he could rely on the old family band with the Homes. But there was another candidate. Andrew Forman, the diplomatist, and Bishop of Murray, was a reckless pluralist, holding benefices, the gifts of grateful potentates, in Scotland, France, and England. Yet, as contrasted with the avarice and vindictiveness of Hepburn, Buchanan asserts Forman's "contempt of money" and "genial, venial faults." Forman was a client of Home's, and, says Buchanan, Home promulgated a papal bull, by which Forman was made Archbishop (November 23, 1514, according to Lesley, but the date was January 16, 1515). Therefore, in revenge, if we credit Buchanan, Hepburn later pois-

oned the mind of Albany against his partisan Home, though Dacre probably caused the subsequent feud between these two nobles. The queen herself was now in the hands of Home's party in Edinburgh; so crowded with events was the November of 1514. In January 1515 (Francis I. now reigning in France), Lennox and Glencairn seized Dumbarton Castle; and Arran nearly captured Angus, the whole country "thinking long for Albany," as a reconciler of intolerable feuds.

Since August 1514, England and France had been at peace, and distracted Scotland, but conditionally included in the truce, had not even a platonic ally. Therefore, on May 15, 1515, Scotland bowed her pride and entered into the truce; two days later Albany landed, as one *eversus missus succurrere sæclo*. The quarrels of the clergy, it seems, had been partially composed; Forman having ceded to Hepburn such revenues as he had uplifted already, and making him a yearly pension; while Hepburn's brother, James, got Forman's late bishopric of Murray, and a brother of Home received the Abbey of Coldingham. The exact date and details of these arrangements are dubious, and it is at a future period that Lesley makes Albany smooth the troubled waters with the oil of ecclesiastical good things, namely, as late as March 1516, Forman giving up some of his holdings with an easy grace. However this may be, Lesley throws, not unjustly, on the State this crime of bestowing Church wealth on the scions of turbulent noble families, without any respect to their piety, conduct, or learning. Huntlys, Homes, Ogilvies, Dundases, Hamiltons, and Douglases all got sops to keep them quiet: benefices were mere bribes, hence contempt for the Church; hence, presently, blazed "the fiery flame of heresy."<sup>3</sup>

Though the war of the clergy abated, Albany, who was proclaimed Regent, and guardian of the princes, in July 1515, had to show the strong hand. For dealings with the Pope, and treason, Gawain Douglas, like George Wishart later, was warded in the cold sea-tower of St Andrews Castle. This was one blow at Angus; another was delivered when the queen-mother, his wife, was commanded to yield up her children to a committee of four lords. Albany was still strong in the weight of his July Parliament and new regency. The queen, from behind the portcullis of Stirling Castle, declined to surrender the persons of her sons, though Angus himself formally protested against her action. Albany

blockaded the place, and brought up siege-guns. A plot of Dacre's to seize the young king, and carry him into England, failed. The scheme was that Angus and Home, with sixty horse, should cut the prince out of his mother's blockaded castle. George Douglas, Angus's brother, the stirring, astute, and inveterate traitor, actually entered the place. But the sixty lost sixteen of their men, and Henry VIII. failed in the first of his successive plots to trepan his nephew. On August 4, 1515, Albany appeared before Stirling in force; George Douglas fled; the queen-mother surrendered, and came to Edinburgh, as Albany had the pleasure of informing Dacre, who was intriguing with Home, now the inveterate foe of Albany, and with Angus.<sup>4</sup>

Dacre's instructions and behaviour were examples of the Tudor policy in Scotland. From Flodden Field to Fotheringay it had one steady purpose, to foster factions in Scotland by every form of deliberate perfidy. The English idea (in a political phrase of later date) was to "box it about." By money and by lies to purchase traitors, to hire stabbers, to breed mischief, to subsidise rebels, to break up all honest national union, to sow suspicion, to debauch loyalty,—such was the reputable business which Dacre, like Randolph and Sadleir in after-years, pursued with zest, and proclaimed to his employers with relish. The great power of England, baffled a hundred times in her old pretensions of supremacy, defeated in open field, or faced with tireless resolution, sank to the cowardly daggers, or the base intrigues, of such weak causes as are worked by priests and women. By those means England kept Scotland wretched in disunion, and had always her cave of Adullam open for broken men. The result was the growth in Scotland of an English party of men bought, or men disheartened, till sympathy with Protestantism, jealousy of France, and love of Church plunder made the English faction more powerful than the national sentiment.<sup>5</sup>

By intrigues so tortuous that they puzzled his fellow-conspirators, Dacre had caused a deadly feud between Home, the Chamberlain of Scotland, and Albany, the Protector. Dacre, employing Home as his spy, now broke up the real or apparent reconciliation between Albany and the Queen. He encouraged Margaret to flee into England, where in October she bore to Angus a child, Margaret, later Countess of Lennox, mother of Darnley, and grandmother of James VI. Albany tried to move Margaret to

return ; she, however, demanded custody of her children—a natural desire in a mother, but one which could not be gratified in the case of the sister of the national enemy.

An intrigue very characteristic of the age now occurred. In announcing to Henry the birth of Margaret's daughter by Angus, Dacre mentions a letter from Home, who had been in open resistance to Albany. He had been induced, under a letter of pardon, to visit Albany at Douglas. Here he was imprisoned in a low house, vaulted, the door being made fast with a great chain, and he was threatened with banishment if he passed two nights in England. Home had, in fact, arranged an English raid on Scotland, which failed, for he himself was now carried to Edinburgh and intrusted to Arran as his jailer. He sent for his brothers as hostages, but Arran warned him that Albany would keep them all prisoners (October 1515). They all fled, doubtless by Arran's connivance, crossed the Border, met Angus, and adopted the party of Margaret and the English. Margaret, who had solaced herself in illness by reviewing her elaborate wardrobe, soon left the North and went to her brother's Court, but Angus would not follow her. Her posthumous son by James IV., the baby Duke of Ross, died late in 1515. Arran, according to Lesley, made his own peace with Albany on November 12: he later broke into open rebellion, but was pacified by Albany, in February–March 1516. Angus and Home returned to Scotland, and were restored to their estates (May 1516). Perhaps Margaret never forgave this defection. An attempt of Henry to browbeat Scotland into dismissing Albany was firmly met (July 1516). Albany kept negotiating for leave to visit Henry in England, a thing much desired by Margaret, while Dacre tells Wolsey that he himself has hired 400 Scottish outlaws to burn and harry in their own country. An obscure but important affair now occurred. Angus and Home, as we saw, had left Margaret in England, and had returned to their Scottish estates in the summer of 1516. They were left in peace a while, indeed Albany procured for Home a French pension ; but, in September 1516, Home and his brother were seized and in October beheaded. The probability is that Home had been detected in fresh intrigues with Dacre, whose tool and spy he had been. Dacre certainly made no moan for Home ; he merely remarks that the cause of that nobleman's execution will be explained by the bearer of his letter of October 26, 1516. The death of Home, of course, implied a



blood-feud of his house against all friends of Albany. His house had been involved in the treason of Sauchie Burn, and he had behaved most enigmatically at Flodden. Then he became an English spy.

The relaxation of the Franco-Scottish alliance was another blow to Albany: he desired leave to visit France, and revive the old alliance, in the end of 1516, but did not depart till June 1517. Within a week of his sailing Margaret had re-entered Scotland, where the two Archbishops, with Huntly, Angus, Argyll, and Arran, were governing.<sup>6</sup> The vengeance of the Homes now fell on de la Bastie, Albany's French knight, who held Dunbar, and had been made Warden of the East Marches during Albany's absence. The Homes drew him out of Dunbar by stratagem, slew him at "Batty's Bog," carried off his head hanging by the love-locks to George Home's saddle-bow, and are alleged to have fixed it on a pole in Dunse.<sup>7</sup> It is said that his long locks remained a treasure of the Homes till they were burned by a lady after 1800. Francis I. demanded reparation for the death of his subject; the Homes were forfeited and declared traitors, one was even hanged, while the rest found asylum in England. They did not long remain landless exiles. In France, where his wife and his great estates and high favour made his residence agreeable, Albany negotiated the treaty of Rouen, a confirmation of the Auld Alliance (August 1517). In case either Power was at war with England, the other was to assist it, France with money and men, Scotland by an invasion. James was to marry a daughter of Francis, in place of the English wedding sometimes held out as a bait by Henry. Albany was not anxious, perhaps, to return to Scotland after his four months' leave had expired. Moreover, a secret clause in a Franco-English treaty bound Francis to prevent his return.<sup>8</sup> Power in Scotland now lay nominally in the hands of certain prelates and nobles, and of Arran with Angus.

It is hardly necessary to say that the Celtic part of the kingdom had been disturbed ever since Flodden. The old quarrel awoke, and Sir Donald of Lochalsh arose as Lord of the Isles, aided by Glengarry, while Maclean and Macleod seized royal castles. Argyll (1514) was charged with the pacification of the country. Mackenzie of Kintail, the hereditary foe of Clan Donald, and Munro of Foulis were also on the side of the Government. MacIan was employed to negotiate. The clans were reconciled, but Lochalsh

had been engaged in whatever practices brought the Homes (as we saw) to the scaffold. Probably English agents had been at work in the Isles as well as on the Border. Lochalsh expelled MacIan from his lands; but his Maclean and Macleod allies deserted him and changed sides, leaguings with Argyll, who demanded the Lieutenancy of the Isles. Maclean of Dowart asked leave "to destroy the wicked blood of the Isles," the children of Somerled, while Huntly got permission for Argyll to expel Clan Chattan from the Badenoch regions under him as lieutenant. "The wicked blood of the Isles," however, inspired Lochalsh to band with the Macleods of Lewis and Raasay, and with Alexander of Isla: they fought and slew MacIan; but Sir Donald of Lochalsh died soon afterwards, without issue, and with him expired the Lochalsh claims to the lordship. Donald Dubh was still a prisoner, and Argyll succeeded in getting a band of "man-rent" from Glogarry, as did his kinsman, Campbell of Cawdor, from Lochiel. Thus the house of Argyll steadily rose in the west, while Clan Donald dwindled. All this proved, much later, of high importance: had these fortunes been reversed, the Reformation and the Revolution settlement would have been imperilled.

The history of Scotland now became a repetition of the usual party and personal feuds. The strength of Angus, as against Arran, lay in the queen-mother; but with his wife Angus had now quarrelled, it is said by reason of his faithlessness, and she clamoured for a divorce (1519). Henry rebuked his sister's eagerness to leave her lord, and a reconciliation was patched up. Margaret was now turning towards Arran, and desiring the return of Albany. Her grievance, as ever, was pecuniary. The hatreds of Arran and Angus kept breaking out in singular shapes. Arran, for example, had been Provost of Edinburgh. In September 1519 the civic partisans of Angus shut the gates on Arran, there was a skirmish, and Arran's bastard, Sir James Hamilton of Finnart, slew one Gavin, a carpenter, and friend of the Douglas faction. Wedderburn killed the Prior of Coldingham, to make a vacancy for a Douglas in holy orders. When France sent envoys to induce Scotland to make a year's peace with England, late in autumn 1519, Angus and Arran quarrelled on a point of etiquette. Arran, at Stirling, accepted the peace, whereafter Angus waylaid with an armed force and bitterly insulted the ambassadors on the way to Caerlaverock, as Lesley declares. (Cf. Appendix G, "The Tragedy of Finnart.")

There are divergent accounts as to how the parties of Arran and Angus met in Edinburgh (April 30, 1520), and fought in the scuffle called "Cleanse the Causeway." The Archbishop of Glasgow, Beaton, was a kinsman of Arran, and, of course, took his part against the Douglasses. He now illustrated the manners of contemporary churchmen, by striking his bosom, when he protested to Gawain Douglas, in the church of the Dominicans, his desire for peace. "My lord, your conscience clatters," replied the translator of Virgil, for the archiepiscopal armour rang beneath his vestments. The meeting took place before an assembly of Parliament, and Angus was backed by 400 spearmen. Arran's bastard brother, Sir Patrick Hamilton, sided with the classical Gawain in advocating peace; but Hamilton of Finnart rebuked him fiercely for cowardice. "I shall fight," cried Sir Patrick, "where thou darest not be seen," and rushing out of church, he charged the spears of Angus and of Home of Wedderburn. He fell by the hand of Angus himself, and a blood-feud was added to the hatred of the rival houses of Douglas and Hamilton. Forth from the church sped the Hamiltons, and rushed on the Border lances that barred the steep causeway. As the Douglas faction gained ground, the Hamiltons fled down the narrow wynds beneath the beetling houses, and Arran, with his bastard son, found the enemy behind, and the waters of the Nor' Loch before them. Seizing a collier's mare, they both leaped on her back, and swam or forded the loch in safety; while the archbishop of the clattering conscience cowered behind the high altar of the church of the Dominicans. His rocquet was torn off, his life was imperilled, but Gawain Douglas saved him. Such, in Scotland, were the amenities of party discussion. For months Angus was supreme, and the heads of his friends, these double-dyed traitors, the Homes, were taken down from their spikes and received burial.

Arran retired to France. What advantages Angus may have gained in "Cleanse the Causeway" were forfeited by Margaret's veering to Arran and Albany. The Duke had visited Rome, and was probably aiding her by intriguing for her divorce. The English Court, whose object was to keep Albany out of Scotland, was foiled by Margaret's wavering and personal caprice. Albany's success meant that of the national cause of Scotland and the French alliance: his return must be prevented by England at all hazards. But, as Henry was now allying himself with the Emperor Charles

V. against France, while France was jealous of Charles's recent imperial honours, Frenchmen had no interest in detaining Albany. His every movement was spied upon, and reported to Henry. Meanwhile Albany played the game of hide-and-seek, in which Prince Charles was later so proficient. "He came and went with more than feline rapidity and noiselessness."<sup>9</sup> On October 2, 1521, he vanished from the French Court. He was next heard of in Scotland, which he probably reached by sailing round the west of Ireland.<sup>10</sup> Margaret triumphantly announced (4th December) the arrival to Dacre, whom she menaced with reprisals for his encouragement of rebels and hostility to her private cause, which was independence of Angus, her now detested husband. The party of Angus, the English party for the moment, heaped charges of tyranny on Albany. He murdered the little Duke of Ross, brother of the king. He played the part of Richard III. He kept the young king in a beggarly condition. What was worse, he had made Beaton of the clattering conscience Archbishop of St Andrews. Such were the outcries (Jan. 31, 1522) of Gawain Douglas, who retired to England, and died of the plague in London. He had described himself to Wolsey as "a desolate and woful wight," and deplored Angus's conduct in making peace with Albany. Henry now denounced Albany to the Estates of Scotland (February 1522). They replied with firmness: they would be loyal to the Duke. Margaret denied that she had ever contemplated a divorce! Albany could not corroborate her here, but swore that he never meant to marry her. To Henry's herald the Estates announced that they were resolved to live or die with Albany. Angus withdrew for two years to France, where he is said to have improved his mind by study.

Both countries now prepared for a war which neither desired. Scotland had enough of wars waged partly in the interest of France: England, on the verge of war with France, needed all her resources. Albany at last advanced to Annan, and threatened Carlisle (September). His army, says Dacre, was one of 80,000 men: England was wholly unprepared. But, by dint of bold words and bolder lies, Dacre absolutely outfaced Albany in conference, sowed disputes among the lords, and secured a month's truce. The splendid audacity of Dacre, who thus saved the north of England, on his own responsibility, by sheer dint of courage, may almost win a pardon for his abominable policy.<sup>11</sup>

The plight of Dacre and of northern England, in face of Albany's advance, had been desperate. "There was neither gun, bow, nor arrow in readiness" at Carlisle. Dacre brought weapons from his own houses; at his own expense he threw in a garrison of 1600 men, appointing his only son to hold the perilous post. Meeting Albany by agreement, he bullied "in a high voice." Huntly, Argyll, and Arran asked only for peace, being averse to a war in French interests. They remembered Flodden. Other lords, in another tent, intrigued with Dacre. Thus he browbeat and wheedled Albany into an armistice, which, as he had no authority to conclude it (though he vowed that he had), England could at pleasure disregard. He had persuaded the Scots lords to make covenants and give hostages for peace. In fact, when Albany had once permitted Dacre to parley, his chance was lost, for Albany knew very well that he could not rely on the nobles of Scotland: no man could, save so long as they were well paid by England.

After Albany's military collapse, his diplomatic efforts to include France in a truce with England were doomed to failure, and he left Scotland on Monday, October 28, vowing to return by August 15, 1523. The Regency left was unpromising, Huntly, Argyll, Arran, and Gonzolles, a Frenchman. The truce with England, wrung by Dacre from Albany, had only been from month to month. Henry, according to Buchanan, offered peace, alliance, and the hand of his daughter, Mary, to the child king. But the Scots suspected the ill faith of Wolsey, and remembered Edward I. They adhered to France. Wolsey therefore sent Surrey, son of the victor of Flodden, with a strong force to the north, and in the summer of 1523 the English wasted the Border. Says Wolsey, "There is left neither house, fortress, village, tree, cattle, corn, or other succour for man." The people fled into England, so starved that they died in eating their first loaf. The English cut off the ears and burned the faces of the survivors. The foreign friends of Albany were driven, by popular resentment, into Dunbar Castle, "doubting to be served as de la Bastie was." So run the letters of Dacre and Wolsey. Surrey made a raid into Scotland about this time (September 1523), which, though of no great political importance, was marked by details very characteristic. Crossing the Border on September 22, he reached Jedburgh on the 24th; Dacre approached the town from the other side, but the Scots had thrown

all the thatch of the houses into the street, and set it on fire, making "a smoke very noisome." Jedburgh was a fair town, with six towers, and the Scots had tried to secure the church by filling the vaults with smouldering peat-fires, to prevent Surrey from blowing the place up with gunpowder. Surrey ingeniously defeated this arrangement, and did what damage he could, but remarked that he must march back next day, for lack of supplies. In fact he did return next day (September 25), not without loss. He had arranged a laager at Jedburgh, a camp surrounded by carts and ditches; but while he himself attacked the Abbey at midnight, Dacre, for his private ends, encamped outside the laager. Next day, Dacre attacked Ferniehirst Castle, where the Scots showed themselves "the boldest men and the hottest that ever I saw in any nation." Dacre at last took and burned Ferniehirst, losing some sixty men, killed or wounded, and, on returning, again lodged outside the laager. Here his horses stampeded, to the number of 1500, and about 800 were burned in the blazing town, or stolen. "I dare not write the wonders that my Lord Dacre and his company do say they saw that night, six times, of sprights and fearful sights. They all say the devil was among them six times." In 1377 the Scots had practised this spiritual mode of causing a panic, and probably they had now taken advantage, in hideous disguises, of Dacre's rashness in lying outside the laager.<sup>12</sup>

Surrey's letter on Jedburgh also contains news of Albany's arrival in Scotland. Margaret had been intriguing with England for what was called "the King's Erection," or proclamation as monarch. She had, in Albany's absence, been of the English party. She sent intelligence to Surrey, and advised him to make a dash on Edinburgh. But Surrey had great difficulty with his commissariat. Again, the Scots would have been over the Border as soon as he advanced; and as most gentlemen of Northumberland cherished robbers among their retainers, the Southern as well as the Scottish march-men would have been plundering. Though not so unpatriotic (for they had no temptations), the English Border gentry were as unruly and predacious as the Scots.<sup>13</sup> Dacre, again, would not obey orders, and, finally, the Scots could fight. So Surrey hearkened not to Margaret.

That amorous lady again fell under Albany's influence. There were renewed tales of a love-intrigue between the handsome Stewart and the voluptuous Tudor. A singular portrait of the

pair, with an unknown Englishman, and some symbolical details, may refer to this amour. Albany's own character was impetuous. Dacre averred that he had known the duke "burn above a dozen bonnets," in anger.

"The fire shall get both hat and wig,  
As often it gets a' that !"

Albany's angry ways were those of George II. Albany now summoned all Scotland under arms for October 20, and he had also French and German subsidised forces, and field artillery protected by shields. Surrey was alarmed; but Wolsey reminded him that the Scots commissariat must break down, if he acted "like Fabius." Wolsey was right. Ill supported, Albany attempted the taking of Wark Castle by aid of his Frenchmen; the Scots he could not trust. They failed, and though Surrey probably could not have brought up his men to the relief of the place, owing to the weather and want of supplies, the same causes led to the dispersal of the army of Albany. His retreat is said to have been thought dastardly by the gentlemen of Teviotdale, who (according to a spy) tore off their badges, crying, "Would God that we were all sworn English." The Duke's excuse was probably true enough, "I will give no battle, for I have no convenient company to do so." Arran and Lennox, judging by Dacre's letter, were likely to betray him, and probably he knew it. The Duke's French forces were sent home with insult, and he himself retreated to France, never to return (May 20, 1524). His task had been impossible, and his whole career was a type of what the Stuarts too often gained by leaning on France. In a way, he had kept Scotland true rather to herself than to England, and he does not deserve some modern censures.<sup>14</sup>

England, throughout this period, had but one aim as to Scotland, namely, to sever her from France, and to get rid of Albany. Wolsey was kept supplied with Albany's letters to France, and with a key to his cipher. He also got possession, in a singular way, of a covenant purporting to be a bond between Albany and Margaret. Margaret denied its authenticity, while Wolsey, writing to Dacre, accused Albany of interpolating forgeries into *his* letters, and of double dealing with France, and Henry kept warning Margaret that Albany meant to make himself King of Scotland.<sup>15</sup> In these intrigues the actual truth is difficult to discern, but we have reached

the age of spies and forged or uncertain letters. Henry took up the position that, from sheer love of his young nephew, he must make war on a country ruled by his nephew's would-be supplanter, Albany. In one form or other this is the *crux* of Scottish history for many years. Henry is always full of good words and ill deeds. He "dissembles his love" to the proverbial extent. In Scotland he was inevitably supposed to aim at subduing the country. Therefore, though a union with England was obviously the best policy, and though Henry cited three princes who had lost their realms by leaning on France, the hatred caused by English brutalities made it impossible for James to rely frankly on his uncle. His later inclinations to that side were thwarted by clerical counsellors when the English came to be identical with the Protestant party; but his clergy were right when they said that Henry could not be trusted.

Albany had scarcely reached France when Angus secretly returned to England after a two years' residence abroad (June 28, 1524). Arran, as far as he sided with England, was probably moved by jealousy of Albany. Failing Albany, the Hamiltons were heirs of the crown. Wolsey had now privily matured a scheme for what he called the "erection"—that is, the public appearance and recognition of young James—and Angus was expected by England to be useful here. James, a lad of thirteen, had already dirked a gentleman in the arm; he wore a full-sized man's sword, which by practice he could draw with some alacrity; he pined for a real London buckler; and was believed to be prejudiced against France, and fond of his kind uncle, Henry VIII. The intrigues for the "erection" of James (intended to keep out Albany and French influence) are curious. The obstacle being Beaton, Beaton was to be kidnapped and carried off. On July 10, 1524, Dacre was trying to wheedle the Archbishop of St Andrews. He also wrote to Arran announcing Angus's return to England from France—an event which, to Arran, whose brother Angus had slain, could scarcely be grateful news. Margaret was corresponding tartly with Dacre, complaining that he should not prefer her detested husband Angus to "my fathar's barnyz"—"my father's child" (herself). To Henry she wrote protesting against Angus's return: *she* is undermining Albany's interests. *Varium et mutabile semper!* Her true interest was in her money, her "conjunct feoffment," on which she thought Angus likely to "lay a privy paw." Dacre



then announces to Archbishop Beaton that Norfolk will come to the Border to hold a peaceful conference, if possible; if not, for other ends Beaton is bidden to this "diet," and told that Albany's return with French aid is improbable (July 16). Arran informed Dacre that he was ready to treat with Angus, and Dacre had hopeful news that Beaton would consent to James's "erection." Beaton, indeed, had come to Edinburgh to meet the Scottish lords, and would soon send a definite answer (July 18). It was promised that Angus should tarry on the Border till all was settled. Henry explained to Margaret that he had only harried Scotland for Scotland's good, and to preserve his beloved nephew James from the nefarious Albany. By intercepted letters Henry knew that Albany was aiming at the Scottish crown for himself (July 21). Wolsey appealed to Beaton, reminding him that Henry can greatly advance him. In Wolsey Beaton will find "a sure and perfect friend."

Now we can expose the guile of Henry and Wolsey. On July 23 Beaton, who well knew that Wolsey's real desire was to secure his person, wrote to Dacre explaining that the lords do not think it well for him to meet Norfolk in person. They are sending Arran, Scott of Balwearie, and others to the Border for that purpose. Dacre tried to persuade Beaton to come to the Border conference, and (perhaps honestly) asked Wolsey to send him a safe-conduct. Now, on August 1, Wolsey plainly tells Dacre what he thinks Norfolk must know, that his proposed meeting with Beaton on the Border to discuss terms of peace "was never intended on this side for any communication of peace. . . . It was agreed to only for the purpose of intercepting the Chancellor (Beaton) by means of Angus. . . ." As Beaton declined to walk into the snare, the king desires no such conference. So Wolsey sent no safe-conduct for Beaton. Such is the honour and honesty of Henry, which some English historians contrast with the perfidy of James IV.<sup>16</sup> Money was sent to James and Margaret, and a magnificent present of £100 to Arran. Henry was also willing to maintain a guard of 200 men for his young nephew. The Scottish clergy have been greatly blamed, especially by Mr Froude, for constantly keeping James and Henry apart, and so prolonging strife. They had, like other men, their selfish interests—above all, when Henry took to robbing his Church and advised James to do the same. But they were only following that policy by which,

under William the Lion and at the side of Bruce, the Scottish Church, from Lamberton to Kennedy, had steadily maintained, against overwhelming odds, the freedom of their country. To blame them for not being Protestants and welcoming the tyranny, that of a private Pope, which Henry was about to establish in England, is to abandon the spirit and temper of history.

The great affair of the "erection," however, was carried through (July 26). Margaret suddenly rode with her son from Stirling to Edinburgh, with Crawford, Arran of the £100, and others. The nobles, including Beaton, professed their obedience to James, and Albany's chances were extinguished.<sup>17</sup> Dacre (August 4) was still trying to entice Beaton to the Border diet, and Wolsey was flattering Margaret with hopes of a new marriage, on which she had set her heart.<sup>18</sup> The honest Norfolk had never been able to understand that the diet for peace was only a trap and an ambush. The king and Wolsey "are surprised." "The aim was that Angus should intercept the Chancellor," which would pass, of course, as an incident in a Hamilton and Douglas feud. Already (August 9) Beaton was said to be working against the "erection," fearing, doubtless, that Henry, despite his promises, did mean to assert his superiority over Scotland while James was a minor. Wolsey saw that if Angus did cross the Border, in place of working for England he might ally himself with Beaton, for Albany, against Arran, whose brother Angus had slain in "Cleanse the Causeway."<sup>19</sup> Wolsey and Henry still cast about to kidnap Beaton the Chancellor, that stroke being of a sort dear to the English king. The new plan was to bring him to England as an ambassador, and then secure his person. The Scots Parliament renounced Albany (August 20): so much was secured, though Margaret now writes that Beaton and the Bishop of Aberdeen refuse to agree to desert him (August 31). The bishops were therefore imprisoned; but Margaret's letters show her to have a foot in both camps. Henry hoped that Lord Maxwell would seize the bishops and hand them over in Berwick: he had Arran and many other lords in his pay, but the unmanageable factor was Margaret. She had lost her elderly but always tender heart to young Henry Stewart, second son of Lord Evandale, who was made captain of her guards subsidised by Henry. We have seen that Wolsey flattered this affection.

Margaret and Arran were again intriguing with France. England,

therefore, at last permitted Angus to return to Scotland on condition of adherence to English interests. Dr Magnus and Radcliffe had been sent to Scotland, but England declined to regard them as "ambassadors." Beaton was presently released, which indicated a tendency on Arran's part to the party of Albany and France. The English envoys found parties fluctuating like blown sand. Many Scottish nobles were in receipt of English bribes. Arran and Lennox were pensioners, so was the Master of Kilmaurs, later Earl of Glencairn. He was to become a patron of the martyred Wishart, and to offer a venal dagger to Henry in one of the plots for assassinating Cardinal Beaton. Margaret, who had served Henry by securing the "erection," was now cast into the arms of the French faction by the mere circumstance of her husband's return. Yet she wavered from day to day. Angus and Scott of Buccleuch, now first prominent, entered Edinburgh one November morning, before the dawn, by force to coerce the Estates then assembled, or to seize the king; the castle fired on the town, and Margaret, with the king, took refuge by torchlight in the castle. The result of this obscure affair was an alliance between Angus and Beaton.

The behaviour of the Archbishop had been mysterious. His nephew, David, later Cardinal Beaton, had come over from an embassy to France, just before Yule (1524), with French companions, and, in place of going to Court, had kept Christmas in St Andrews Castle. Gonzolles, a distinguished partisan of France and Albany, was received by the king. Margaret, however, announced that the commonalty was more attached to England. Magnus believed that Margaret was still intriguing with Albany. A Royal proclamation was issued in January 1525 for the arrest of Beaton for "keeping up private councils and trysts in St Andrews with Angus, Lennox, Walter Scott of Branxholme, and other broken men." We see the House of Buccleuch coming now to the front. The reply to the proclamation was another by the lords at St Andrews (January 25, 1524-25) ordering a convention at Stirling for February 6, to release the king from private persons, who kept him in unwholesome places. This was a move of Beaton, Angus, Argyll, Lennox, and others, who declared that the queen made it unsafe for them to enter Edinburgh. The lords met at Stirling, and later entered Edinburgh in armed force. A Parliament was held, and the queen "wavered" with her usual caprice. The king was to be removed to Holyrood from Edinburgh Castle, his person was intrusted to a council of

eight peers, presided over by the queen, but there was no renewal of Margaret's matrimonial relations with Angus; indeed Margaret was known to be moving at Rome for a divorce, and trafficking with Albany. The news of the defeat of Francis I. at Pavia (March 31) now caused grief in Scotland, and Henry VIII. wrote to Margaret in such a style that she wept for an hour: "another such letter would be her death." Henry's treaty with France, after a quarrel with the Emperor, discomfited the French party in Scotland, which was to suffer much more from the importation of Lutheran books, prohibited in the Parliament of July 1525. "It is statute and ordained that forasmuch as the damnable opinions of heresy are spread in divers countries by the heretic, Luther, and his disciples, . . . no stranger who arrives with ships bring with him any book or work of the said Luther or his disciples, or dispute or rehearse his heresies or opinions, save it be to the confusion thereof."<sup>20</sup> The very day of the agreement with the peers, Margaret wrote to Albany, acknowledging him as Regent, and praying him to speed her divorce. To Margaret politics now meant loathing of Angus. Her letter was intercepted. Her plea was that she was never married to Angus at all, her husband, James IV., having survived Flodden, and being alive at the time of her wedding! But the greater lords of Scotland, such as Angus, were now pensioners of England, and in the Parliament of July 1525 had agreed to a three years' peace. Magnus, however, was cursed by women in the streets for blighting the crops with his evil eye, a theory of meteorological causation still entertained in the Highlands.

The Three Years' Truce with England was getting itself signed in January 1526 when Home and the Kers of Cessford and Ferniehirst, who were at feud with Angus, rode to meet Arran at Linlithgow; but Angus, accompanied by the king, put them down, and the treaty was ratified in March 1526. The Borderers, the chief sufferers by wars, were also the chief opponents of the treaty. The departure of Magnus of the evil eye made for the cause of tranquillity. Margaret, to anticipate, got her divorce (1527) and married Henry Stewart (Lord Methven), whereby she lost influence and repute, though really it was better for her to marry than burn Nor was the country yet free from the perplexing influences of this "daughter of debate, who discord still doth sow." The next three years were critical in the history of James and of Scotland. He was in the hands of Angus—that is, practically, of England. No

arrangement would have been better for the country could it have led to permanent amity between James and Henry VIII. But the consequences were of the opposite kind, and irretrievable in their results. Magnus had already reported in the boy king a tendency to "cruelty." He would "gloom" on such lords as his mother disliked. Of them all she most passionately hated Angus, both because she loved others, and on grounds of quarrel touching her dearest interests, those of money. This hatred James was certain to inherit, especially as he was not likely to love any noble who should have perpetual authority over his youth. That authority Angus cleverly usurped (June 1526). While it endured James was recalcitrant, when it was overthrown James became implacable to the whole Douglas name. Their power was, indeed, too great to coexist with that of Royal authority, and was exercised in their own interests, with cynical selfishness. "None durst strive with a Douglas, nor yet with a Douglas's man." But to shake off and break down the Douglases, a thing desirable in itself, was to turn away from England, the patron of the Douglases, to turn away from Protestantism, to court France, and to choose the doomed cause of Catholicism in the north. These dull and squalid intrigues of a selfish, sensual termagant, Margaret, and her unscrupulously ambitious husband Angus, determined the fate of the Stuart line. They were to lean on France, and were to lose three crowns for a mass. Exile, the executioner's axe, and broken hearts were to be their reward in a secular series of sorrows flowing from the long minority and unhappy environment of James V.

Angus obtained the control of the Royal person in the following way. James's legal majority was proclaimed when he was fourteen years of age (June 14, 1526). All delegated authority from him was thus annulled; but the Act of Parliament intrusting the boy to certain peers in rotation for periods of three months remained in force. Angus arranged that the proclamation should coincide with his own term of trust. A new Privy Council was appointed, but Angus practically was master. He dismissed Beaton, and made himself Chancellor. From the very first James detested the Douglas *régime*. A fortnight after Angus took office the king entered into a "band" with Lennox, vowing to prefer his advice to that of any other man (June 26, 1526).<sup>21</sup> In July he accompanied Angus in an expedition for the punishment of the Armstrongs and other Border freebooters. On their return, near Melrose, they were bid-

den to stand by Sir Walter Scott of Branxholme, who barred the Melrose Bridge with 1000 men. Angus had but 300, and Scott would have carried off the king, with his good-will, but the Kers and Homes came up to Angus's rescue, and defeated the Scotts. Two places, "Cock-a-pistol" and "Turn Again," on the estate of Abbotsford, retain names given on this occasion. At Turn Again,

"Gallant Cessford's life-blood dear  
Reeked on dark Elliot's Border spear."

Lennox, charged with complicity in the plot to free James, retired from Court, but continued to conspire with Margaret and Beaton. James himself wrote to Henry, complaining of his lack of freedom, and asking support for Beaton and his mother. Attempt after attempt to escape was made by James, and a pitched battle was fought near Linlithgow, in which Arran and Angus routed Lennox's party. James, in the interests of Lennox and of his own freedom, had tried to delay Angus's march. Sir George Douglas told the king that he would see him torn to pieces rather than lose him. This insolence, even more than the treason of the Douglasses, was resented by the king. Buchanan is the authority here (fol. 161). In the battle Lennox was murdered in cold blood by Hamilton of Finnart. Over Lennox Arran is reported to have wept as for the worthiest man in Scotland. The cynic may smile as he remembers that, in October 1524, Lennox, with the Master of Kilmaurs, had plotted "to slay the Earl of Arran in his lodging within Holyrood House." But "the unhappy Jamys Pringle" had repented and revealed the plot of Lennox, to the unfeigned regret of Norfolk, Dacre, Magnus, and, perhaps, Mr Froude.<sup>22</sup>

The young king did not conceal his sympathy with the defeated foes of Angus. It is probable enough that he would have revolted against any Governor who at once controlled his freedom and kept him apart from his mother. That the Governor should be his stepfather, the partisan of England, and a noble of a family always in rivalry with the Crown, completed the net of untoward circumstances. Angus was probably guided by a cleverer and even more unscrupulous man, his brother, Sir George Douglas. The party of the queen was broken up, and Archbishop Beaton, the richest man in Scotland, is said to have skulked in the disguise of a shepherd on the hills.<sup>23</sup> Henry congratulated Angus through Sir Thomas More; but the slaying of his dear Lennox, in cold blood, had

intensified James's hatred of the Douglasses. The Archbishop soon won his pardon, and was as ready for intrigue as ever. The queen-mother was now treated with a courtesy which implied contempt for her broken power, and a desire to flatter Henry. Angus occupied himself in such pacification of the Border as could be achieved by hanging Armstrongs. The peace with England was perpetually menaced by the Marchmen, and Angus's severity was justifiable. In the North, Clan Chattan broke out into internal feuds, which extended to attacks on Murray and the Ogilvies. The captain of the clan, a bastard, escaped the vengeance of Murray, and obtained his pardon, but was dirked by a monk at St Andrews, who probably had taken up the Ogilvy feud. Meanwhile Beaton, whether he had ever skulked as a shepherd on the hills or not, had returned to his other pastoral duties. Margaret had procured his return to Court, and he kept "a right solemn and honourable Christmas" in his castle of St Andrews. Magnus tells Wolsey that Angus is said to have received a good bribe, but that his acquiescence will probably turn to his own destruction. "He is gentle and hardy, but wants wit;" had just wit enough to kidnap Beaton, if he got the chance. Sir George Douglas had resisted the reconciliation of Angus and Beaton. It was a strange Christmas party. At this time Arran, distressed by the death of his nephew Lennox, had left the Court. His absence may account for the burning at St Andrews, in the February of 1528, of Patrick Hamilton, Abbot of Ferne, and a married man. He was connected, by blood, with the King, Albany, and Arran. His doctrines and conduct will be examined later, but his death may obscurely indicate a revival of the Douglas-Hamilton feud.<sup>24</sup> On the other hand, if the cruel Sir James Hamilton of Finnart was concerned in Patrick's arrest, this is unlikely.

James had already remonstrated with Henry against the "thraldom and captivity" in which he was kept by Henry's paid agent, Angus. From that agent James now freed himself (June 1528).

The course of affairs, as reported by James after the event, was this: At Easter 1528 he had called Angus before himself and five or six of his Privy Council, urging the Earl to reform his abuses. These, apart from his tyranny over the king, were allowing thieves to go unpunished on the Borders, and so endangering peace (a point formally admitted to be true by Magnus), ill-treating foreign

ambassadors (the French envoy for example), and promoting his kinsmen to offices where they were enriched at James's expense. Angus, in token of amendment, promised, says James, a raid on the Border thieves for June, and this expedition had been announced by the king himself to Henry. But the forces summoned, nominally for this laudable purpose, were, so James says he discovered, intended to kill several of his own servants, and it is clear, from other sources, that the king really feared a plot to kidnap him, and put him in the hands of Henry. Now, whether Angus did cherish these designs, or whether they were suggested to James by his friends, and his own fancy, remains uncertain. But James certainly announced to Henry that the June expedition against the Border thieves was postponed, "as the Estates of the Realm are in part dissatisfied with the administration of Angus." On May 27 James was with Angus in Edinburgh. On May 30 he was in his mother's castle of Stirling, and, in his grandson's words, "was a free king." He had discovered, or invented, or been induced to believe in, the Douglas plot against him, and had fled from Edinburgh. That he did not escape, as in Pitscottie's delightful page of romance, from *Falkland*, is proved, not only by the facts already recorded, but by an undated note of his mother's. In this she says that the king rode privily from Edinburgh (not Falkland) with five or six in his company: probably the five or six of his Council. There is printed also, in Pitcairn's 'Criminal Trials,' a charge made against Lady Glamis, Angus's sister, on December 1, 1528.<sup>25</sup> She was accused, with some partisans of the Douglases, of "convocating the lieges for eight days immediately preceding June 1 for invasion of the king's person." This, so far, corroborates the fact that James, in May, suspected Angus of hostile intentions. James, as we saw, had announced to Henry an armed raid against the Border thieves for that very month of June. It was natural, therefore, that the Douglas retainers should be convocated for that purpose. But James either suspected, or pretended to suspect, that the preparations were being arranged, not for an assault on the Armstrongs, but for some treasonable attempt against himself. He therefore made his escape to Stirling, where he joined himself to Arran, Beaton (so truly had George Douglas foreseen Beaton's designs), Argyll, Maxwell, and his mother.<sup>26</sup>

As to what followed James's flight from Douglas, in Edinburgh,



to his mother in Stirling, we have his own account. Writing to Henry from Edinburgh (whither he and his adherents had marched from Stirling) on July 13, he rehearses his grievances against Angus. He has commanded his stepfather to withdraw "into inward parts of the realm" beyond Spey, while Douglas's brother, George, and uncle are to "enter in ward." They have disobeyed him, have fortified their castles, and are daily burning and robbing. Parliament was summoned for September 2. The king's side was strong in nobles such as Arran, Argyll, Eglington, Moray, Rothes, Bothwell, Seton, Maxwell, and Home. James was triumphant, but from his escape to Stirling, and first hour of life as a free king, date misfortunes that did not end till the head of his daughter fell at Fotheringay. He was firmly and justly resolved never to suffer the Douglasses to sway Scotland again. Henry became as determined that they should manage the country, or his interest in the country. Hence arose an irreconcilable enmity, which involved the countries as well as the kings. James has been severely criticised by English historians, but we should remember his circumstances and education. He had been bred amidst tumult and perfidy. His mother had trained him up to hate his stepfather. He knew how hardly the Douglas yoke, which ever meant the dominance of England, had been shaken off by his great grandfather, James II. Now, Henry wished that yoke to be on his own neck. Moreover, though a free king, he was now in the worst hands, those of Margaret Tudor and her reckless young lord, of Maxwell and Buccleuch, "chief maintainers of all misguided men on the Borders," of the Sheriff of Ayr, Sir Hugh Campbell of Loudon, the murderer of the Earl of Cassilis, "with such like other murderers."<sup>27</sup> Between friends and foes James was ill bestead, and if he came later to lean on his clergy, we need not severely blame him. From such an education, and such an environment, good fortune could not come, while Henry was speaking smooth things, corrupting James's subjects, and menacing his frontier.

Angus disobeyed the summons to meet the Scottish Parliament on September 2, and sent in a protest. He was no man of law, he could not get an advocate, it was holiday time, and he objected to an autumn session. As to the charges against him, he had certainly disobeyed an order to exile himself north of the Spey, and to place his uncle and brother as hostages for him in Edinburgh

Castle. To do so would be to imperil their lives. He had not convocated the lieges (May 23—June 1) against, but in the service of, the king. He had provisioned and fortified Tantallon and other castles, but not to the king's prejudice. He would appear in person, if hostages were given. A committee of Parliament pronounced forfeiture on Angus in land, life, and goods. Angus was now in the posture of Bruce's disinherited lords, and as dangerous as they. James bade the lords who expected shares of the Douglas estates to drive Angus out of the realm. Angus shut himself in Coldingham and later in Tantallon, while Henry winked at his recruiting forces amongst the English Borderers. Angus burned villages "to give the king light," and, in a series of vague expeditions, James gained only repulse and insult. Tantallon baffled a large army with heavy artillery, which Angus captured. His attitude was that of reluctant resistance, and attempts were made to negotiate. As the time approached for renewing the truce with England, and the Diet was to meet, Henry passed over his request for the restitution of Angus; "it will be better that he remain in Scotland, *doing all the harm he can*," than come to England.<sup>28</sup> If the restitution of Angus was refused, the English were to temporise. It appears that Angus was accused of intending to kidnap James, and hand him over to Henry.<sup>29</sup> A dole of £100 was made by Henry to "the lion in his den, the Douglas in his hall." The Scots Commissioners declined to discuss his restitution, and wondered that Henry should befriend a rebel. Magnus retorted that all the king's present advisers were murderers, which was true enough, but hardly to the point. They were Sir James Hamilton, who cut Lennox's throat; the Sheriff of Ayr, who disposed of Cassilis; Buccleuch, who took off Dan Car, or Ker; and Lord Maxwell, who, with Harry Stewart, had succeeded in getting Angus attainted. Magnus thought that Angus would prove an expensive *protégé* to Henry, and was in favour of peace.

The Scots Commissioners had said that James would look for friends, and Northumberland reported an alliance with the Emperor, Henry's deadly foe, and there was even talk of an imperial bride for James. Finally the truce was renewed without Angus's restitution. Henry could ill afford war with Scotland for Angus's *beaux yeux*, for Henry was in a league with France, and the Pope against the Emperor. Nor could James, France being allied with Henry, decline to make peace. In the circum-

stances it seemed impolitic to press James too hard. Magnus worked on him at personal interviews, and through friars, to no effect. The king replied by a document, already cited, containing his account of Angus's misdeeds, and of the *coup d'état*.<sup>30</sup> He added that he had offered to Angus good terms, which had been declined.<sup>31</sup> Thus Henry found it wiser not to wreck the peace over Angus, but to aid and abet him in "doing all the mischief he could." Such was the five years' peace concluded in December 1528. In his patriotic task Angus persevered till the summer of 1529, when he became the pensioned guest of England, residing with the Earl of Northumberland. No conduct can be more unfriendly than that of a king and uncle who, like Henry, shelters on his frontier and subsidises the rebels of his nephew.

It is said (but by a late and Protestant historian) that the dying Arran (1530) implored James to pardon the Douglas; that Angus, on his part, surrendered Tantallon; but "hard and difficult it was to satisfy our king," and "the conditions on the king's part were not fulfilled."<sup>32</sup> Thanks in great part to Angus himself, James's relations with many of his nobles were now hostile. He had no greater interest than the peace of the Border: if this were infringed, war might break out with England. But even when in power Angus had not maintained the Border peace; in exile he "did all the harm he could," aided by the English march-men. Henry, in fact, kept up a perpetual *casus belli*. In 1529, James made an effort to pacify the Border. It failed, and he, in 1530, suspected the great Border lords of fomenting strife. James, therefore, arrested the chiefs—Bothwell, Ferniehirst, Maxwell, Home, Buccleuch, Polwarth, Johnston, and others—and then entered the Border with a large force (June 1530). Cockburn of Henderland and Scott of Tushielaw were captured. Cockburn's fame survives in the ballad of "The Border Widow," but tradition erroneously represents him as having been hanged at his own gate. He was, in fact, beheaded, after fair trial, in Edinburgh.<sup>33</sup> His crime was treason in bringing in the Forsters, English Borderers; he was also guilty of theft. Cockburn, in short, was engaged in Angus's and Henry's Anglo-Scottish conspiracy to maintain unrest on the Marches. Tushielaw was beheaded for blackmailing poor tenants. It is not, therefore, easy to sympathise with these now popular offenders. James is blamed for severity, for "alienating his subjects." He was discharging a double duty: first protect-

ing the poor, next frustrating Angus's and Henry's efforts to keep open a *casus belli*. A large number of lairds submitted to James, and found surety to answer for their crimes. Among them were, of course, Douglasses, as of Cavers, Ker of Graden (a descendant was aide-de-camp to Prince Charles), Rutherfords, Turnbulls, Scott of Headshaw, Edgar (of the family so loyal in 1740-60 to the exiled kings), with Sir Walter Scott's ancestors, Swintouns and Haliburtons, Stewart of Traquair, Veitch of Dawick, and the tutor of Philiphaugh, Turnbull. These names show how widespread was the faction which served the purposes of England.

The most famous sufferer was Armstrong of Gilnockie. Mr Burton justly remarks that the Armstrongs of the Debatable Land were not "in due obeisance" to Scotland, and their excesses fill the State Papers with grievances. Gilnockie came before James as one king before another, with more than forty *hobereaux* of his kin. They were all hanged, at Carlenrig on the Upper Teviot, and a kind of tablet erected on the scene (1897) accuses James of treachery. Pitcairn makes this charge, but his authorities are far from being contemporary.<sup>34</sup> Pitcairn says "he [Gilnockie] was most basely betrayed," while even his own authority only remarks that Gilnockie, "enticed by the king's servants, forgot to seik a letter of protection." Calderwood vaguely remarks that he "was enticed by some courtiers." He adds that one of the sufferers had burned a woman and her children in her house! Such is the evidence for the king's treachery — evidence late, erroneous in detail, and Protestant, therefore hostile. By the confession of Gilnockie's admirers in prose and verse, he robbed England as far south as Newcastle. Burners of children and their abettors and maintainers are "nane the waur o' a hanging," while the details as to James's treachery rest on the evidence which we have criticised. Possibly the ballad, with its natural but unhistorical sentiment, was the source of all the historians.

These Border affairs played into Angus's hands by estranging some nobles, and he was equally well served by troubles among the Celts. The revolution caused by Angus's fall re-echoed in the Highlands. The Macdonalds of Isla and the Macleans resented some proceedings of Argyll, and ravaged Roseneath, while the Campbells retorted on Mull, Morvern, and Tiree (1529). Argyll also demanded from the Council powers to raise Dumbar-

tonshire, Renfrewshire, Carrick, and Kyle against the Islanders. The Council demurred, but sent to negotiate with Alexander of Isla, chief of the foes of the Campbells. This indicated doubts as to the desirableness of trusting Argyll. Though these seem to have been removed, and great powers were intrusted to the earl, his death, in 1530, left matters unsettled. James himself determined to visit the Highlands, as he had visited the Borders, in force. Isla, more wary than Gilnockie, obtained a safe-conduct, met the king at Stirling, and, with Dowart and others, was received under conditions. The new Earl of Argyll, and Moray, the king's natural brother, suppressed the troubles, the chiefs voluntarily submitting to the king. Argyll was disappointed, it is said, and set about irritating the chiefs, that he might use his power. He also brought charges against Isla (1531), who came to answer accusations which Argyll did not come to urge. Isla now disculpated himself, and practically offered to do all for peace and order and the general interests of the realm that it was the office of Argyll to do, while he threw on the Campbells the odium of causing the late risings. Argyll was now summoned to give an account of his stewardship, and James was so dissatisfied that he imprisoned (1531) the son of Diarmid, and when Argyll was released his offices were given to Isla.<sup>35</sup>

Moray also fell under the royal displeasure. Among the causes of all this conflict between the Campbells on one hand, and the Macdonalds and Macleans on the other, had been, tradition avers, the ill-treatment of Argyll's sister by her husband, Maclean of Dowart. He exposed his wife on a rock, the Lady Rock, near Lismore, whence she was rescued by a passing vessel. Campbell of Cawdor, therefore, the brother of Argyll, stabbed Dowart in his bed in Edinburgh (1523); and the feud was one of the causes for which Donald Dubh, Lord of the Isles, in 1545, sought a separate alliance with Henry VIII., saying: "We have been auld enemies to the realm of Scotland."<sup>36</sup> Meanwhile, as we see, James had alienated many of his lawless lords, and was also so unlucky as to have to rely on a Macdonald, not a Campbell, in the West. Without rashly taking a part in the secular feud of these clans, we may observe that the Campbells usually combined their own interests with those of the central power, whereas the Macdonalds usually were, and remained, "against the Government," "auld enemies to the realm of Scotland." Indeed, every

noble who was aggrieved by being punished for his crimes was an enemy to his country. James is blamed for "alienating" them. So he did, to his ruin; but a king must govern. An instance of alienation now occurred. In December 1531, the Earl of Northumberland met Lord Bothwell (alienated by imprisonment), with a Hepburn, an Elliot, and a Rutherford, all Borderers. Bothwell told Northumberland that he was ready to serve England with 7000 men. By aid of Crawford, Argyll, Maxwell, and Moray (James's natural brother)—or rather, thanks to the alienation caused by their treatment—Bothwell hoped that he and Angus would soon be able to crown Henry in Edinburgh.<sup>37</sup> James, however, reconciled himself with Moray, and a force of 7000 Highlanders was permitted to aid the Irish rebels, a repartee to Henry's encouragement of Border warfare. The desolation of the southern counties went on till, in May 1534, a treaty of peace between the two countries was arranged, to last till the death of one of the monarchs and a year longer. James carried his main point, Angus was not to be restored.

#### NOTES TO CHAPTER XIV.

<sup>1</sup> Act. Parl., ii. 282; Brewer's Letters and Papers of Henry VIII., i. 4951.

<sup>2</sup> Dacre to the Council, November 27, 1514, Letters and Papers, i. 5641.

<sup>3</sup> Compare Buchanan, foll. 154, 155; Lesley, ii. 162, 163.

<sup>4</sup> Letters and Papers, Henry VIII., ii. 795. August 10, 1515.

<sup>5</sup> See Dacre's Letter to Lords of Council, Letters and Papers, ii. 779.

<sup>6</sup> Pitscottie has a tale of Albany's kidnapping Angus and imprisoning him in France. Mr Burton follows Pitscottie in this egregious myth: "Angus was seized and spirited off to France. The queen, his wife, managed to escape to England."—Hill Burton, iii. 89. This comes of leaning on the prejudiced gossip of Pitscottie.

<sup>7</sup> Dr Brewer thinks that Margaret conceived this murder to have been perpetrated in her interests. Preface Letters and Papers, ii. cxci., reign of Henry VIII., i. 224. Arran, who was entrusted with the punishment of the Homes, imprisoned Angus and George Douglas, his brother; the Douglasses, later, took down the impaled heads of the Homes. Probably they were concerned in the crime. Lesley, ii. 170, 171.

<sup>8</sup> Letters and Papers, ii. No. 4471.

<sup>9</sup> L. and P., iii. i. ccv.

<sup>10</sup> L. and P., iii. i. ccvii.

<sup>11</sup> See his letter in Brewer, i. 534. Compare Lesley, ii. 184-190.

<sup>12</sup> A similar panic, in the Napoleonic wars, drove a French regiment out of a Neapolitan convent; they were all scared by the phantasm of a black dog!

<sup>13</sup> L. and P., iii. 3240.

<sup>14</sup> Lesley, ii. 195, avers that Surrey declined Albany's challenge, and that Albany "wan gret honour." George Buchanan caught a bad cold on this chilly expedition.

<sup>15</sup> Henry to Margaret, July 21, 1524. He says this on the authority of intercepted letters. L. and P., iv. i. 525.

<sup>16</sup> Letters and Papers, iv. i. 549.

<sup>17</sup> July 30, 1524. Letters and Papers, iv. i. 540.

<sup>18</sup> Letters and Papers, iv. i. 556, 571.

<sup>19</sup> Wolsey, August 15. Letters and Papers, iv. i. 576.

<sup>20</sup> Act. Parl., ii. 295.

<sup>21</sup> Book of Lennox, ii. 226.

<sup>22</sup> State Papers, iv. 188; iv. i. 762 (Brewer); Froude, iv. 22.

<sup>23</sup> The picturesque Pitscottie.

<sup>24</sup> Herkless, 'Cardinal Beaton,' 110. Feb. 29, 1527-28.

<sup>25</sup> Pitcairn's Criminal Trials, i. 188\*.

<sup>26</sup> This revolution, as it is narrated by Mr Tytler and Mr Burton, follows the lines of Pitscottie, including the romantic flight from Falkland. One of James's accounts of the affair is in 'Letters and Papers,' iv. ii. 4411 and 4505. 'State Papers,' Henry VIII., iv. 498 and 499. James was with Douglas in Edinburgh on May 27, and was at Stirling three days later. Can he have passed a day at Falkland in the interval? 'Book of Douglas,' ii. 235. See also 'Exchequer Rolls,' xv. liv.

<sup>27</sup> Dacre to Wolsey, State Papers, iv. iv. 502, 503.

<sup>28</sup> Mr Froude, of course, says not a word about this policy, nor about Henry's sedulous employment of Angus as a firebrand. "Angus retired a second time into exile," says Mr Froude. That is all. Mr Froude's History, at this point, as regards the conduct of Henry to James, "formed by nature to choose the wrong side," is not impartial. Henry appears as a wise, kind, long-suffering uncle and prince. The facts of the case, or a few of them, may be gathered from our narrative.

<sup>29</sup> L. and P., iv. 2, 4892.

<sup>30</sup> L. and P., iv. 2, 4987.

<sup>31</sup> These seem connected with certain negotiations by Friar Andrew Cairns—see documents in Pinkerton, 'Hist. of Scotland,' ii. 483. They are clearly of December, not, as Pinkerton thought probable, of September, 1528. Magnus thought that Sir George Douglas, and the wife of Archibald Douglas, Angus's uncle, had caused all the trouble.

<sup>32</sup> Calderwood, i. 100; Book of Douglas, ii. 253.

<sup>33</sup> Pitcairn, i. i. 145. May 16, 1530.

<sup>34</sup> Anderson (MS.), Calderwood, and that father of fables, Pitscottie.

<sup>35</sup> Gregory, pp. 133-142.

<sup>36</sup> Mr Hume Brown (p. 378), after giving the story of the Lady's Rock, and the murder of Maclean, in revenge, by Campbell of Cawdor, says, "To avenge their chief, the Macleans at once took up arms, and it was at this juncture that James became master of his own person, and king in reality." James did this in 1528, but Maclean was murdered by Cawdor, and twenty-four other Celts, *tempore proclamationis exercitus nostri apud Werk*—that is, October-November 1523. See the Remission for the murder, granted to Calder on December 15, 1524 ('The Thanes of Cawdor,' p. 147, Spalding Club). The Pollok MS. dates the murder "the tent day of November 1523." Mr Cosmo Innes doubts the legend of the Lady's Rock (*op. cit.*, p. 147). Whether the Campbell lady exposed on the rock

was aunt or sister of Colin, third Earl of Argyll, I cannot say. Cawdor was brother of Colin, and, according to Mr Hume Brown, of the lady in question, who can hardly have been aunt to one brother (Colin) and sister to another brother (John).

<sup>37</sup> L. and P., v. 609.

#### THE DISTRIBUTION OF BENEFICES AFTER FLODDEN.

I find that in the account of the triangular, or rather quadrangular, duel for St Andrews, I have overlooked, in part, the letters published by Mr Lorimer in his excellent work 'Patrick Hamilton' (1857). Mr Lorimer pointed out the inconsistency of Henry VIII. as to the see of St Andrews. The facts may be arranged thus :—

*Henry's intentions after Flodden.*—Henry writes from Tournay, October 12, 1513. He maintains that till 1472 the Bishops of St Andrews were suffragans of York, and that Archbishop Stewart was only the second archbishop—an astonishing error. He requests the Pope (as stated in the text) to reduce St Andrews to a bishopric, and to redress the wrong done to the English Church. This was a revival of the old claim, resisted by the Scottish Church under William the Lion, and always. He also asks that Coldingham shall be restored to Durham, and that the Pope will wait for his decision before filling up the vacant benefices. He regrets the death at Flodden of prelates "absque ullo conspicuo sacerdotali habitu occisi," and asks leave to bury the body of James IV. in St Paul's. By January 28, 1514, Henry was writing from Greenwich to the Pope, begging that Gawain Douglas, and not Forman, Bishop of Moray, might be raised to the archbishopric of St Andrews, which he no longer wishes to degrade to a bishopric.

On May 8, 1514, Henry wants to revenge, in arms, a reported insult to papal envoys, whom the Scottish bishops have prohibited from entering the country, except under unworthy conditions. Lesley, on the other hand (ii. 150), says that the papal envoys "ar sent with hallowit sword and bonet to the king," and are "trett honorable."

*Gawain Douglas.*—Whereas Lesley (*supra*, p. 392) makes Home take Forman's part, and Buchanan makes Home publish the bull in favour of Forman, which Lesley dates November 23, 1514, Gawain Douglas himself says nothing of Home. He avers (letter to Adam Williamson, January 18, 1515) that Albany's "clerk master," John Sawquhy, "has landed at Leith in a French ship, and published the bulls" in favour of Forman, on January 16, 1515. It is also clear from Gawain's letter to Williamson, of January 21, 1515 ("1815" in Lorimer), that the Archbishop of Glasgow, James Beaton, was aiming at being translated to St Andrews. Gawain is most anxious (a true Douglas) that Henry should invade Scotland, "and be the soverain." Henry is to be informed of this desire (Gawain Douglas to Dacre, January 21, 1515), and Gawain now covets the bishopric of Dunkeld. It is plain that Gawain richly deserved, for these treasons, his later imprisonment in the sea-tower of St Andrews. It is also manifest, if he speaks truth, that Henry would have found a considerable party in Scotland to back him, even before he commenced Reformer. Henry's letters to the Pope are published by Theiner; Gawain's are in Lorimer's Appendix.



## CHAPTER XV.

## JAMES V.—BEGINNINGS OF THE REFORMATION.

ON the conclusion of peace, the two chief questions before Scotland were the king's marriage and the dawn of Lutheran and other new ideas in religion. As to the former question, which must have seemed the more pressing, James was now twenty-three, and, in the matter of amours, was even as other kings and other Stuarts. It was desirable that he should marry, and everything turned on his choice of a bride. Was he to wed a daughter of France, or Mary (commonly called The Bloody) his cousin, the child of Henry VIII.? To this question we shall return after sketching the dawn of the Reformation in Scotland.

This is not a topic on which it is easy to be impartial. Protestant historians have seldom handled it with impartiality, and their suppressions, glosses, and want of historical balance naturally turn into opposition the judgment of a modern reader. In nothing has the character of the Lowland Scot, since 1560, differed from the character of his southern kinsmen of England so much as on the point of religion. The English Reformation began in the action of the Crown, and was carried through by the Crown, the new *noblesse*, the Bishops of Henry VIII., and the more wealthy and prosperous of the middle classes. What new doctrines were adopted came from Lutheranism, rather than from any other foreign source, but were chiefly the result of English compromise. A Church was developed which worshipped in the ancient fanes, under the ancient Order of Bishops, in the translated words of the ancient service-books, or in others not less beautiful. The assistance of the arts was not always rejected: common prayer was deemed more important than political and doctrinal harangues from the pulpit. Monasticism perished; purgatory, prayer to saints, pilgrimages,

ceased to be recognised. There was a Revolution, but a Revolution which left many old things standing, and did not at once destroy all the pleasant popular holidays and practices which the ancient faith had consecrated to Christian use.

In Scotland the Reformation began, not in the Crown, and not immediately from personal and political causes, but from rational criticism, developed in the ranks of the gentry, the junior branches of the great families, the Augustinian and Dominican Orders, some of the secular clergy, and the wealthier burgesses. The king could not, as in England, direct and instigate the movement, for, had he done so, he must have broken with Rome and with France, on which he leaned for support against his loving uncle, Henry VIII. He saw Henry first quarrelling with Rome in the interests of his private love-affairs; then proclaiming the Royal supremacy over the Church; then executing the best and bravest of his subjects, More and Fisher (1535); then robbing the monasteries; then authorising (as a weapon against Rome) the translation of the Bible; destroying relics, and melting the golden reliquaries; burning men who read his translated Bible in their own sense; and, finally, roasting for one sort of heterodoxy, hanging for another, and keeping the executioner at work on his Ministers and his wives. The Protestant programme, as evolved and carried out by Henry VIII., was not a programme which James could have adopted. No Scottish king was ever allowed to bloat into such a monster of tyranny as Henry VIII. At the same time, and very naturally, Henry's conduct drove the governing clergy of Scotland into closer alliance with France. They had been the constant allies of France, they had helped to save, again and again, the national independence, now threatened by Henry and his tool, Angus.

They stood by the Cause. It is hardly fair to blame them for this, and hardly historical to regard them as infamously cruel because they carried out the law of the land and the coronation oath by burning theological innovators, just as Henry VIII. was doing in England; just as Presbyterian ministers, on the strength of texts, were presently to burn old women, and (later) hang a premature Biblical critic. As James on the whole, though half-heartedly, having alienated his nobles, had to give his clergy their way, Reformation could not come from the Crown. Partly by dint of political circumstances and jealousy of France, partly by aid of reforming sympathies, the Scots leaned at last towards England, and so a

band of nobles, gentry, educated burgesses, and "rascal multitude," as Knox says, were to overthrow a Church long weakened by wealth, ignorance, and vice. To anticipate by thirty years, the very greed of the nobles, by starving the new Establishment, made it democratic in tendency, while the adoption by Scotland of the republican theocracy of Geneva made the Kirk democratic in constitution. Ecclesiastical art, with its appeal to the emotions, was swept away. Preaching, doctrinal and political, tended to usurp in the Kirk the place of prayer and ceremony. The popular pleasures which the ancient faith had patronised were abolished. From a holiday and feast, Sunday was turned into a lugubrious penance. The priest's power to absolve, the mystical meaning of the Eucharist, vanished, and in their place the private miraculous gifts of ministers, in prophecy, in healing, and so forth, supplied the necessary element of the "supernatural." Man was left standing, without an official priesthood to aid him, in the awful presence of God, marvelling whether he were of the elect, and subject to the "wretchedness of unclean living," which sometimes arises from the doubt. The details of private life, the conduct of the domestic and foreign affairs of the State, were subject to the censorship of preachers, some of whom believed themselves to be, and were believed to be, directly inspired. A tyranny unexampled was imposed on life and conscience, and enforced by the civil penalties of excommunication—that is, "boycotting." Yet the tyranny was a democratic tyranny, often exercised by rude men of low birth. Thus, of Churches which have a common name to be Christian, there could not be two so unlike each other as those which in England and Scotland were to arise from the ruins of Rome. Meanwhile the essentially Christian virtues of meekness, sweetness, tolerance, long-suffering, could not be pre-eminent in the chill shadow of the early Kirk: "terrible as an army with banners." The character of the Scots was such as to lead them to the Kirk which they created—and starved; but the nature and iron laws and creed of that Kirk, in turn, confirmed the national character.

But, under James V., these things still "lay on the knees of the gods." It is probable, as has been seen from an event in the reign of James IV., that Lollardy had never been quite stamped out in the remote region of Kyle. It was certain that the "new learning" associated with the name of Erasmus, and with his edition of the Greek Testament, would, in Scotland, produce the necessary fruit

of universal questioning. Elphinstone had placed Boece, an acquaintance of Erasmus, in his new University of Aberdeen. Panter, the Latin Secretary of James IV., was a disciple of Erasmus as far as Ciceronian as against mediæval Latin was concerned. Archbishop Stewart, who fell at Flodden, was educated in the school of the new learning; but Hepburn's New College of St Leonard's, in St Andrews, was erected on the old scholastic lines. Major, the most famous of the Scottish teachers of the age, was ridiculed as an old-fashioned pedant by Rabelais, Melanchthon, and George Buchanan, but he was opposed to the absolute supremacy of popes; he held quite modern doctrines as to the absence of right divine in kings; he censured the licence of the clergy, and the indolent wealth of the monastic orders, and he was a warm friend of union with England. Only at a change of doctrine, and at the new erudition, did he pause, not advancing to the learning which deserted the mediæval criticism for classical and sacred writers in the original Greek and Hebrew. Knox and Buchanan had both studied under Major; they were to carry his Liberalism further, and into practice.

While the new learning had already, in the hands of Erasmus and others, sapped the frame of the mediæval world, the abuses of the mediæval Church had, in Scotland, risen to a perhaps unequalled height. Vernacular poetry and *fabliau* had for ages satirised the vices of a celibate clergy, the system of "pardoners," the idleness of able-bodied monks, the luxury and ambition of prelates. But these old abuses had been so long the butts of ridicule that it seemed as if, against them, ridicule was harmless. Flodden incidentally brought matters to a head. The death of the king and many earls at Flodden left more political power than ever in the hands of the clergy. The death of the Archbishop of St Andrews on the same field, and later of the venerated Elphinstone, Bishop of Aberdeen, in his bed, left benefices vacant in many directions. These were at once fought for in feudal war, with clerics for captains, as we have already shown in part. These militant clerics were, as a rule, cadets of the great families, so that Stewarts, Douglasses, Hamiltons, and the allied houses were warring with sword and gun for the benefices of the Church (see pp. 392, 393). "Every man takes up abbacies that may please, they tarry not till benefices be vacant, they take them ere they fall, for they lose virtue if they touch ground." This often-quoted passage is an

extract from a letter which, as early as 1515, sketched the essential characteristics of the nascent Revolution, and of the Scottish character as it was, and, still more, as it was to be. James Ingles, or English, the chaplain of Margaret Tudor, was the author, writing to Adam Williamson.<sup>1</sup> He had been on a mission to England, and was fabled "to have stolen away the king." "You know," he says, "the use of this country. Every man speaks what he will without blame. There is no slander punished. The man hath more words than the master, and will not be content except he know the master's counsel. There is no order among us." So long the country of feudal loyalty to a chief, if to no one else, now Scotland had become a realm where "the man hath more words than the master." The celebrated "independence" of which Burns boasts so much was being developed; and Knox, with his survival of feudal fidelity to the House of Hepburn, his extremely free speaking, and his fearlessness of the face of man, was the type of Scot which was being evolved out of anarchy and revolution. The brawling of ecclesiastics in 1513-16 would not escape the free tongues of the populace. The private lives of some of the clergy were as secular as the corslet of Archbishop Beaton. Had we only the statement of Knox (who had a taste for scandal) and of other Protestants, we might doubt this, but the records of the legitimations of "priests' geats" (bastards) are testimony invincible. Alan, or Alesius, a canon of the Priory of St Andrews at the time, mentions the Archbishop's request that Patrick Hepburn, of the wild Bothwell blood, the new prior, would put away a mistress who lived within the precinct. Hepburn answered by arming his retainers. David Beaton (later cardinal) and Rothes prevented a battle between the Castle of St Andrews and the fortified Priory which lie so near each other.<sup>2</sup>

One of the most extraordinary and, in its way, diverting indications of clerical morals is contained in a deed of obligation (1455) between Patrick Brown, Chaplain of the Altar of Corpus Christi, in the Church of St Michael at Linlithgow, on one hand, and the bailies of the town on the other. The chaplain binds himself, with six sureties, not to pawn the sacred plate, books, and vestments, "to use no unreasonable excess," and "to have no *continual* concubine," though one unceasing mistress seems less dangerous to public peace than a system of constant mutation in amours.<sup>3</sup> While some of the clergy were thus fierce and dissolute they were also, with many notable exceptions, ignorant. Their

learning, except for a few devotees of the studies of the Renaissance, was the old learning. Greek they had none, nor Hebrew. Their forte lay in knowledge of the law (notaries, like Knox, were clerics) and of affairs. They could not meet students of the texts of the Old and New Testaments in dispute—indeed they had no common ground. Catholics stood on the traditions developed by the Church, under the constant guidance, as was alleged, of the Holy Spirit. The new men stood on the letter of the Bible, as the sole and sufficient inspired authority. The eternal complaint is that the clergy do not preach, that the bishops are “dumb dogs.” Preaching, in fact, was left almost wholly to the friars. Modern people will see no great harm in this, for the ordinary run of sermons are great deterrents of church-going. Every man ordained is not necessarily eloquent, nor even capable of the humblest literary composition. But a hunger and thirst for sermons was arising in Scotland. As the Reformation advanced they became the chief substitutes of the age for newspapers and magazines. The harangues were political, antipapal, controversial, stirring, and exciting. The friars, on the other hand, are said to have preached mainly on legends of saints and saintly miracles.

A poem of David Lyndsay, “Kitty’s Confession,” written probably about 1540, shows what the friends of the new ideas expected, and what the priests gave, or were said to give. The humour of Lyndsay was, of course, among the influences which diffused the modern doctrines.

“ He showed me nought of God His word  
Which sharper is than any sword,  
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.  
Of Christ His blood nothing he knew,  
Nor of His promises full true,  
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.  
He bade me not to Christ be kind,  
To keep His law with heart and mind,  
And love and thank His great mercy,  
From sin and hell that savèd me.  
And love my neighbour as mysel,  
Of this nothing he could me tell,  
But gave me penance every day,  
And Ave Marie for to say,  
And with a plack to buy a Mess,  
From drunken Sir John Latinless.”

Material formulæ, penance that could undeniably be done, and

done with, words that could be uttered, money that actually changed hands, were imposed upon the penitent. The Kirk was to sweep away almost all formulæ except that rigidity about the Sabbath, which took the place of the rest, and was often all the religion that a Scot possessed. Whether Kitty (in the poem) was not as chaste as her Presbyterian daughters proved, and as lucky in the old teacher as her daughters were in teachers who might tell her that the salvation of *all* her children "would be an uncouth mercy," may be questioned. However, the tide in Scotland was turning under James V. against formulæ and traditions. The new learning could not find Purgatory in the Bible (though found it may be, with research), and if there were no Purgatory, then all the money laid out on Masses for souls had been robbed. So, later, Arran came to think (1543), and changed what few but he called his mind.

There were also practical grievances. First, Rome took a great deal of money out of the country. We have heard of Patrick Graham, the unhappy first Archbishop of St Andrews. As soon as he was translated from Brechin to St Andrews, in 1465, he paid 3300 golden florins, and was to pay more, to Rome, *ratione translationis*.<sup>4</sup> Six hundred more golden florins were paid, and yet more were promised by Graham, as Commendator of Paisley, in January 1466. In 1473 the papal records show Graham still paying, as Commendator of Arbroath. This was in December: the Bardi were his bankers, and we find him threatened with excommunication by Paul II. for lack of punctuality in transmitting money. These are examples of one practical grievance. Rome was of the daughters of the horse-leech.

Once more, canonical prohibition of marriage grew till it reached the seventh degree of consanguinity; while spiritual kindred, through godfathers and godmothers, multiplied the intolerable number of taboos. In a small country like Scotland, few people of good birth could marry without breaking ecclesiastical taboos. Therefore dispensations had to be paid for; while divorce, on the ground of too near kinship, could always be procured—for a consideration, if money had not already been paid to the dispensing power.<sup>5</sup> The divorces of Margaret Tudor, mother of James V., are only flagrant examples of the common condition of morality. The poor were especially the victims of ecclesiastical plunderers.<sup>6</sup> The customary extortion by the clergy of "the best cloth," or "upper cloth," and

a cow from the family of the dead peasant, was a detestable abuse devised on feudal lines. James suppressed, or tried to suppress, this iniquity, as we shall see, in 1536. People soon declined to pay for "the penny curse" on the unknown thieves of stolen property, when "nobody seemed one penny the worse." The populace, after all, was to find that it had made a bad change of masters, for, by Knox's admission, the clergy were more kind and lenient than lay landlords. But every class, from Kitty to the *noblesse*, had now its own grudge against the clergy as lewd, greedy, ignorant, indolent, or too active, and these old quarrels were inflamed by the infiltration of the new learning—the books of Luther, and English translations of the Scriptures. We have seen that, in 1525, the Scots Parliament condemned the introduction, by seafaring men, of Luther's and others' heretical writings. Gavin Dunbar, Bishop of Aberdeen, at once obtained a warrant against persons who brought such books from the Low Countries into his university town. These works, like English translations of the Bible, being contraband, were probably expensive, and, being prohibited, were in demand. An agent of Wolsey's informed him that such volumes were freely smuggled into Leith, Edinburgh, and most of all into St Andrews. To us it seems the extreme of absurdity that Christian men should be prohibited from reading the sacred books of the Christian religion. A few years earlier than 1525-28 similar opinions had prevailed in England to a certain extent. More tells Erasmus that the Bishop of Winchester (Gardiner) "in a large concourse of people affirmed that your version of the New Testament was worth more to him than ten commentaries." The bishops were loud in its praises, said Warham.<sup>7</sup> Yet Erasmus, by applying the principles of philological criticism to the Greek Testament, as to any other Greek book, was upsetting the tradition of the Latin Vulgate. "Who sees not that the authority of the Church was displaced, and the sufficiency of all men individually to read and interpret for themselves was thus asserted by the New Testament of Erasmus?"<sup>8</sup> People did not see it till Luther opened their eyes.

But, by 1528, we find Wolsey accusing a man for that "he expounded and wrote annotations of the Scriptures *out of his own mind*, abandoning the doctrines of the Church."<sup>9</sup> This clergyman's Biblical studies had led him to some extreme opinions. "All prelates after the apostles, and all popes, were Anti-Christis." All of the regulars were regular robbers, "praying in churches is bad,"



only preaching is of grace, it seems. "All Christians are kings," and so forth. The common reading of the Bible thus meant, about 1530-46, not merely sounder ideas in ethics and belief, but also a deluge of mischievous nonsense, and of social anarchy. We shall find George Wishart denying the Atonement, recanting, and, far from being taught diffidence, storming at the town of Haddington for an hour and a half because a scanty congregation comes to hear him preach what he now thinks the truth. The truth in England was one set of ideas in 1528, another in 1536, and a fresh set in 1548. When Henry VIII. did admit the English Bible in 1536, after his final quarrel with the Pope about his divorce, the Scriptures, as he complained, "were disputed, rimed, sung, and jangled in every tavern and ale-house." Instead of a gentler and godlier life, the reading of the Bible bred at this time a variety of absurd sects, and a new set of intolerant dogmas. The new wine, in short, needed time to settle; meanwhile it was certain to burst the old bottles. That this would occur was obvious, and therefore the clerical guardians of the old bottles prohibited the introduction of the new wine, the translation of the Bible. The prohibition was certain to be ineffective, but to make the effort was natural and intelligible. The truth of Oliver Cromwell's great saying, "Brethren, in the bowels of Christ, believe me that it is possible you may be mistaken," had as yet occurred to nobody. The religious factions neither gave nor took quarter. Protestants, whom Catholics were eager to burn, themselves pronounced death on all "idolators"—that is, Catholics, also on Anabaptists. The Covenanters, later, rejoiced in that pleasant phrase, "the vomit of Toleration."

In the beginning of this war of opinions Patrick Hamilton was burned, as we saw, in the spring of 1528. He was not the first heretic to suffer in Scotland, but he was the first Scottish heretic. He was born in or about 1505, being the son of Sir Patrick Hamilton of Kincavel, near Linlithgow, a bastard of the first Lord Hamilton. Sir Patrick, a very good knight, fell, as we saw, in the fight of Cleanse the Causeway. Young Patrick, when a mere boy, was made Abbot of Ferne, in Ross-shire. He drew the revenues, but did not do the duties, or wear the costume. His church is now a mere shell, containing a small, bare, empty kirk of the Establishment: a few faint traces of the ancient art are visible in the walls. Patrick took his Master's degree, in the University of Paris, in 1520. His *curriculum* there, scarcely touched as yet by

the new learning, was nearly the same as it would have been at St Andrews; but the university was much more gay, "with breakfasts, dinners, luncheons, and suppers." Erasmus was widely read and admired, and Major was already regarded as an obsolete old person.<sup>10</sup> Hamilton probably acquired Greek, as he preferred "the text of Aristotle," and liked Plato. The controversy about Luther's book was furious at Paris, and later, when reading at Louvaine, Hamilton was in the centre of the new ideas. In 1523 Hamilton was incorporated in the University of St Andrews on the same day as John Major, who was not so obsolete at home as abroad. Hamilton, as a travelled student in the new learning, must have had much influence with the younger men. We hear that he composed a musical Mass, in parts, for nine voices, which he would have had no opportunity of doing had he lived to be over sixty. He perhaps took priests' orders, later he married. At this time (1525-27) the smuggled Lutheran books probably fell into his hands. He was cited by James Beaton in 1527, but retired to Germany. He went to Wittenberg and Marburg; he may have met Tyndall in Germany, and he put forth theses (Patrick's Places) in theology.

"The law saith, Where is thy righteousness, goodness, and satisfaction? The Gospel saith, Christ is thy righteousness, goodness, and satisfaction."

"He that hath faith is just and good."

"Faith is the gift of God, it is not in our power."

"Seeing that Christ hath paid thy debt, thou needest not, neither canst thou pay it."

To Hamilton's Catholic judges in 1528 all this doctrine of his would seem to imply that "works"—that is, a good life—are indifferent, or even unnecessary. Hamilton was asked by Beaton to come from Kincavel to St Andrews for a conference. Here he is said to have been entrapped into confiding his opinions to Campbell, Prior of the Dominicans, who became his accuser. He converted Alan (Alesius), a young canon whom the exemplary Patrick Hepburn, later, did his best to destroy by shutting him up in a filthy prison. Alesius escaped (all this is of a later day), and from the Continent took an active part in Scottish controversy on the reading of Scripture. To him we owe much of what is known about Hamilton.

Scottish persecution was half-hearted. Archbishop Beaton let

Hamilton know that he wished him to make his escape. Beaton was a connection of the Hamiltons; he did not desire, besides, to incur their feud. Patrick's brother, Sir James (not Sir James Hamilton of Finnart), collected a force for his rescue, but was detained by a storm. Hamilton was tried, defended his opinions by the usual arguments, and was burned on February 29, 1528, in a terrible gale of wind, outside the college of St Salvator. His punishment was unusually protracted and cruel; his courage was equal to the excellence of his life. The law of the state was executed, the coronation oath was kept, but "the reek of Mr Patrick," blown through the land, infected many, and the thirty years' struggle began for Protestantism while James V. was only a boy.

Hamilton's theology was to be that of the Protestants of Scotland till 1543, about which date George Wishart translated the First Confession of the Helvetic Church, with their doctrine of the Sacraments, concerning which we hear but little of Hamilton's opinions. Alan, Hamilton's convert, fled from Scotland in 1530, Gavyn Logie, a canon of St Andrews, in 1534. There were many other exiles, and some martyrdoms. For example, the natural indisposition of man to pay tithes, and the no less natural inclination of a priest to be married, seem to have been the original impulses which led David Stratilon and Mr Norman Gourlay to inquire critically into grounds of doctrine. They then adopted the new opinions, for which they were burned at Edinburgh in August 1534. The case of these men may be taken as fairly typical of the persecution in Scotland under the Church. It was a persecution reluctant and half-hearted, though under Cardinal Beaton it was to be glad and heartless. Not only James V. but even one or two of the higher clergy, in certain instances, were anxious that the martyrs should make some colourable pretence of recanting, or even should escape from custody. A cruel punishment like burning can only be effective if practised on a very large scale, and with mechanical ruthlessness. Effective persecution, like that instituted by the Reformers as soon as the yoke was off their own necks, must work evenly, universally, and, as it were, mechanically. Imprisonment, confiscation, exile, death, denounced and inflicted in successive grades, on all practising Catholics, almost stamped out Catholicism in Scotland after 1560. Sporadic burnings and confiscations under James V. could not put down the nascent Protestantism.

To return to the martyrs of 1534, Stratilon "at first hated the priests only for their pride and avarice." He declined to pay tithes on his fisheries. He was cursed, contemned the curse, and, though totally illiterate, he now looked into the doctrinal controversy. James attempted to save the life of Stratilon at least, but Stratilon would not "burn his faggot" in token of recantation. The king was bound by his coronation oath to extirpate heretics, just as James VI. was bound by his coronation oath to extirpate "idolaters" (Catholics). The bishops, according to Calderwood, said that the king had no prerogative of mercy. "The king's hands were bound" by his oath. He could only try to make heretics give some sign of recantation.<sup>11</sup>

If James himself could only have come under conviction, and been the subject of a gracious awakening to the truth, it would have been happy for Scotland. His uncle, Henry, with his love-affair and his divorce, and his quarrel with the Pope, was now a brand snatched from the burning. The Act of Supremacy (1535) gave Henry power to amend all heresies. In 1536 this Tudor Pope drew up articles of religion, which everybody in England must believe, or take the consequences. The Bible and the three Creeds must be accepted. Confession and transubstantiation must be practised and believed. Purgatory and Masses for the dead were abolished. In 1539 an authorised English Bible was published. A reign of terror now included among its victims Fisher, More (himself a persecutor), and the Carthusians. For the moment the truth had been defined by Henry, while the Bible was "rhymed and jangled" in taverns. Meanwhile Dominicans in Scotland, such as Seton (of the ancient and loyal house of Seton of Touch), were adopting the new ideas, and while several were exiled, a few died for their beliefs. The clergy had, it seems, about 1532 issued an edict against selling, buying, or owning the Scriptures in English, for a controversy broke out abroad between Alan, the canon who fled from the loathsome detention in the Priory of St Andrews, and Cochlæus, a German Catholic. Alan put his tract against the decree of the bishops into a printed letter to King James. Cochlæus pointed to the tumults and tragedies of Germany. Thousands had died by reason of Luther. Erasmus, who had no delight in battle and murder for differences of doctrine, backed Cochlæus, and applauded James, who thanked him in a letter written at Holyrood on July 1, 1534.<sup>12</sup> James also accepted the dedication of the tract

of Cochläus. It was in the next month that Gourlay and Stratoun, or Stratilon, were burned, and Sir James, the brother of Patrick Hamilton, fled the country. He was destined to return to strange purpose. While Parliament still condemned Lutheran books in July 1535, in March 1536 Angus, writing from Berwick, announced to his brother Sir George that the Scottish clergy "are sitting in general council in Edinburgh, on certain articles put to them by the king. He had bidden them give up cros-presandes and the owmest claycht" (that is, the death duties to the clergy, already described); while every man is to pay teinds, "syklyk" (such) "as he pays to his landlord." The Churchmen of Scotland, Angus says, were never so ill content. James had alienated his nobles by repressing their disorders. Now he is alienating his clergy by repressing their greed. Angus adds that a meeting is expected between James and Henry.<sup>13</sup> James was obviously bent on reforming the conduct, if not the doctrine, of his clergy, and much turned on the question whether he would meet Henry, and perhaps, imitating his example, become a Pope in Scotland. James might now have had his eyes opened to the errors of Rome by Henry's example and avuncular wrestlings for his soul, but politics interfered.

James is not, perhaps, to be blamed very much for looking towards France. The tyranny, treachery, and unscrupulous intrigues of Henry have been exposed: no man, or no young man of spirit, could really forgive them. France and the Auld Alliance appealed to James, consequently he remained Catholic. The Reformation in Scotland was not to come from above, from the throne, but from the piety of the populace, the new criticism, and the passions of the exemplary nobles, whose disinterested conduct shines on almost every page of this book.

We now leave the national condition, as influenced by dawning Protestantism in the early part of the reign of James V., and turn to his later political misfortunes. On one hand lay his treacherous uncle Henry and his traitor subject Angus. On the other hand were his half-alienated clergy, at war with the new ideas in religion.

## NOTES TO CHAPTER XV.

<sup>1</sup> January 22, 1515, L. and P., ii. i. 14.

<sup>2</sup> Alesius, Responsio ad Cochlaei Calumnias, 1534. Cited by Lorimer, 'Patrick Hamilton,' p. 76.

<sup>3</sup> Lorimer, 'Patrick Hamilton,' p. 107.

<sup>4</sup> Mr Bliss's Transcripts, November 28, 1465, Record Office.

<sup>5</sup> See Liber Officialis Sancti Andreae, Abbotsford Club. The Preface, by Mr Cosmo Innes, is instructive.

<sup>6</sup> *Op. cit.*, p. xxx.

<sup>7</sup> L. and P., ii. i. 619 (2074).

<sup>8</sup> Brewer, 'Henry VIII.,' i. 287.

<sup>9</sup> L. and P., iv. ii. 4444.

<sup>10</sup> Ludovicus Vives to Erasmus, 1521. Cited by Lorimer, 'Patrick Hamilton,' pp. 33-35.

<sup>11</sup> For Stratilou see, among other sources, Pitcairn's 'Criminal Trials,' i. 210.

<sup>12</sup> L. and P., vii. 934.

<sup>13</sup> L. and P., x. 536. State Papers, iv. iv. 667.

## CHAPTER XVI.

## THE END OF JAMES V.

THE history of the early Protestants in Scotland has brought us to the spring of 1536. But the question of the new ideas had before this date been entangled with the problem of James's relations with Henry VIII., and with the kind of Church which Henry was building up under the dictation of his tastes, opinions, appetites, and interests. We have said that the question of Reformation and the question of James's marriage arose into prominence simultaneously. The latter topic, in 1534, became of paramount importance. The problem was settled in a manner unfortunate for the king and for the country, but history cannot pronounce, with the freedom of Mr Froude, that, "like the rest of his unfortunate family, James seemed fated by nature to choose the wrong side." It was not nature, not a curse like that of the Atridæ, but a combination of circumstances, which made James choose the side doomed to failure. Had he chosen the other, human wisdom cannot be certain that he would have been more fortunate. In autumn 1535, Lord William Howard received his instructions as Ambassador to Holyrood.<sup>1</sup> The instructions to Howard are curious. "After compliments" he is "to get the measure of the king's person," and set a tailor and a broiderer to work on making a suit of clothes for his Majesty.

A present of horses is also to be made. Howard is then to insinuate Henry's desire to meet his nephew, and is to discuss this all-important matter with the Treasurer, the Bishop of Aberdeen. He is to urge that Henry is about to meet the French king, and would like James to be present. Henry will pay the expenses, if James will pass through England, and accompany his uncle to France. The Scottish aid to Irish commotions was then to be gently touched upon. An offer of the Order of the Garter was to

be made. The cause of Angus's restitution was to be pled, "this man hath ever *in harte* ben as trew and loyal . . . as any of his house hath ben afore tyme." This was fairly true—but not in Henry's sense. Yet Henry knew that Bothwell, *with Angus's aid*, had offered to crown him, Henry, in Edinburgh!<sup>2</sup> Such was the gist of Howard's undated instructions. On October 3, 1535, Henry also recommended the Rev. Dr Barlowe, his chaplain, to his nephew's Court. "Isolated as he now stood in Christendom, it was of the first importance that he should bring James to the same way of thinking in religion as himself."<sup>3</sup> The Instructions to Barlowe are a most wonderful document, apparently to be learned by heart, and addressed to James. Henry points out to James that the Holy Spirit is now abroad (Joel ii.), and kings must attend and be edified (Psalm ii.) The Bishop of Rome keeps princes in ignorance, contrary to God's word (Deuteronomy xviii.) Kings must only be directed by the Bible. Otherwise plagues will arise (Leviticus xxvi.) Priests must be obedient to kings (1 Peter ii.), as God declares (Hosea viii.) Lucifer inspires the Pope (Daniel viii.) The Bishop of Rome is the modern representation of the Pharaoh who knew not Joseph (Exodus i.) James must imitate the good king Joseas (4 Kings xxii.), and "practise the praised policy of Jehu" (treacherous massacre), as Henry VIII. has done, though the Bishop of Rome complains about the execution of the Bishop of Rochester. James will be a rich man if he is wise, and seizes clerical property.<sup>4</sup> This canting lecture, in which Henry quotes the deeds of the murderer Jehu as warrant for his own martyring of a bishop, and the book of Deuteronomy as his general warrant, is typical of his Reforming temper. The peculiar dialect of early militant Protestantism, "the patois of Canaan," has, we see, already been developed. The Reformer of the Church of Christ adopts neither His language nor His spirit, but justifies the slaying of Fisher, for example, by the massacre of the priests of Baal, and models himself on the murderer of Jezreel. The Pope is inspired by Lucifer. Everybody, Henry thinks, must see facts so conspicuous, though Henry himself did not see them till light dawned from the brown eyes of Anne Boleyn and her jewelled hair.

James briefly acknowledged Henry's kindness. He, for his part, would hold by God and Holy Kirk, "as our ancestors have done these thirteen hundred years past." A hasty conversion he would not make, but would be glad to hear Henry's ideas about a meeting



between uncle and nephew (December 6). Margaret had prematurely assured him that James would assent to the meeting.<sup>5</sup> She informed Cromwell that clerical opposition to the royal meeting took the shape of a sermon by a Dominican, in which things were hinted against Henry, who had lately passed his Act of Supremacy. James, however, had paid no attention to the sermon.<sup>6</sup> By February 10, 1535-36, Barlowe was at Berwick, grumbling to Cromwell about the state of the Marches, and averring that "in these parts is scant any knowledge at all of Christ's Gospel." There is plenty of priests, sundry sorts of religious, flocking of friars, but not one that sincerely preacheth Christ.<sup>7</sup> Barlowe, therefore, expects God to take terrible vengeance, because Scotland lags behind England in religious opinion. This Barlowe, later Bishop of St Asaph, and, again, of St David's, appears to have been a hot Gopeller, and not a well-chosen emissary. Lord William Howard was with him apparently on his second missionary visit to Scotland. "People are surprised at the despatch of so stupid and indiscreet a man" as Howard, says Chapuys, writing to Charles V.<sup>8</sup> The ambassadors were instructed to keep reminding James of the desirableness of robbing his Church, but not to press this point, lest the Bishops should interfere to prevent a meeting with Henry. The interview with Henry is to be "*as far within England* as they can" make it. Barlowe is to instruct Lord William in apt texts of Scripture! As to James's proposed marriage with Mary of Bourbon, the ambassadors are to try to defer it, and hint at French "slipperiness."<sup>9</sup> James, on March 1, wrote from St Andrews, full of joy at the idea of a meeting. On March 8, Margaret assured Cromwell that place and time (midsummer) were fixed. But there were difficulties which could not be overcome. All that Margaret and James had resolved, or promised, was promised without the consent of the Council of the realm. Barlowe and Howard, in March 1536, found that Provincial Council sitting in Edinburgh, to which James had sent injunctions forbidding the clerical extortion of death dues. Angus, as we saw, was in Berwick, hoping for something from the exertions of the English embassy, and delighted by the distress of the clergy over their lost death dues. Barlowe wrote to Cromwell in a bad temper. "The whole Council are none else but the Papistical clergy."<sup>10</sup> "If they might destroy us by a word, their devilish endeavour should nothing fail." Nothing will be done, by clerical consent, to put down Border robbers, for the clergy are

robbers themselves, "the Pope's pestilent creatures, and very limbs of the devil," the "lying friars, we being present, blasphemously blatter against the verity," the Truth as it is in Henry VIII. Barlowe is anxious to reply from the pulpit.<sup>11</sup> Barlowe illustrates the tone of some Reformers. He, within the last year or two, has found salvation. Henry has thrown off the Papacy, therefore every one who holds the opinions lately held by Henry and Barlowe is a limb of the devil, and a blasphemous blatterer. This attitude makes it difficult to sympathise warmly with these friends of Reformation, and accounts, in part, for the failure of the ambassadors, with their texts, to convert James.

Margaret informed her brother Henry (March 16) that the clergy advised James not to go south of Newcastle, nor listen to "your new constitutions of the Scripture." A hitch had occurred. Henry would not declare the *cause* of his desiring the interview "to any man alive except the Scottish king."<sup>12</sup> Stories went abroad that, as Barlowe produced his Biblical parallels, and tried to convert James, the air was darkened and rent by thunder, whereon James crossed himself and declined further instruction.

On April 25, 1536, Lord William Howard explained the state of affairs to Henry. On Good Friday he saw James at Stirling, when James asked "for what particular causes" Henry desired a meeting? He must have these causes to lay before his Council. Howard replied that for kings to give particular reasons in such cases was unheard of, and that James must have listened to malicious tongues. This reply showed little tact. Howard, as Chapuys said, had none. James answered that his Council had never been made privy to the project of meeting, and declared that they would never have agreed to it. As James had made a promise they would agree to a meeting at Newcastle at Michaelmas. Howard perceived the great inconvenience of this arrangement to Henry. He added that the marriage arranged between James and Mary de Bourbon, daughter of the Duc de Vendôme, was broken off (the marriage treaty had been signed on March 29, 1536), James insisting on wedding the mother of his son, later the Regent Moray, who might be divorced from her husband. A marriage which would have legitimated the future Regent might have saved much woe—but it could not be.<sup>13</sup> The royal meeting had been a private project of James and the queen-mother, who herself admitted that it had not been plainly declared

to the Council. Henry, keeping his temper remarkably well, wrote to James that an alteration had been made in what he had considered a definite arrangement. He had only desired to indulge his affection for his nephew. He was still ready to meet James at York a fortnight before Michaelmas.<sup>14</sup> On May 13, Howard told Henry that James was dissimulating, and had sent to Rome to ask the Pope to forbid the royal meeting. James denied that he had ever formally agreed to a meeting at York, "by no manner of writing or credence." He must act by advice of his Council.

The failure of this meeting, with all the misfortunes that arose from a want of understanding between James and his uncle, has been made a heavy charge against the Scottish clergy. It was not in nature that they should wish Henry's kind of Reformation to cross the Tweed. James Beaton probably knew well how Wolsey and Henry had plotted with Angus to trepan him. Henry had probably no definitely treacherous purpose at this moment; but who could answer for him if he met but did not win over James? Apart from all other reasons for distrust, Henry had determined that no King of Scotland should ever enter England except as a vassal. A few months later Henry avowed this when James wished to return through England from France: "The king's honour is not to receive the King of Scots in his realm except as a vassal, for there never came King of Scots into England in peaceful manner otherwise."<sup>15</sup> This intolerable pretension in itself affords good reason why James should never have met Henry in England at all.<sup>16</sup> The Order of the Garter, the presents of clothes and horses to James, the texts in which Howard was tutored by Barlowe, were neutralised by Paul III., the new Pope, who sent to James a consecrated cap and sword, while Campeggio was instructed to address him as Defender of the Faith. James was also allowed to levy a contribution on the clergy. Thus, even if Henry had sent less dull and dogmatic ambassadors, and had a less odious example of Reformation to offer, James would probably have remained true to the ancient faith.

This refusal to meet Henry at York is regarded as a turning-point in history. Had James only gone, "he would have learned to feel like an Englishman, and English influences would have surrounded the cradle of his child," as they surrounded the cradles of Bloody Mary and Elizabeth.<sup>17</sup> These are historical hypo-

thetics! No mortal can tell what the result of James's journey to England in 1536 would have been, and a marriage with the Princess Mary could not have been very fortunate. James was Scottish, not English. He had every conceivable reason for distrusting his uncle, and, if Henry's hidden intentions were good, Henry, rather than James or his advisers, is to blame for their not being accepted as such. The English ambassadors cast the odium of refusal on the Scottish clergy, who, naturally, did their utmost, in their own interests, against Henry's plan. James's "superstition"—that is, the creed in which he had been educated—was probably worked upon. But the wisest and most disinterested man in Europe, had he been in James's Council, must have felt that to go south was to make a gambler's cast of the dice.

While marriages of royal rank were being proposed for James, he was really, as Howard said, fostering the Atê of his house by not making that marriage, discreditable enough, which would have been happiest for Scotland. He had a son by Margaret Erskine, daughter of Lord Erskine—a lady wedded by this time to Douglas of Lochleven. The diplomatic gossip of 1536 represents James as anxious to secure a divorce from her husband for Lady Douglas, and to marry her himself. He was not off with his "old true love." Far from reputable as this arrangement would have been, James might have legitimated his son by Margaret Erskine, as his own ancestor had been legitimated—and that son was the famous Bastard of Scotland, the Regent Moray. With him on the Scottish throne all would have gone as well as high ability, private conduct, and Moray's celebrated knack of "looking through his fingers" could make things go. James V., like James VII., was doomed to have a son born out of wedlock, of whom, if legitimate, it might have been said as truly as it was untruly said of Prince Charles, that he came *everso missus succurrere sæclo*. But to the Earl of Moray, as to the Duke of Berwick, other fortunes were allotted. James actually consulted the Pope about a divorce for his old love, but it was not to be.<sup>18</sup>

It has been necessary to consider James's relations with Henry as to the proposed marriages and proposed meeting, because these personal affairs were the very hinge of Scottish history. We can all see, wise after the event, that it would have been well for James, and well for Scotland (the ill omen of a marriage with Bloody Mary apart), if he could have put himself under Henry's tutelage, always

supposing Henry to act honestly. The Union would, perhaps, have been achieved, and the Reformation, perhaps, would have been alleviated. But to argue from these possibilities that James was at once weak, and possibly judicially blinded,<sup>19</sup> or that his counsellors were mere interested bigots, is to be grossly unjust. The hospitable Henry had always been the most cruel and ruthless intriguer against his nephew, a suborner of rebels, spies, desperadoes, and he was intent on his pretended right to treat the King of Scotland as a vassal prince. His hands were red with the blood of More and Fisher; he was himself burning heretics rather more frequently than they were burned under James, who again and again pleaded for them both with the bishops and the Pope. Henry was advising James to keep the Mass, the Lenten fast, the stake, but to throw off allegiance to the Pope, and to rob the Church "for the honour of God." In this shape the nascent Protestant Reformation of England was offered to James by an uncle whose professed friendship did not conceal his inveterate duplicity and enmity. No man of sense, no man of honour, can blame James or his counsellors for rejecting these overtures. James took the fatal turn; he went over to the losing side; the ruin of his house was written in the book of Fate, but—what a sinister aspect is that of the side which was destined to win! In the cause of common fair-play these facts must be explained at length: the narrative may now march more swiftly.

To end the *tracasseries* of his marriage schemes, his old love being out of the question, James set out himself, probably for France, though reports varied. In any case, through stress of weather, or through treachery of Hamilton of Finnart, he returned to Scotland. He then appointed a council of Regency, and sailed from Leith, having with him, among others, that unhappy Oliver Sinclair (September 1, 1536). Honourably received in Paris, he offered his hand, not to Mary of Vendôme (whom he saw but did not admire), but to Madeleine, the young and fair but fated daughter of Francis I. A curious description by a spy of Angus represents James as detested, and not likely to be allowed to live. He runs foolishly about the streets, and into the shops, buying things for himself, believing himself incognito, while the very carters say, "There goes the King of Scotland."<sup>20</sup> "Every man is weary with him; they wish him under the ground, they say he cannot continue." He still corresponds, says the spy, with the wife of Douglas of Lochleven, his old love: *veterum haud immemor amorum.*

On the other hand, the English ambassador, Wallop, found James "very sober and discreet, so that the French king, the Great Master, and the writer could not persuade him to some things when he had reason to the contrary."<sup>21</sup> James, however, was decidedly of the Papal party, "as obedient to the Pope as can be desired."<sup>22</sup> The royal marriage was celebrated on New Year's Day, 1537, with much splendour, though the bridegroom's face had been bruised by a blow received in a tournament.

Next, Francis, as a friend of Henry, asked that his daughter and son-in-law might be allowed to return home through England, and it was added that James was ready to make the same request. But the request not being originally preferred by James, Henry demurred.<sup>23</sup> Norfolk attributed James's silence to "Scotch pride," but thought his request should be granted, as a view of England would be salutary, James having, "as he ever will have, a very enemy's heart in his body."<sup>24</sup> Henry refused. No Scots king should enter his realm but as a vassal. James had not obliged him by restoring the harmless Angus, nor had written to him announcing his marriage; moreover, he had affected to fear betrayal if he met Henry (who had just cherished a scheme for kidnapping Charles V.) Any accident to James in England would be misconstrued. The expense, too, would be considerable. James and his ailing bride therefore returned to Scotland by sea (May 19). Meanwhile David Beaton (later Cardinal) was working, in the Papal interest, to have Letters of Censure against Henry carried by way of Scotland, to encourage the Northern Rebellion, the Pilgrimage of Grace. But the letters came too late; the rebellion was stamped out with extreme severity. James was expected to carry the letters, and, so Faenza wrote from Paris, promised to burn every Lutheran or anti-Romanist in Scotland, he desiring "peace among Christians"! It is more certain that Scottish heretics fled to England, desiring not to be tried in James's absence, but "to abide the law before him, otherwise they feared to have no justice."<sup>25</sup> Englishmen in religion, friars and others, also fled to Scotland.

On the whole, there were rumours of war (the Scots expected Henry to capture James on the seas), and the English were fortifying Berwick, Carlisle, and other Border towns. During his voyage to Scotland, Englishmen, near Scarborough, are rumoured to have appealed to him as their preserver against Henry. "As he passed

up the Yorkshire coast he received deputations from the late insurgents," says Mr Froude, "and he was heard to say that he trusted, before a year was out, to break a spear on an Englishman's breast."<sup>26</sup> The evidence for all this is that Clifford says that Berwick says that Crayn says that certain Englishmen asked James to come in and help them, but that James avoided meeting another gentleman on a like errand, "*knowing the evil minds of the persons aforesaid.*" All of which Mr Froude religiously omits. The speech about the spear was heard opposite Berwick, where James would see the new English fortifications about a town which he regarded as his own.<sup>27</sup> On arriving in Scotland he did not look with much favour on his mother, then scheming (the unwearied Tudor that she was) to get a divorce from "Lord Muffyn," as Henry VIII. humorously calls Lord Methven. "Margaret found herself suspected and hated as a spy of England," says Mr Froude. This fact was the less amazing since Margaret had just described herself as colloquing with Henry's "secret servant," Ralph Sadleyr. Indeed, to spy, now for one side, now for the other, was Margaret's occupation. Her whole life had been a warning against a Scottish royal marriage with England.

The young Queen of Scotland had scarcely begun to be settled in her new home when she died, on July 7, 1537. Her death was followed by two affairs which have left a stain, deserved or not, on the memory of James. On June 11, 1537, the Earl of Huntly accused the Master of Forbes of a design to shoot James at Aberdeen; for which offence, with the additional and antiquated crime of treasonable mutiny at Jedburgh under Albany, the Master was executed. He professed his innocence, but admitted that he deserved death for his murder of Seton of Meldrum. There is nothing in the names of the barons who sat on the jury to suggest that they were corrupted by Huntly or any one else, a Protestant insinuation of Calderwood's. The Master of Forbes was married to a sister of Angus's, and we may either suppose that he was unjustly condemned to satisfy James's hatred of the Douglasses, or that the Douglas party were really engaged in an assassination plot.

The famous case of Lady Glamis is perhaps even more obscure. She was, at this date, condemned to be burned at the stake for treason in abetting her brother Angus, rebel and traitor, also for planning the king's death by poison. Though called Lady "Glamis," this daughter of the Douglasses was now wife of a Campbell, per-

haps of Skipnish. Her first husband, Lord Glamis, had declined, in 1527, to take part with Angus when he led the young king to the Borders, and when Buccleuch tried to rescue James at the fight of "Turn Again." For this disobedience to Angus, his wife's brother, Lord Glamis was fined on July 29, 1527. On December 12 of that year Lord Glamis died, and his wife, in January 1532, was later accused of poisoning him. The local gentry declined to sit on the jury at her trial; but they did the same when the Master of Forbes was charged with the slaying of Meldrum (to which the Master, as we saw, finally confessed): the refusal to sit on a jury was an expression of sympathy, not of real opinion as to the guilt or innocence of the accused. The point most in favour of Lady Glamis's innocence is that a set was evidently made against her. She was tried several times on different charges. In exactly the same way, in 1754-55, Cameron of Fassifern, brother of Lochiel, was imprisoned, while charge after charge was mooted against him, and dropped, a fresh accusation being substituted.<sup>28</sup> In much the same way, on December 1, 1528, the plea against Lady Glamis was that of aiding Angus in unlawfully convocating the lieges, against the king's person. This was apparently dropped, but in 1531 her property was escheated for "intercommuning with rebels," Angus and his party. In January 1532 she was bound over to appear on a charge of poisoning her first husband, who had been disobedient to her brother Angus when he was in power. Finally, she was now condemned (executed July 17, 1537) for being "art and part" in a plot to poison the king, and for abetting Angus. The story is told that the judges asked for a reprieve, as they doubted the honesty of the witnesses. But this is part of a mass of self-contradictory and confessedly erroneous gossip, found in five or six histories written long after the event.<sup>29</sup> The only contemporary doubt of Lady Glamis's guilt occurs in a letter from Clifford to Henry VIII., written from Berwick soon after. "The charge, as I can perceive, is without any substantial ground or proof of matter." But Clifford was not present, and was a partisan of Angus. Lady Glamis's son, Lord Glamis, a lad of sixteen, confessed his guilty knowledge—but, as he later alleged, only on being shown the rack, and witnesses under torture, according to the odious practice of these and of much later times. The vendor of the poison lost his ears, and was banished to Aberdeenshire.<sup>30</sup> Burning was the usual punishment for treason in women.



Such are the facts, as far as known: they may point to an assassination plot (the Douglasses despairing of restitution while James lived), or they may mean an abominable act of cruel and cowardly revenge on the part of the king.

A wife was necessary for James, now a widower, and David Beaton negotiated a marriage with the widowed Madame de Longueville, Mary of Guise. Henry VIII. had set his affections on the same lady. "He said that he was big in person and needed a big wife." Wallop, his ambassador in France, had highly commended the opulent beauty.<sup>31</sup> Mary of Guise, however, was promised to James. This could not increase the goodwill between uncle and nephew, now rivals in love and at strife over a new demand of Henry's for Angus's restitution. Mary of Guise landed in Fife in June 1538. Henry lost his desired bride.

In September 1539 James Beaton, Archbishop of St Andrews, died, and was succeeded by his nephew David, the Cardinal. This extraordinary man was born in 1494, being a younger son of John Beaton of Balfour, an ancient chateau where strange legends of the Cardinal and a ghost of a love of his linger still. He appears to have matriculated both at St Andrews and Glasgow, whence he went to continue his studies at Paris, which he left before Patrick Hamilton arrived. He became, probably by Albany's influence, Scottish resident at the Court of France, and we have shown how he arrived at his uncle's castle of St Andrews without first presenting himself at the Scottish Court. In 1523 his uncle resigned to him the wealthy abbey of Arbroath, the foundation of William the Lion. He sat in Parliament a mitred abbot, but his private life gave some occasion for scandal. In 1528 he is found making a life grant of certain abbey rents to Marioun or Mariotte Ogilvy, of the house of Airlie; and the Cardinal was a true lover, for Marioun, according to Knox, was with him in St Andrews Castle on the night before his murder in 1546. Their initials decorate the ruined walls of Melgund Castle, in Forfarshire, which he built for her. There does not appear to be better than traditional evidence (such as haunts the house of Balfour) for other amours. Some have fancied that there may have been some kind of early marriage with Marioun; but when once Beaton was in priest's orders the children had to be legitimated. He was present at the trial of Patrick Hamilton.

He had since been engaged in diplomacy, and had just arranged the marriage of James with Mary of Guise. In 1537 he had been in England on an embassy about Border troubles and questions of extradition. In the same year he obtained the bishopric of Mirepoix, in France, and lands were secured to his heirs; and in 1538 the Pope gave him the Cardinal's hat. Thus the new Archbishop of St Andrews, in 1539, was a man deeply skilled in the policy of Courts, and by interest firmly attached to France and to the cause of Rome.

It would be instructive to know whether Beaton had ever fairly considered the new ideas, whose adherents he was wont to burn. The real odium of persecution under such a man consists less in the cruelty (which was common to all parties, for tolerance was hateful to all) than in our inevitable doubts as to his faith in the merits of a Church whose laws he broke openly in his private life. Persecutions by convinced bigots are pardonable, but it is difficult to believe that David Beaton was a bigot. He simply fought, with great astuteness, relentlessness, and resolution, for the side on which he was enlisted. No man ever waged more skilfully and courageously the battle of a lost cause. Beaton must have been, at least in part, responsible for several martyrdoms early in 1539. Keillor, a Dominican; the Vicar of Dollar, apparently a man of the most gentle and saintly character; a priest named Simpson; Beveridge, a Dominican; and Forest, a notary in Stirling, were burned in Edinburgh. A lad named Kennedy, and Russel, a Franciscan, suffered in Glasgow. At the end of February five or six heretics were burned in Edinburgh and two in Glasgow.<sup>32</sup>

James was now warned, Knox tells us, by dreams and visions, including an interesting wraith of Scott, the Justice-Clerk, at the hour of Scott's death. Unalarmed, James tried to arrest the future scourge of his house, George Buchanan, the tutor of his son James (later the Regent Moray). George escaped by way of the window.

Much as these acts of persecution are to be detested, James would not have been withheld from them had he passed under Henry's tutelage. Four years later Henry had three men burned at Windsor for expressing their opinions about the Mass. He habitually burned friars, while Bishop Latimer preached at them from a platform; he burned Anabaptists and Sacramentarians, and hanged a man for eating flesh on Friday. Such was the avuncular model proposed for James's imitation. James about

this time was conciliating Henry by hunting down "makers of injurious and displeasing ballads and rhymes" about his uncle.<sup>33</sup> Norfolk, however, was writing about Scottish warlike preparations and a suspicious voyage of the Cardinal to France: some said to attend a meeting of the emperor and the French king, a juncture of ill omen to Henry. "England hath no greater enemy" than the Cardinal. Students of the Scripture were lurking at Berwick, among them the sister of Patrick Hamilton.<sup>34</sup> The Scottish preparations were really defensive, and "espials" of Wharton's declared that James declined to be drawn into war "for no outward prince." He was at grievous odds with his nobles, especially Moray, Huntly, and Bothwell. On December 19, 1539, James wrote to Henry about his measures for preserving peace on the Border. Henry was in dread of a Catholic league against him, and once more tried to win James to his friendship.

In 1539-40 Sir Ralph Sadleyr was sent on one of his many and mischievous errands to Scotland. He was a *protégé* of Cromwell, but was not involved in the approaching fall of that Minister. He was one who spoke the new *patois* of Canaan, and was very ready to suborn murder for the glory of God. He was in other respects a solid, resolute, intelligent, and unscrupulous Englishman of the middle classes. He brought some geldings as a present from Henry, who (as Scott remarks) had obviously no intention "to improve the breed of Scottish horses." Of all men the Cardinal was not to be allowed to hear Sadleyr's message. The fact was that Crichton of Brunston had been driven on land in Henry's domains with letters of the Cardinal's. Brunston was the most unscrupulous and treacherous of the intriguers of that time: an agent of Beaton's in the hour of persecution, then a creature of the Regent Arran, then a paid spy of England, a framer of plots to murder "for a consideration," yet a patron of the celebrated martyr, George Wishart. This miscreant had lost or sold a letter of the Cardinal's to his agent at Rome (16th November 1539) urging, among other matters, his desire to be made Legate *a latere*, which, he declared, was also James's wish. Henry regarded this as treason to James. He also blamed James for sheep-farming, and invited him to rob his clergy, "and meddle not with sheep," which James kept on the vast hill-pastures of Liddesdale. He dissuaded James from foreign alliances,

hinted that he could appoint his own heir, and suggested a meeting. Sadleyr was also to ask for the extradition of Dr Hilliard, a Catholic refugee.

Sadleyr met Sir David Lyndsay, Borthwick (presently banished for heresy), and other courtiers, and told James the story of Brunston and the Cardinal's letter. James replied that he would keep order among spiritual men or secular; but as to the Legateship, he himself desired it. As to robbing the clergy, James had enough of his own, "and a good old man in France" (the king) "that will not see me want anything." Sadleyr then accused the regular clergy of all manner of abominations. James answered, "The good may be suffered and the evil must be reformed; I shall help to see it reformed in Scotland, by God's grace, if I brook life." James gave very good words on the other points, as of alliances, and then they touched on the meeting, when James again denied having made any formal promise to Lord William Howard. However, he now put the matter by. Later he read the letter taken from Brunston (it appears by Sadleyr's account to have been *taken*, not sold by Brunston), and remarked that he had already seen it in a copy. "He gave the Cardinal great praise." Sadleyr admitted that James had no choice but to use clerical counsellors for want of other capable advisers. He and his men had been accused of eating meat in Lent, and averred that proclamation had been made that all flesh-eaters should be burned—a statement which excited the scepticism of Sadleyr's editor, Sir Walter Scott.<sup>35</sup> James, of course, absolved Sadleyr, and let him eat as much of "eggs and white meat" as he would, incidentally cursing the priests. Sadleyr was much tickled by the failure of the clergy to understand his Greek motto, *μονῶ ἀνακτι δουλεύω* ("I serve the king alone"). The bishops interpreted by *monachusulus*, "a little monk." Even after the Reformation Greek was very scarce in Scotland. In this year 1540 (May 28) a singular instance of persecution occurred. It was the year of Sir David Lyndsay's "Satire of the Three Estates," especially severe on the clergy. This was enacted before James, on January 6, at Linlithgow, and pleased the king. But on May 28 Sir John Borthwick, son of the Lord Borthwick slain at Flodden, was sentenced in absence at St Andrews for heretical opinions. Cardinal Beaton was probably present; certainly Dunbar, Archbishop of Glasgow, was in

court, with Wynram, Sub-prior of St Andrews, who, *conversis rebus* (1560), was himself converted, and became a leading Protestant. There was a very full court of laymen and clerics, and Borthwick was charged with denying the Pope's authority and the efficacy of Indulgences. The Pope, he said, was guilty of simony, and the greater part at least of the Anglican heresies were good and just beliefs. Ecclesiastics, as in England, ought to be stripped of their property, and Borthwick had tried to persuade the king to rob the Church. The canons and decrees of the Fathers were contrary to the law of God. He often said "that no religion should be observed, but simply destroyed and abolished, as now it is ruined in England." He desired "that all religion in the realm of Scotland should be simply and utterly done away with." In a later age, Swift argued that the total abolition of Christianity might conceivably be attended with inconvenient results. Borthwick, according to his accusers, had no such scruples. He possessed, among other suspected books, the New Testament printed in English, and works by Erasmus. He is therefore (in his absence) handed over to the secular arm, is forfeited, and is to be hanged in effigy.

In 1561 he appealed to the St Andrews reformed kirk-session, under Wynram, late Sub-prior, but now Superintendent of Fife. The new court, considering Borthwick's opinions, as alleged in 1540, "fynd the said artiklis racionabill . . . and not hereticall." This decision was given after hearing Borthwick's explanation of "certan generaliteis contenit into sum of the said artiklis." Such generalities as that no ecclesiastics ought to own property, or that all religion should be instantly abolished, were doubtless explained away by Borthwick, who was rehabilitated. Defending the study of the New Testament in English, he exclaimed, "O good God! . . . with what a filthy cankered stomach do these Roman swine note the New Testament with heresy!" The language is in the style of Knox, and the swine would have replied (had it been safe) that not the New Testament, but the English translation in Borthwick's hands, is "suspected of heresy and prohibited by papal and royal authority." The whole case is instructive and typical. As we shall see, the law of March 15, 1543, permitted the reading of "ane gude and trew translation" of Holy Scripture, but forbade just what Borthwick was accused of doing—"that na man despute or hald oppunyeonis."<sup>36</sup>

In May 1540 James circumnavigated Scotland, and seized Macleod, Mackay, Glengarry, Clanranald, and other chiefs as guests on compulsion. He settled some garrisons, and, in December, annexed the lordship of the Isles to the Crown. Earlier had occurred a strange event. James had made interest with the Pope for the banished heretic, James Hamilton, brother of the martyred Patrick. To Patrick's death Hamilton of Finnart, the murderer of Lennox, had, perhaps, been accessory. Sir James, despite his murder of Lennox, had since flourished in the king's favour. If we may believe Buchanan (fol. 172), the clergy wished James to confiscate the property of all heretics, and to appoint Hamilton of Finnart as their judge. But in August 1540 the brother of the martyr, also a Sir James Hamilton, got leave to return to Scotland, and accused his namesake of treason. We have no record of the trial; but the bastard of Arran, Sir James of Finnart, was executed. Kirkcaldy of Grange and Learmont of Dairsie, men of Protestant leanings, urged instant severity, as Buchanan informs us, while Thomas Erskine, a Catholic, was no less eager. From this day King James's mind is said (by the usual unfriendly Protestant authorities) to have become moody and suspicious, while he was haunted by phantasms. The deaths of his two infant sons (1541) would deepen his melancholy. He had annexed the Northern Isles and the forfeited estates of Sir James Hamilton, with many Douglas, Bothwell, and Evandale estates, to the Crown. The laws against heresy were strengthened, while James let his clergy see, for example by his presence at a satirical drama on their lives, by Sir David Lyndsay (1540), that he desired a reform within the Church. (See Appendix G, "The Tragedy of Finnart.")

In some respects affairs were prosperous. Parliament (1540), while strengthening the laws against heresy, had informed the clergy that their own loose and ignorant lives were the cause of a growing contempt. The institution of the College of Justice was ratified by the king: he had established it in 1532, on the model of the Parliament of Paris. The court sat in Edinburgh, being called The Fifteen; there were seven laymen, seven churchmen, with an ecclesiastical president. The Fifteen came to be "Paper Lords," and were divided into an Inner and Outer Court. James's power seemed to be consolidated, but in March 1541 the question of refugees of England in Scotland, and of Scottish rebels in England, became pressing. James drew a distinction between political offenders or

criminals and the "friars, priests, and other churchmen" who had fled from Henry. These he must leave to spiritual discipline. Their offence was not contemplated in the treaty of 1534. Henry denied this, and insisted that his heretics should be given up. On May 14, 1541, Wharton, writing about these matters, added news of the deaths of James's two boys, the second a mere infant. There was the inevitable rumour of poison. In July James sent Bellenden to argue the matter of the fugitive friars, but no agreement was come to. Sadleyr had been in Scotland again with an antipapal sermon from Henry, and a request for a meeting "near their borders."<sup>37</sup> On August 27, 1541, the English Council, writing to Bellenden, James's envoy, note James's wish to meet Henry.<sup>38</sup> But on September 2 Wharton wrote that he had espials in Scotland who could see no sign of any intention on James's part to travel into England. James had promised the Cardinal to do nothing before Beaton's return from a visit to France. Meanwhile Henry, relying on James's intention to meet him, had travelled to York. To York, whatever promises James may have made or hinted, he never went, and Border outrages occurred at the time of Henry's stay in that city. The English retaliated, and James (October 22, 1541) sent a mild answer to Henry, which did not mollify him.<sup>39</sup> James had just lost his mother (October 1541), whom few lamented. Both sides now sent in their accounts of injuries on the Border. On February 16, 1542, Henry wrote an angry letter about the postponed meeting, saying that James's envoy, Bellenden, first proposed it. But now, as it is plain that James can only meet Henry by consent of his nobles and of the French king (at this moment, it should be remembered, James was childless), Henry will be well pleased not to meet at all. This remark is in Henry's own hand on a draft of the despatch.

On August 22 Henry complained to James of a Scottish Warden's raid, "an absolutely unfounded charge."<sup>40</sup> Next day Henry ordered Norfolk with a great force to the Border. On the same day Sir William Eure wrote from Berwick that Sir Robert Bowes had not come good speed in a raid across the Border. Angus gives a description of this lawless enterprise. He himself rode with the English marauders of his country, 3000 men in all. But Huntly, with 1000 men of Teviotdale, came between two parties of the English and traitor Scots. The English Borderers fled with their spoil. Angus's company lost seventy men: "It was

not the Scots that won the field, but we that lost it by our own disorder." The English lost many prisoners of note in this affair of Hadden Rig, which was caused by an English raid, with no declaration of war, while James's ambassador, Learmonth of Dair-sie, was in England to settle the disputes. James wrote on August 25, expressing his surprise and his desire for peace. Henry persisted in believing that Huntly had invaded England, and James, on September 1, sent documentary evidence that the English Warden of the Middle Marches had contrived the expedition into Scotland.<sup>41</sup> Norfolk, by Henry's orders, kept on preparing for war. Henry's demands were that the ambassadors of James should be met at York. Negotiations were not to be protracted beyond eleven days. The prisoners taken by Huntly at Hadden Rig were to be released or ransomed. The English refugees, churchmen or not, were to be handed over. James must stop encroachments on the Debatable Land, conclude an offensive and defensive alliance, and send pledges for the fulfilment of these points and for a meeting. Hostages, such as Arran, Huntly, and Argyll, were demanded.

The Scots, resisting this demand, said that James would come even to London, after which details might be discussed. Henry insisted that James must come immediately. On October 4 a Scottish herald arrived with James's promise to come, though his nobles forbade.<sup>42</sup> Angus reported the same news from his daughter. But, after some diplomatic haggling, Henry refused to listen to any proposals, and would not even declare war, but issued a mendacious proclamation averring that the Scottish kings had always done homage to England.<sup>43</sup> The audacious Henry posed before the world as the insulted suzerain, the outraged uncle. He had but lately horrified even his Council by proposing to them to kidnap James. The Council drew Henry's attention to the enormity of his plan, "the taking of the person of a king in his own realm, and by the subjects of his uncle, not being in enmity with him, but resting upon his answer and the sending of commissioners for all matters which have been in question between you, that, unless your Majesty had commanded us expressly to consider it, we would have been afraid to have thought upon such a matter touching a king's person." Besides, it would be very difficult, and the attempt would fail, or James would be slain in self-defence.<sup>44</sup> Henry, in fact, was an unscrupulous brigand. James's person and liberty would never have been safe in England, unless he accepted all Henry's proposals.



After Henry's absurd proclamation, his ill-equipped forces, sorely misdoubting when they should next see beer, marched across Tweed, and—killed some women.<sup>45</sup> They also distinguished themselves by wrecking Kelso Abbey, and, in fact, behaved like Galloway marauders: they retired in six days. James had mustered a large force in Edinburgh, but, when he reached Fala Moor (October 31), and it was known that the English had withdrawn, his nobles refused to make a counter invasion. It is said that Scott of Thirlestane alone was "Ready, aye Ready." Hence his motto, tressure, and sheaf of spears, now borne by Lord Napier and Ettrick. Many reasons are assigned for the mutiny of the nobles—in fact, the army had probably no supplies; some of them had no good will to their king; some may have been Protestants; above all, they remembered Flodden. According to Knox, James dissembled, and praised their prudence.<sup>46</sup> James retired to Edinburgh, and Knox says that Beaton gave him a scroll of heretics to be destroyed. The best contemporary authority is Sadleyr. On March 27, 1543, Sadleyr reports that James had a list of 360 heretics, beginning with Arran himself, who in six months from that date was as good a Catholic as such a man could be.<sup>47</sup> Knox adds that James put the scroll in his pocket, "where it remained to the day of his death, and then was found." It was the kind of document which a man is apt to carry about in his pocket.<sup>48</sup> James cannot have seriously contemplated such a *coup d'état*, which might have given pause to his ancestor, James I. Arran's stories are not to be accepted literally. His allies, as we shall show, admitted to Sadleyr that his genius was—mythopœic.

Now came the terrible and, hitherto, almost inexplicable disaster of Solway Moss. It is interesting to compare the brilliant description of Mr Froude (who paints over the canvas of Knox) with the plain contemporary report, which, when Mr Froude wrote, lay among the manuscript treasures of Longleat. It is a lesson on the picturesque method in history.

James, according to Mr Froude (who cites Knox), had broken with his nobles, and put the famous scroll, with the 360 names, in his pocket, where he still had it at his death. There it lay for weeks. The Cardinal and clergy were to supply him with means for a raid, "his own raid," on the west Marches.

Mr Froude writes, "The secret was scrupulously guarded. Letters were circulated privately among such of the nobles as were of un-

doubted orthodox," and among the retainers of the clergy.<sup>49</sup> Now, as Glencairn and Cassilis were heterodox, and were on this wicked scroll, and as Mr Froude has presently to record their capture at Solway Moss, all this theory of a secret muster confined to the true Catholics is absurd. Protestant as well as Catholic nobles were in James's raid. That raid, far from being a Catholic secret, had been publicly proclaimed at the crosses of several Scottish towns. After describing a "mob," the Scottish army, trooping out of Lochmaben in the dark, Mr Froude observes that "no hint of the approach of the Scots preceded them." Alas! Thomas Dacre had bought news of the raid from a Scot, for twenty nobles, two days before the attack occurred, and had informed the Warden, Wharton, "who did well prepare for the same."<sup>50</sup> Indeed, news had been sent by another spy as early as November 16. Moreover, on November 22, Hertford, at Alnwick, knew all about the raid and its exact point of attack, though, according to Mr Froude, the Scots army themselves knew nothing on November 23. Hertford communicated with Wharton at Carlisle, who, having his own intelligence, summoned the cavalry of the west Marches for the 23rd November. Sir George Douglas, Angus's brother, had given early information. Beacons were lit, the whole west Border was warned; the Scots, in two great bands, were known to be at Langholm and Morton Kirk with artillery. On the 23rd Wharton raided Middleby, eight miles across the Scottish Border. He then made all his preparations, left Carlisle next day at dawn, and sent out light horse to disturb the Scots, who were already burning the lands and houses of the Grahams. Wharton with his force watched them at Arthuret Howes, burning northward. He, with six standards, advanced in array, and the Scots moved forward, Wharton's men dismounting. As the Scots came within arrow-shot of Wharton, his cavalry charged on their right flank, their left leaning on a great morass. Unable to deploy for the straitness of the ground, the Scots began a slow retreat, till they reached Arthuret milldam, and were entangled between the Esk and the morass on their left, the English foot still advancing. Here the Border spears of England "gat them in a shake all the way," they scrambled across the milldam "more than in warlike haste," and a final charge drove them into the river and the morass, where 1200 men, including many nobles, were taken, with the artillery, and many were drowned. The English numbered about 2000,<sup>51</sup> and only lost seven men. James

lay the previous night at Lochmaben, and in the dawn watched the burning from Birrenswark, the old Roman camp. Such is Wharton's simple account.<sup>52</sup> Sir William Musgrave, who was with the cavalry, rates the English at 3000. He says that the Scottish gentry alighted to give battle, but that the multitude "withdrew at a soft pace homewards," were confused by the cavalry, and were drowned, the rest flying, incapable of resistance.<sup>53</sup> In fact, a disorderly Scottish raiding force, on its return, was firmly met by men prepared and well led; the raiders arrived at a strait pass with a river in front, and an impassable morass on the left, a panic arose, and all was over. The Scots were not defeated by chance dribbles of farmers,<sup>54</sup> nor were the English a force of but 400 men at most. Nothing is said in English reports of the dismay caused by the appointment of Oliver Sinclair as commander, just when the fray began. The raid was not a secret of the Scottish clergy and of the Orthodox. All that is Knox's gossip,<sup>55</sup> "No man should be privy [to the raid] except the Council [the clergy] till the very day and execution thereof. The bishops gladly took the charge of that raid." Then, according to Knox, come in the tens and twenties of English farmers, no man being allowed to issue out of Carlisle! Such is Knox's narrative, with Biblical parallels. His moral is that Providence is Protestant, and so 400 casual men marvellously defeat an army of bishops' levies. See how a plain tale will put him down.

James was wellnigh crazed, says an English report, by the shame of this disaster. He went by slow stages, tarrying at Grange with the wife of his Treasurer, Kirkcaldy, says Knox, but making for Falkland, "that unhappy palace of his race," as a stricken beast makes for its lair. He merely abandoned his hold of life: the birth of a girl to wear the crown could not console him. Mary Stuart was born at Linlithgow on December 8. On December 14 her father died of a broken heart if ever man did. "It came with a lass, and it will go with a lass," he is said to have muttered when he heard of his daughter's birth. "Fie, fled Oliver!" he is reported to have crooned, in a kind of refrain. When at Grange, Kirkcaldy's house, he is said to have foretold that he would not see Christmas Day.

Knox apparently tries to insinuate that Beaton and Mary of Guise may have poisoned James, and that Mary of Guise was Beaton's mistress. His method is this, "At the first sight of the Cardinal she said, 'Welcome, my lord; is not the king dead?' What moved

her so to conjecture divers men are of divers judgments. Many whisper that of old his part was in the pot, and that the suspicion thereof caused him to be inhibit the queen's company. Howsoever it was before, it is plain that after the king's death, and during the Cardinal's life, he got his secret business sped of that gracious lady, either by day or by night." The reader may draw his own inferences as to the meaning of this passage from the works of the Christian reformer.<sup>56</sup> He should have spoken out, or held his peace.

So died James V., being little over thirty years of age. Surrounded by treachery from his cradle, tossed on the waves of every intrigue of that desperate age, perplexed in the impenetrable storm of old and new, stricken by shame, the deadliest of wounds, he let life slip from his languid hands, and was at rest. "If God send us the victory, Scotland is down; we may have it for the taking," wrote Angus's brother, Sir George Douglas.<sup>57</sup> He had helped, by revealing the plan of the raid, to put Scotland down.

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#### NOTES TO CHAPTER XVI.

<sup>1</sup> There are difficulties about the dates of Lord William's missions: probably 1535-36. See State Papers, v. iv. 1, note, and compare the Hamilton Papers, i. 11, where James acknowledges the receipt of the Garter, February 1534-35.

<sup>2</sup> State Papers, iv. iv. 598, Northumberland to Henry, December 27, 1531.

<sup>3</sup> Hume Brown, p. 382.

<sup>4</sup> Hamilton Papers, i. 18-28.

<sup>5</sup> State Papers, v. iv. 11.

<sup>6</sup> See Diurnal of Occurrents, p. 19, where an English ambassador, "to infect this realm with heresy," is reported as coming in November 1535, after James had received the Garter in February.

<sup>7</sup> State Papers, v. iv. 19.

<sup>8</sup> January 14, 1535-36, Letters and Papers, viii. 48.

<sup>9</sup> Hamilton Papers, i. 29-33.

<sup>10</sup> Does he mean the Provincial Council or the King's Council?

<sup>11</sup> State Papers, v. iv. 36-38.

<sup>12</sup> Chapuys to Charles V., quoting the Scottish ambassador, April 21, 1536. Letters and Papers, x. 699.

<sup>13</sup> State Papers, v. iv. 39-41.

<sup>14</sup> State Papers, v. iv. 44, 45.

<sup>15</sup> Letters and Papers, xii. i. 399.

<sup>16</sup> Of course it is omitted by Mr Froude.

<sup>17</sup> Froude, iv. 39.

<sup>18</sup> Letters and Papers, x. 1229.

<sup>19</sup> *σῆσιν ἀτασθαλιῶσιν ὑπέρμωρον ἀλγε' ἔχονται.*

<sup>20</sup> The letter is published in Pinkerton's Appendix.

<sup>21</sup> L. and P., xii. i. 53.

<sup>22</sup> Faenza to Ambrogio, January 14, 1537, L. and P. xii. i. 88.

<sup>23</sup> L. and P., xii. i. 333.

<sup>24</sup> "Cet animal est très méchant,  
Quand on l'attaque, il se défend."

<sup>25</sup> Cumberland to Norfolk, L. and P., xii. i. 703.

<sup>26</sup> Froude, iv. 46. <sup>27</sup> L. and P., xii. i. 1286.

<sup>28</sup> He was finally exiled for conniving at a forgery, and the circumstances assuredly looked awkward.

<sup>29</sup> They are extracted in Pitcairn, i. 191-198. Mr Tytler, while citing Pitcairn, varies from his dates, making Glamis die on August 8, 1528. Pitcairn (i. 188) speaks of Angus's "violent and openly treasonable conduct," yet (p. 189) represents him as "oppressed" by "Royal tyranny."

<sup>30</sup> Pitcairn, i. 203.

<sup>31</sup> Castillon to Francis I., December 30, London. Letters and Papers, xii. ii. 1285.

<sup>32</sup> Pitcairn, i. 211-216, citing Calderwood.

<sup>33</sup> State Papers, v. iv. 148. February 5, 1539.

<sup>34</sup> Norfolk from Berwick. State Papers, v. iv. 155.

<sup>35</sup> Sadler Papers, i. 48, note. It was not at this date, as might be inferred from Mr Hume Brown (p. 389), that Sadley reported Arran's tale concerning a list of 360 nobles and barons to be forfeited.

<sup>36</sup> Register of St Andrews Kirk-Session, D. Hay Fleming, i. 89-104; Act. Parl., ii. 415.

<sup>37</sup> Sadler Papers, i. 55.

<sup>38</sup> Hamilton Papers, i. 97.

<sup>39</sup> Hamilton Papers, i. 112.

<sup>40</sup> Hamilton Papers, i. xxiii. 155.

<sup>41</sup> Hamilton Papers, i. 171.

<sup>42</sup> Chapuys, Oct. 2, says, on Henry's evidence, that James refused to come till his child was born. Spanish Papers, vi. ii. 144.

<sup>43</sup> Froude, iv. 184.

<sup>44</sup> State Papers, v. iv. 204.

<sup>45</sup> Eure to Suffolk, Hamilton Papers, i. 287.

<sup>46</sup> Tytler quotes a letter of John Car to Norfolk, November 1, according to which he entreated and stormed. Compare Knox, i. 80.

<sup>47</sup> Sadler Papers, i. 94.

<sup>48</sup> Knox, i. 84.

<sup>49</sup> Froude, iv. 189.

<sup>50</sup> Hamilton Papers, i. 325.

<sup>51</sup> Chapuys says 4000, with 700 or 800 horse. Spanish Papers, vi. ii. 221.

<sup>52</sup> Hamilton Papers, i. lxxxiii-lxxxvi. It is indorsed, "Thought not true Report."

<sup>53</sup> Hamilton Papers, i. 307-309.

<sup>54</sup> Froude.

<sup>55</sup> Knox, i. 84.

<sup>56</sup> Knox, i. 92.

<sup>57</sup> Hamilton Papers, i. 338.

#### SOLWAY MOSS.

The best narrative of Solway Moss is, of course, that given in the English despatches. But the Venetian secretary in England, Zuccato, had a curious tale for the ears of the Chiefs of the Ten (December 16, 1542). He has learned, in great secrecy, from a person who obtains very early intelligence, that Maxwell, as a Lutheran, "was the sole cause of the rout of the Scots. On observing the English advance, Maxwell galloped, with other nobles, to the rear: he said to array the troops. The rear then fled, Maxwell killed three or four of them, rode to the front, and was taken." This conduct showed either treachery or great military inexperience. (State Papers, Venetian, 1542, p. 116.)

## CHAPTER XVII.

## THE TRAGEDY OF THE CARDINAL.

THE history of Scotland in the four eventful years that followed the death of James V. is the tale of one man's battle with destiny—the "Tragedy of the Cardinal." On Beaton's death or life hung the victory of the Old or the New. Who was to take up the power that fell from the hands of James? Scotland could not be ruled by a babe, or a foreign queen-mother. Many of her nobles were prisoners in England. They were to return, some of them, as the hired instruments of the ambition of Henry VIII.; and the problem stood, Was Henry, with or without the aid of an infant marriage between the Prince of Wales and Mary Stuart, to succeed in the project of Edward I., and in the scheme of Union which was baffled by the death of the Maid of Norway?

Scotland had welcomed the marriage proposals of Edward I., but two centuries and more of war had taught her distrust of England. Now, moreover, what had seemed simple, in the time of Edward I., was complex. The two nations were of different creeds. England had been forced into the Reformation, as Henry understood it, and her Church had Henry for Pope. Scotland remained officially faithful to Rome. Many of the upper classes, and even of the people, were attached to the new ideas, but not as they were understood by Henry. The most Protestant intellects of Scotland, as time went on, could not heartily welcome a creed in which the Royal took the place of the Papal Supremacy. Had James V. listened to his uncle, it is clear that Scotland would not at first have been Presbyterian. But he did not listen, and after his death the Scottish party in favour of union with England would probably have been content, for the time, with a free Bible, freedom of preaching, and the sequestration of the goods of the religious

orders. They had not yet formulated, or accepted, a new scheme of Church government, and with many of the leaders the plunder of the Church, and the "wages" drawn from Henry, were the leading motives.

This was especially the case with Angus and his brother, Sir George Douglas, when they were restored to their estates and position. These men, and the Reformers of every shade, found an insuperable obstacle in Cardinal Beaton. He resisted the ambition of Henry VIII., carrying on the policy of Bishop Kennedy, and of Lamberton, and Frazer, and the other prelates who backed Wallace and Bruce in the War of Independence. His motives, of course, were no more purely sentimental than those of Bishop Kennedy or other politicians. Beaton was a great ecclesiastic of the Renaissance: he may have been as sceptical as many of his peers. In fighting for the Church, and against England, he was "fighting for his own hand," for wealth and power,—his own and that of the clergy. He had on his side the still unsubdued national passion of the majority of the populace; he had Mary of Guise, he had wealth, he had tradition, and he enjoyed whatever advantage might come from the French alliance. Against him were the utterly unscrupulous ambition of Henry; the wealth and arms of England; the hired partisans of England among the nobles, and the rapid spread of the new ideas. In resisting all these he displayed unrivalled tenacity, great political courage (though his personal bravery has been impeached), with much craft and subtlety, it is to be feared with entire ruthlessness, and with unwearying resolution. He was actually successful in the unequal contest, and yielded at last only to that ultimate argument, the dagger. Beaton was no saint; he lived in open relations with Marioun or Mariotte Ogilvy (a lady of the House of Airlie), by whom he had a family. His wealth was unapostolic. He rarely appears as a patron of learning,—the times were too confused. He put into force the laws of the land against heresy, just as More did, and as Henry himself was doing, though in some respects with less cruelty. In brief, he was a great ecclesiastical statesman of the time, but to call him (as some do) "the infamous Beaton" is to show a lack of the historical sense, and blindness to historical perspective.

James died, as we saw, on December 14, 1542. What occurred in the death-chamber, when the king had turned his face to the wall, will never be precisely known. On Tuesday, December 19,

the Cardinal, Arran, Argyll, Huntly, and Moray were proclaimed at Edinburgh Cross as Regents, the Cardinal himself being present. Was any real or forged will of James produced? Our earliest informant, Lord Lisle, announcing the fact to Henry, from the Border where he was Warden, says nothing about a will.<sup>1</sup> On December 30, Lisle sent to Henry what Scottish news he could gather from a chaplain of Sir John Heron's. This man carried verbal messages from Arran. Lisle reports them thus: "Saing, Tell hym that the Cardynall who was w<sup>th</sup> the Kinge at his deptyng, and in whose armes he died, hath Tolde to the Counsaill many Thinges in the Kinges name, whiche he thinkith ys all Lyes and so wyll prove."<sup>2</sup> Here Arran says nothing of the production by Beaton of a will, forged or not, of the king's, and the "lies" attributed by Arran to the Cardinal may refer to a rumour, said to be circulated by him, that James desired the recall of the Douglasses. On January 5, Lisle reported a conversation with Archibald Douglas, who had been in Scotland. He asked Douglas, "Who rules now in Scotland?" Douglas replied that, when the king had no longer "perfect reason," the Cardinal asked him "whether he would have the Earls of Arran, Moray, Argyll, and Huntly to rule the realm for his daughter. Whereunto he [Douglas] said the king made no answer, albeit the Cardinal reported otherwise."<sup>3</sup> This is the evidence of one of the hostile House of Douglas, and, of course, is mere hearsay. But, far from there being any word of a forged will proclaimed by the Cardinal on December 19, he is not even said to have suggested his own presence on the board of Regents. Douglas says that Beaton lied by pretending to have received an answer, whereas he received none; but what the alleged answer was Douglas does not report. Now, if Beaton publicly proclaimed a forged will on December 19, how could that fact have failed to reach Douglas's ears by January 5? And if it did reach him, what motive could he have for concealing the crime?<sup>4</sup> If Arran, then, knew that Beaton was a criminal of the darkest dye, he did not mention it at the time, as far as we learn. Here the argument from silence is valid, because the proclamation of a will (alleged later by Knox) would be matter of public knowledge. Yet nothing is said of it.

Moreover, Arran now displaced the Archbishop of Glasgow from the Chancellorship, and superseded him by Beaton.<sup>5</sup> Men do not supplant archbishops in the interest of those whom they reckon forgers. The position as between Arran and the Cardinal, at the



time when Arran took the Regency (about December 26–January 3) and in the next few weeks, may be studied in the despatches of the Imperial ambassador in England. This gentleman, Chapuys, had the usual diplomatic sources of information, and, owing to the relations between the Emperor and France, was by no means prejudiced in favour of Scotland (the ally of France) or of the Cardinal. On January 15, 1543, he noted (what we must never forget) that Henry VIII.'s plan was "to get at the Crown of Scotland," and that nobody but the Cardinal was likely to thwart him, as both Gardiner and Thirlby declared. "The Cardinal is all powerful in Scotland," says Chapuys; compliments to his administration follow. To secure himself "he took care that King James, before his death, should appoint as governor and tutor to his daughter a first cousin," Arran, who "is half an idiot," and of doubtful legitimacy. On January 17 Chapuys reports ill-feeling between Beaton and Arran, because "the Cardinal *affirms* that the king, before he died, appointed him with three other noblemen to be governors of the kingdom, which *affirmation* the Count [Arran] considers to be false, owing to no other person but the Cardinal having spoken about it." The verbal affirmation had been flatly contradicted, and Arran, on hearing of it, had menacingly clapped his hand on his sword-hilt.<sup>6</sup> The Cardinal, to revenge this insult, will try to bring over M. de Guise, or some other French noble, as Governor of Scotland.<sup>7</sup> Here, again, is no hint of a forged will: the Cardinal is accused of inventing, or misrepresenting, the last whisper, heard by himself alone, perhaps, of the dying king. Despite this quarrel, and probably by way of a compromise, the feeble Arran made Beaton Chancellor. Had Beaton, as Knox avers, publicly proclaimed a royal will, and had that will been set aside as forged, it seems impossible that nothing should have reached us about such a public scandal in the letters of the day.

Whence, then, and when, arose the disgraceful charge of forgery? Probably it was a contrivance of the English party in Scotland; but to show this, it is necessary to return to the affairs of the nobles who were captured at Solway Moss. On December 20, Maxwell and the others were lodged in the Tower; next day, on parole, they were billeted on the English nobles. Then came news of James's death, while the infant Mary was falsely said to have died. Henry resolved to send the prisoners home, to work in his interests.

He entertained them on Christmas Day, allowing them to wear sword and dirk. He presented them with gold chains, money, and horses. On December 26 (luckily for him, as he escaped taking the oaths administered to the Scots who dallied), George Douglas left for Scotland. The others started on December 29 (Henry not yet knowing that Arran was Regent), under promise of returning before Easter, or sending hostages, while they were to try to promote Henry's accession to the Crown.<sup>8</sup> Later (November 12, 1543), Henry wrote to Lisle, "They have not sticked to take upon them to set the crown of Scotland on our head." Now Henry himself wrote to Lisle on January 9. He bids him proclaim that he will admit to his peace any Borderers who will aid him in getting Mary's person and "the government of that realm into our hands." Southwell is to "feel the opinions" of the returning prisoners, then at Darnton. The sole object is to get "the child, the person of the Cardinal, and of such as be chief hindrances to our purpose, and also of the chief holds and fortresses, into our hands."<sup>9</sup> Nothing can be more candid. Henry does not veil his purpose and practice—naked robbery. The prisoners arrived at Darnton, whence Cassilis wrote to Henry. They had met Angus and Southwell, he said, and discussed Henry's desires. On January 8, Henry had written to Lisle, having heard, to his chagrin, that Arran is Governor, and is to be king if Mary dies. Any form of national union in Scotland, even under Arran, was terrible to Henry. He doubts whether in these new circumstances the prisoners will be able, without aid, to keep their "promises made unto us," as concerning Mary, the Cardinal, and the fortresses: it is for this reason that Southwell is to confer with them. They have "all condescended and agreed to an article subscribed by their hands" to abet Henry in the objects desired. By a secret article, Cassilis, Glencairn, Maxwell, Fleming, Somerville, Grey, Robert Erskine, Oliver Sinclair, Craigie, and "Kerse," have vowed that, if Mary dies, Henry shall be king. Bothwell does not know this, and is not to know it. Angus is to be induced to sign the secret article. The news just arrived of "an uniform unity in the rest of Scotland" to support Arran is highly unpalatable to Henry. Henry bids the prisoners consult as to how they may best bear themselves—whether to seize Beaton, or Arran, or Mary and the castles: Henry will supply thousands of horse if necessary. All these matters were consulted on by the prisoners at Darnton. They thought they had better all enter Scotland together, not in small

parties. They would try to bring Arran to Henry's commands. If he was recalcitrant, they would act at Henry's pleasure. They would place his ideas before the Lords: if unfavourably received they would send for Henry's 4000 horse. As to the castles, they would do their best to betray them to England. They did not approve of Henry's proposed open proclamation to the Borderers, inviting into his peace all who would back his quarrel. Angus and Bothwell sign this reply with others, but not Sinclair.

It is plain that the prisoners won their liberty by disgraceful treason, and that, as soon as they heard at Darnton of Henry's news of Arran's appointment, they began to be colder in the English interest, foreseeing their difficulties. George Douglas, we saw, left London for Scotland three days before the prisoners, and had not set his hand to the discreditable articles. By January 21 he came to Lisle with an account of Scottish affairs. He had first seen Arran, and then met Beaton and the rest of the Council. After debate the Council restored the Douglasses to their lands, "trusting they would be true gentlemen to their native country," a thing to them clean impossible. The Cardinal sighed on hearing of Douglas's Protestant leanings, but offered friendship, hinted at a ready 20,000 crowns, and then went and reminded Arran of the Hamilton-Douglas blood-feud: all of which Arran, in turn, revealed to Sir George. Arran and Douglas then agreed that, as soon as Angus came home, they would lay hands on the Cardinal, and send him to Henry. Douglas did not conceal his anger against his brother Angus for signing the articles. They were known in Scotland, and the prisoners were therefore in danger of their lives—especially Angus, who could not plead constraint as a prisoner. However, "they will have the Cardinal by the back within ten or twelve days." By January 28 they had the Cardinal by the back: he was arrested at Council in the Palace, to the great alarm of the queen. Angus told her that he was "a false trumping carle, that should answer to certain points that he had played."<sup>10</sup>

The Cardinal was "had by the back," but upon what "points"? In fact no charges were ever publicly produced. Hints of a "secret dossier" crept out, but certain events have taught us the value of a secret dossier, and of documents forged by accusers.<sup>11</sup>

In truth the Scottish party purchased by Henry had already broken into fragments. Douglas, who knew his countrymen, saw that it was impossible to seize Scotland by a *coup de main*. The

clergy, the populace, and such princes as Moray, Huntly, and Argyll, were to be reckoned with, while any violence would throw Scotland into the arms of France. Douglas therefore detached his brother Angus from the prisoners who had signed the articles; he ingratiated himself with Arran; he threw out hints for an embassy to England, of which he himself should be part, and he induced Arran to summon Parliament for March 12. This step he kept secret from Henry. The prisoners, meanwhile, distrusted each other. Sinclair and Craigie probably returned to their old allegiance; Bothwell (who had not been a prisoner but an exile) inclined towards Arran. Douglas did not even inform Henry of the meeting of Parliament: when asked why, he said that he "forgot." He promised to send the Cardinal to the Douglas castle of Tantallon, on a perpendicular cliff above the North Sea; but he demurred when invited to hand him over to Henry. He admitted, too, that Guise had been given leave to land with twenty-four men, but promised that leave should be withdrawn.<sup>12</sup>

Thus, in place of a united party of bought Scots, Henry had to reckon with a divided clique of traitors on one hand, and, on the other, with a kind of national union. For years he had no better tools, and was paying wages to a set of men whom nobody could trust. Meanwhile, in seizing the Cardinal, the Douglasses and Arran had caught a Tartar. Hand him over to England they dared not. "They can cause no priest in Scotland to sing Mass since the Cardinal was taken, neither to christen nor bury," says Lisle. If Beaton was to be legally put out of the way, then some sort of charges against him must be proved in public. The Douglasses were not men to stick at a trifle. Now, at last, on February 12, we hear from the Imperial ambassador the first mention of James's will. He says that, according to the Cardinal's statement, Moray, Huntly, and Argyll were "named in the king's will." On March 17 he writes that the Cardinal is now in closer confinement, "on the charge of having forged a certain will of the king, who died intestate"; and of suggesting to him to execute 150 gentlemen as Lutherans (not 360), and for misappropriating the king's money.<sup>13</sup> The Scottish Parliament had met on March 12, yet no charge was brought against the Cardinal. But vague endeavours at finding a charge are to be detected. Thomas Erskine had been dismissed from the post of secretary, to Henry's delight. But, on March 13, he informed

Sadleyr, his new ambassador to Scotland, that Erskine, as he learned, was trying to recover his post "by allegation that he is able to charge the Cardinal with sundry things. . . . And as to the matters to be laid to the Cardinal, if he have no such, they may see that he would but deceive them for his own purpose; and if he have any such indeed, why should he not be forced to declare them?"<sup>14</sup> All this looks as if the Cardinal's *dossier* was bare of incriminating evidence, welcome as it would have been. We see invented charges growing under our eyes, while Beaton is a prisoner. There is the forged will—nay, there are *two* forged wills. There is the list of 360 or 150 gentlemen proscribed. That list was never produced.

In Scotland, during February, Argyll, Moray, and Huntly had been stirring in the Cardinal's interest, and against the licensing of the sale of Bibles in English. Lisle was eager that Arran should "let slip the Bible" among the people; and Arran himself talked about "the Word" in an edifying way, and unleashed a Protestant Dominican preacher whom the people were anxious to lynch. In the week before March 12, Huntly, Argyll, Bothwell, Moray, and many lords and bishops, held a convention at Perth.\* They urged Arran to liberate the Cardinal, and not to license the Bible. They also opposed the ambassadors, Balnevis, Learmonth, and Hamilton, who, it had been arranged, should visit England with proposals as to Mary's marriage to the Prince of Wales: while the return of the prisoners had been deferred. Arran refused their requests, threatening force if they did not attend Parliament. They lost heart and came in.<sup>15</sup>

A very full Parliament assembled. Arran was recognised; the Scottish ambassadors already mentioned received instructions as to treating with Henry about Mary's marriage to his son. Their orders, as will be seen, were not likely to please Henry. Mary was not to be sent to England till she was ten years of age. No fortresses were to be given up. Scotland was to retain her independence; and, whether Mary had issue or not, was to be governed by a chosen native ruler; in case of failure of issue, the next heir was to succeed.<sup>16</sup> The Douglasses were formally restored; a council of nobles was appointed to be keepers of Mary at Linlithgow: and, on Maxwell's motion, opposed by the Archbishop of Glasgow, the English or Scottish Bible was allowed to circulate, but discussion of the Scripture was forbidden. Sadleyr arrived as Henry's agent in Edin-

burgh on March 18. Parliament was already prorogued; the Scots had hurried matters to evade his presence, and Sir George Douglas assured him that the English party had done their uttermost. If they aimed at reducing Arran, and subduing Scotland to England, "there is not so little a boy but he will hurl stones against it; the wives will come out with their distaffs, and the commons universally will rather die in it." Henry must be patient, and trust to "the union of hearts." Sadleyr got no better comfort from Henry's friends. On March 22 he visited Mary of Guise at Linlithgow, and saw the baby queen naked, a fine healthy child. Mary of Guise now pretended that Beaton, if released, would favour Henry; she even professed her own desire to have the child sent south, lest Arran should marry her to his son. But, she said, she would prevaricate with Arran, so that Sadleyr was puzzled. And then, behold, Douglas told Sadleyr that Beaton had been taken out of Blackness and sent to his own castle of St Andrews, Arran hoping thereby to secure the castle and treasure.<sup>17</sup> The Cardinal was a free man (March 22).

What caused this revolution? Months later, in September, Parr wrote to Suffolk from Warkworth. He had heard the Cardinal's tale, as told by him to Sandy Pringle, a spy. Five days after he was imprisoned (that is, on February 1, 1543), the Cardinal (so he told Pringle) gave George Douglas four hundred crowns. Thus he bought his transference to Lord Seton's house, Blackness, and Douglas, with Seton, devised a plan for his release on a consideration involving two marriages for Seton's daughters. Then Beaton was allowed to go to St Andrews, on the bond of four lords, one of them being Seton, that he would not leave the place without Arran's permission. "And thereupon George Douglas and the Laird of Grange rode to St Andrews and released him of that bond," Douglas alleging that, if he did not, somebody else would.<sup>18</sup> Such were Scottish morals, and the value of accusations made by men like Douglas is obvious. It was on March 27 that Arran told Sadleyr the fable about 360 proscribed Protestants. He did so to persuade Sadleyr that, if he let Beaton go free, he himself was "in danger of the fire"! Therefore *he* was guiltless of a share in Beaton's escape.

The strongest evidence for the Cardinal's forgery is a statement made by Arran to Sadleyr, on April 12, that Beaton "did counterfeit the late king's testament; and when the king was even almost dead he took his hand in his and so caused him to subscribe a blank paper."<sup>19</sup> And what did Beaton do with the paper? If he ever

produced it as evidence of James's will, nobody, as we have seen, mentioned the circumstance at the time. A cloud of later witnesses—Lindsay, Knox, Buchanan, Melville, Lesley—add nothing to the evidence, which relies, in the last resort, on Arran's word; and why did Arran keep silence on the subject at the moment, and make Beaton Chancellor? The evidence of his speech to Sadleyr could not weigh with a jury in face of his previous silence and his appointment of the Cardinal to the Seals. Buchanan adds that Beaton bribed Henry Balfour, a mercenary priest, and that the two forged a will for James. Now, among the papers of the House of Hamilton is a notarial instrument of December 14, 1542, signed by Henry Balfour, and purporting to be drawn up at Beaton's instance. James constitutes Beaton, Moray, Huntly, and Argyll governors (*not* including Arran, as Buchanan alleges).<sup>20</sup> This instrument, unsigned by the dead or living hand of James, obviously does not tally with Arran's story to Sadleyr about a will signed by the king's dead hand. Neither is it a document on which the charge of a kingdom could be allowed to pass. Not being an idiot, Beaton must have known that fact. Then what is the document? It may as well have come from the men who were seeking matter against Beaton, as we have seen, as from Beaton himself. Human wickedness was and is capable of forging documents to be used against innocent men. Far from confirming Arran's story told to Sadleyr, the document rather throws doubt upon that statement. It is unsealed; and we are to suppose that Beaton expected a kingdom to pass on the sole strength of a notarial signature by a man (says an indorsement in a bold hand) who was not even a notary! Such is the highly suspicious contemporary evidence for what Mr Froude calls "an impudent forgery" by Beaton. The impudence was probably on the side of the accusers, who never dared to make an open charge. Their one, or two, forged wills, their list of the proscribed (found in the dead king's pocket), were "matter" enough. But they proved too much, hence they were never produced in Court. Arran dealt in myth, as his very allies later warned Sadleyr. By May 10 this Protestant was writing to the Pope, and professing his singular zeal for the Holy See!<sup>21</sup>

This affair has been dealt with in detail, both because it affects Beaton's character and because it illustrates the utterly unscrupulous perfidy of the politicians of the day. The rest of the confused party strife must be more broadly sketched. Traitor as he was, Sir

George Douglas had baffled Henry, and had gained time. In place of swooping on the Scottish crown, Henry must now delay and negotiate. So much was won. Henry had offered Arran the hand of the Princess Elizabeth for his son, but Arran had not thus been purchased. Presently his wavering mind began to be swayed by his illegitimate brother, the Abbot of Paisley, later Archbishop Hamilton, who was newly arrived from France. By April 19 he ruled the Governor, Sadleyr said, and Arran's Protestant Dominican, with another favoured evangelist named John Rough, were soon cast adrift. Knox has to bewail Arran's lapse from the truth, but he still professed hatred of Beaton. Meanwhile Fate was weaving the darkest thread into the life-web of the unconscious child-queen of Scotland. By April 6 Sadleyr reported the arrival of Lennox from France—Lennox who, failing Arran, was next heir to the Crown. He was destined to be the father of Darnley, the husband of Mary Stuart. His castle was Dumbarton, the key of Scotland to French entry from the west. Here was a new entanglement of the diplomatic threads. Lennox might marry the queen-dowager; he might aid the Cardinal and the French party. He was a strong card in Beaton's hand, as against Arran, whose legitimacy might be disputed. Lennox refused to set seal to Arran's appointment as Governor; and the Cardinal had declined to leave St Andrews and risk himself in Edinburgh when summoned. Henry, as usual, desired the capture of both the Cardinal and Lennox. These confusions were to end in Lennox's joining the English party: till July he was only a source of bewilderment. As for Beaton, Henry (May 1) endeavoured to bribe him with the prize of a richer bishopric than that of Mirepoix, which he held in France.<sup>22</sup>

Meanwhile the affairs of the Scottish ambassadors in London fared ill: the Scottish terms were far below what Henry desired, and Sir George Douglas visited the king, as he had for months been anxious to do. The diplomacy of Douglas was not ineffectual. He was given a Memorial, with which he arrived in Edinburgh on May 28. Henry, in this document, demanded the delivery of Mary's person, at the age of ten at furthest. Hostages were to be given: Henry was to appoint English persons to be with her. She was to marry Edward when she reached the age of twelve. Peace was to be ratified. The prisoners, when all was settled, might trust to Henry's honour. The instructions of the Scottish ambassadors were to be revoked. These terms, with certain additions in case of



Edward's death, were accepted by Arran's party. But all this did not mean peace. The Cardinal and his party were making warlike preparations: the clergy met and offered their plate in the national cause, while Arran was "universally" regarded, says Sadleyr, as one who sold the country to England. Yet Beaton kept offering fair words, as if he was well disposed to the treaty; while Henry, no less inconsistently, offered Arran an aid of 5000 men, and the kingdom north of Forth, with Elizabeth's hand for his son, if only Mary was at once placed in his keeping. Arran preferred £5000 to 5000 men, and hinted that his lands lay south, not north of the Forth: the bribe, in fact, was not to his mind. There were constant rumours of a fleet from France, which, sadly battered by English cruisers, did, in part, reach the Firth. On the other hand, Lennox was said to desire to wed the daughter of Angus, and so was an insecure ally of the Cardinal.

Sadleyr was absolutely perplexed. Two things were plain: Arran was a reed shaken of the wind, and the Cardinal's was the popular party.<sup>23</sup> Moreover, the gatherings of the national faction made Mary's residence at Linlithgow unsafe. The nationalists, perhaps, were aware of a secret and treacherous "device," signed (July 1) by Angus, Maxwell, and others. In the event of commotions they are to secure for Henry "at least the dominion on this side the Frith." On July 21, the original ambassadors, Learmonth, Balnevis, and others, returned to Edinburgh from London, accompanied, it seems, by George Wishart, later martyred. On July 26, the Cardinal's party carried Mary off to Stirling; after which they professed readiness to agree to the English treaty, if Arran would meet them at Stirling. Never was more embroiled diplomacy, nor can the real motives even now be ascertained. It looks much as if the Cardinal's party meant to trepan Arran, and themselves dreaded a trap. On July 28, Sadleyr explains this: Arran has told him that, while offering (what he declines) a meeting at Stirling, the Cardinal's party, through Huntly, try to bribe him to come over to them, with the offer of Mary's marriage for his son. But Glencairn and Maxwell say that Arran is lying about this, to win credit with Henry. Such was their opinion of Arran's veracity, on which rest the story of the forged will, and the story of 360 proscribed Protestants!<sup>24</sup> The Cardinal dared not go to Edinburgh, for fear of "such as had secretly conspired his death." Committees of seven gentlemen from each party

therefore met at Linlithgow : Sir George Douglas was not present ; but Arran was represented strangely by his brother (the Abbot of Paisley), by Cassilis and Glencairn, by two of the original ambassadors of the year, Henry Balnevis and Learmonth, later on the Left of the Protestant party, and three others. The treaty was read and accepted by both groups. Arran was to give hostages for its observation, or, if time failed, he and his party might ratify the treaty without the presence of the Cardinal's adherents. Nevertheless, Arran asked Henry to prorogue the date of ratification to the last of September, when he hoped to hold a full Parliament of the Three Estates. Sadleyr thought Arran's request honest, but misdoubted the Cardinal, as did Douglas, who yet advised the delay in the ratification (August 5). Sadleyr assured Arran that, if Mary was abducted by the Cardinal, Henry would make him king north of Forth. Arran pressed for the £5000, and was exasperated against Beaton on Sadleyr's showing him a secret "band" of the opposite party, procured for him by a spy who, probably, was Brunston, later notorious.<sup>25</sup> The "band" set forth the danger of "being subdued to our old enemies of England," and of the seizure by Henry of Mary. The Cardinal's party is therefore bound to self-defence. This band was executed on July 24, at Linlithgow, and, therefore, was prior to Mary's conveyance to Stirling. Lennox signed. Almost all the names are those of families which were Jacobite in later times.<sup>26</sup>

Henry, in reply to Sadleyr (August 10), insisted on the ratification of treaty by August 20-24, whether the Cardinal's party were present or not. Next (August 16), he made the error of seizing six Scottish merchant ships, whence the Scots had, and used, a pretext of quarrel. On August 17, Sadleyr reported a conversation between Beaton and Sir George Douglas. Beaton was all in favour of peace, and himself desired to go abroad and live quietly, distrusting his own "loose company." He frankly admitted that he had acted solely in fear of the probable robbery of the Church. For dread of his own party's anger he dared not meet Arran, but bade him ratify the treaty, none the less. At St Andrews he would gladly meet the Governor.<sup>27</sup> Henry replied distrustfully. Arran, he said, should have kidnapped the Cardinal at Linlithgow.<sup>28</sup> On August 25, Sadleyr reported the solemn ratification of the treaties at Holyrood, in the absence of, but with the assent of, the Cardinal's party. Arran desired the release of the six Scottish ships : if this be not granted,

the whole realm will rise on him, he says—which it did. Meanwhile Arran is going to St Andrews to meet the Cardinal.<sup>29</sup> That errand sped ill. Beaton would not leave the castle to meet Arran, and (August 28) was proclaimed a traitor. But Beaton (neglecting a compact with Arran to the opposite effect) had his party mobilised, while Arran could not move at once. Civil war, and Henry's opportunity, seemed imminent. But Douglas (September 1) feared that Arran, in sheer weakness, would "revolt" to the Cardinal. Moreover (says Sadleyr), the Scottish people "live here in such beastly liberty" that they are up in arms about the detention of the ships, and Sadleyr is in personal danger.

Then occurred an extraordinary revolution, and the last wavering of Arran. On September 3 he rode suddenly out of Edinburgh, while some of his retinue tried to sack the Grey Friars, but were repulsed by the populace. This raid, to which Arran was a party, may have been part of a concerted scheme. In Dundee, whither the celebrated George Wishart had probably repaired after returning into Scotland with Learmonth and Balnevis in July, the rabble sacked the Black and Grey Friars. As Dr Lorimer, a thoroughly Protestant authority, writes, "in all probability it was the preaching of Wishart in Dundee which led to a popular demonstration." By September 5 Sadleyr reported a rumour, held generally to be true, that Grey (one of the Solway prisoners) and Ogilvy "have sacked the Cardinal's Abbey of Arbroath," and are using artillery.<sup>30</sup> "Good Christians," so called, have sacked Lindores Abbey.<sup>31</sup> The meaning of all this is plain. Beaton (since August 28) was "at the horn" proclaimed traitor, and Protestant robbery might safely begin. The Good Christians reckoned without their host. Arran had given orders for plunder, but, moved by what cause we know not (perhaps by his brother or by doubts of Lennox as a tool of the Cardinal's, and as likely to take his place as next heir of the crown), had fled on September 3 to the arms of Beaton. No longer a proscribed leader of "a loose company," the Cardinal now had the Governor, the queen, and the popular sentiment at his back, while Good Christians must await a more favourable occasion for the exercise of their virtues.

In the game of force and fraud which both parties played, the Cardinal had won the first rubber. It is unfortunate that, by virtue of the literary merits of Mr Froude's history, the fraud will seem to English readers to have lain wholly on the side of Beaton.

Henry had tried all that bribery, corruption, and deceit could do to trepan Mary, Arran, and the Cardinal, and to gain the castles. Arran had announced to Henry, on August 25, the ratification of the treaty. Henry's very next move, peace being apparently secured, was to organise and victual an army of 16,000 or 20,000 to enter Scotland and take over the castles, "or work any other exploit there as his Majesty upon occasion shall think convenient"<sup>32</sup> (August 29)! In face of so false a prince any diplomatic wile was legitimate.

Event now followed hard on event. Arran recanted his theological errors; Mary was crowned at Stirling (September 9); the Legate landed in Scotland; the Cardinal's party met in Edinburgh. Henry fumed and would do great things. Angus might seize the Cardinal; Suffolk might dash on Edinburgh with 8000 horse and burn the town. There were difficulties: some Suffolk explained; others were clear to the Douglasses. The Edinburgh meeting broke up: Beaton entertained the queen-mother at St Andrews, and scandal such as Knox loved was busy, Sadleyr says, with her name.

But there was a weak point in the Cardinal's policy. He could not keep both Arran and Lennox, so Lennox, mindful of his second chance (a wedding with Angus's daughter, Henry's niece), went over to the English faction. French vessels, with the Legate (Grimani) and money, had landed at Dumbarton, the hold of Lennox, who was thought a sound partisan. But he had turned his coat. With Glencairn, a resolute Anglophile, Lennox hurried to Dumbarton. The French, of course, did not know that Lennox had turned his coat, and, by Henry's orders, Lennox obtained the French money for Henry's service. The Angus faction now awaited events in their own country houses, and as Sadleyr was not safe in Edinburgh, he took refuge in Douglas's castle of Tantallon. Lennox was showing signs of returning to the national party: if he had secured the French gold for himself, he probably thought it as good as any reward to be obtained from Henry. But the Cardinal, having secured Arran, compelled him to act. He seized Dalkeith and Pinkie, houses of the Douglasses. He had captured Somerville carrying treasonous letters from the Anglophile lords to Henry, as Sadleyr writes on the report of the Master of Morton (later the infamous Regent Morton, and already, as a Douglas, of the anti-national faction). For these domestic measures the Cardinal had leisure in the early winter.

The attitude of Henry had been such as the historic muse cannot contemplate with dignity. He was like the giant in the fairy tale, ever beguiled by cunning little men. If he had been honest and fair, we might agree with Mr Froude's denunciation of Scottish perfidy. But the bluff Hal had not been fair and honest. Let us review his diplomacy. In December he extracted the "articles" from the Solway prisoners in London. He had alleged that Scotland's was a vassal crown; now he meant to seize it. The prisoners, in the anarchy following James's death, were to give him Mary and the castles. Then came news of union under Arran, so Arran was to be kidnapped. The prisoners at Darnton hear of Arran's regency, and begin to qualify their promises. They return to Scotland, and George Douglas, unsworn to the articles, breaks up their party. The Cardinal, indeed, is imprisoned, but only as a move in the game. Parliament is hastily and stealthily summoned; the ambassadors are sent to London with proposals obviously unacceptable, all to gain time. The Cardinal is furtively released, as it were by degrees. Mary of Guise and Arran effectively perplex Sadleyr. George Douglas, professedly to gain time, goes to London with more acceptable terms. Henry cries for the castles, and for the kidnapping of Mary or of the Cardinal. The national party makes Mary safe at Stirling. The treaty is ratified in Scotland, but in Beaton's absence. Henry seizes the Scottish merchant-ships. Arran proclaims Beaton a traitor, and straightway flies into his arms. Henry is left to face an irritated people, a union of the Governor and the Church. His friends are now at odds among themselves, and incapable of combined action. Henry's schemes, his secret oaths, his bribes to Arran and Beaton, have all been made and offered in vain. Winter makes instant military action impossible. Henry, "the Father of Wisdom," as his agents call him, is mocked and baffled. Scotland is as far from being his as ever. Hence his rage and the insensate brutality of his revenge.

Henry now played the part of the spoiled child. He cried for impossibilities. He suggested, as usual, the kidnapping of the Legate, and we know from the Legate's letters that the holy man was put in peril.<sup>33</sup> He repeated the hopeless request that Angus would seize and hand over the fortresses. He mentioned, as a feasible scheme, that some of his faction might pay a visit of respect to their child queen and carry her off with them. Then the chil-

ling thought occurred to Henry that perhaps Mary had already been spirited away, "changed at nurse," and a false Mary substituted for her. He might be kidnapping the wrong baby. To all these ideas Douglas replied that Henry would do well to wait for the spring, and conquer Scotland formally.<sup>34</sup> Sadleyr and Throckmorton also gave Henry to understand that the Douglasses could not rely even on their own servants to fight against Scotland in the English cause. "England might well fill their bellies, but should not daunt their hearts," said a border spearman. A Parliament was summoned in Edinburgh for December, and the Cardinal, with Arran, rode to the north of the Forth to punish the robbers of abbeys, and break up the English party in Forfarshire and Perthshire—the party of Rothes, Grey, Ogilvy, and Glamis (November 14-26).

This enterprise possibly began the feud in which the Cardinal perished.<sup>35</sup> In the politics of this age the country lairds, men of no great house or estate, become prominent. Such were Learmonth and Balnevis of Halahill, who had been ambassadors to England; Kirkcaldy of Grange; the Laird of Calder; Erskine of Dun; Crichton of Brunston (near Penicuik in Mid-Lothian), and many others. The Lothian lairds were, in Knox's phrase, "earnest professors of Christ Jesus" (Protestants), as were many of the squires of the Northern Lowlands and Ayrshire. Their theology in no way affected their practice: some were crafty men of the dagger.

The basest of all was Brunston, who, at first a man of the Cardinal's, and then of Arran's, had for some time been the hired spy of Sadleyr. To him, sheltered in Tantallon, Brunston wrote on November 25. Arran and Beaton had been in Dundee, where they imprisoned "the honestest men in the town," the robbers of the monasteries. They then sent for Grey and his allies, who would not meet Arran unless he dismissed Beaton and Bothwell. The Cardinal therefore bought most of the gentlemen who were with Grey "to his purpose," and Arran again asked for a meeting. Grey, ignorant of Beaton's intrigues, offered a tryst in the fields, with the hope, perhaps, of capturing the Cardinal.<sup>36</sup> But they "were falsely betrayed," and, far from catching the Cardinal, Grey, Rothes, and Balnevis were caught and put in custody. It appears, from Knox's account, that Learmonth and Kirkcaldy of Grange were at this time with Arran and Beaton, and were used as envoys by them to Grey, unless, indeed, they were the persons entrapped with "rewards and other false means" in Brunston's version, which, comparing Knox,

seems impossible.<sup>37</sup> While Grey and others were taken, John Charteris escaped, and Brunston recommends him as a useful man to Henry's bounty, which he obtained. He adds that Calder and others refuse French pensions, "*which I believe should have been evil paid*" (he says with naïveté), and, in brief, they prefer Henry's money. Now Charteris, Kirkcaldy, Rothes's son, the Master of Rothes, and Brunston were all presently to be in the conspiracy to murder Beaton, while Balnevis joined the murderers in St Andrews Castle after the deed. The emissary of the murderers to Henry was one Wishart, a Forfarshire name, so that we may plausibly suppose the feud to have sprung out of this affair. Yet, a year after the Cardinal's enterprise near Dundee, we shall find Balnevis, Learmonth, Rothes, Grey, Ogilvy, the Master of Rothes, Kirkcaldy of Grange, and David Lyndsay, the Cardinal's reviler, all sitting with him and Arran in a Parliament which conditionally served the Douglasses with summons for high treason!

December (1543) found Sadleyr under command to leave Scotland, while the Douglas party was in fragments, and Sir George Douglas was warned by the English Privy Council that he and Angus "shall surely go to the pot." Parliament met in Edinburgh (December 11), and declared the marriage treaty to be broken and annulled by Henry's seizure of the ships. A summons of treason was prepared against the Douglasses, and Kirkcaldy of Grange was deprived of the Treasurership.<sup>38</sup> Alliance was accepted with France, and bishops were ordered to inquire into heresies. War was meant, and Henry recognised it by withdrawing Sadleyr, and by sending his herald with a threatening message. The Douglasses, urged by Henry, gathered a force and marched on Leith, while Maxwell, a prisoner in Edinburgh Castle, had a plot to seize that hold. From January 10 to 14 the Douglasses, Lennox, Glencairn, and Cassilis threatened Edinburgh. But they had no siege artillery. The Master of Maxwell had now an interview with his imprisoned father, and carried his retainers over to the Cardinal's party. The faction of Grey, Ogilvy, the Earl Marischal, and Glamis did not join the Douglasses; only John Charteris earned his hire. So the Douglasses succumbed, Sir George himself being pledge of their promise of loyalty to Arran and to Holy Church. Meanwhile he advised Henry to make an invasion in spring. Being a prisoner, he may be compelled, he says, to write letters at Beaton's dictation. Henry must not believe them unless he draws on the paper a

heart ♡: the heart of Bruce, the Douglas badge, was thus prostituted by a traitor Douglas.<sup>39</sup>

The Douglas party were to break their pledges punctually in spring. Meanwhile Beaton had time to attend to the heretics. "He brunt mony lymmeris" (burned many rogues) in Perth and Dundee, says the 'Diurnal of Occurrents' on January 28, and he put Learmonth in ward at St Andrews; Erskine of Dun (who once killed a priest) was warded in Blackness. The usual charges were those of disputing on the Scriptures against the Act of Parliament of March 1543. Disputing sometimes took the form of brawling in church. Spottiswoode has a tale of the pitiful drowning of a woman, whose husband, with other men, was hanged. The executions must have been on a considerable scale, as Beaton hired fifty-four cart-horses "for punishing of certain heretics," according to the Treasurer's accounts. If we may trust tradition, as here we probably may, the punishments were cruelly inflicted for trivial causes, and demonstrate a strange ferocity in Beaton's character. To drown a woman for praying to God and Christ rather than to the Virgin when in childbed, is a brutality so unheard of and intolerable that no measures taken against the Cardinal, if he gave the sentence, could be too bad. But the conspirators who were about to offer Henry their daggers do not allege any such honourable motives. Whatever the details may have been, the persecution was impolitic,—a blunder as well as, in our eyes, a crime. "The commons universally" had been sturdy patriots: they must have been estranged by cruelties exercised on their own class.

As the spring wore on, Henry, who had declined overtures for peace, mobilised his forces. The Douglasses, still in his hire, advised an invasion in March. On April 10, the Privy Council sent Hertford, Henry's general, his orders. He was to burn and destroy, "putting man, woman, and child to fire and sword without exception where any resistance shall be made against you." The upper stone of St Andrews was to be made the nether: "spare no creature alive therein." One bishop (Winchester) signed this Christian document.<sup>40</sup> While Henry was issuing these orders for the massacre, the "earnest professors" in Scotland sent to Hertford "a Scottish man called Wysshert," with a letter from Brunston and verbal messages. Kirkcaldy of Grange, "late Treasurer," the Master of Rothes, and Charteris, are anxious to take or slay Beaton, if Henry will give them maintenance. For more money



wherewith to raise forces, they, the Earl Marischal, Calder, and others of Grey's friends, will destroy Arbroath and other ecclesiastical lands and goods, when the retainers of the clergy march to fight the army of invasion.<sup>41</sup> Wishart visited Henry, who offered the murderers asylum in England and £1000 for their forces if they would give hostages to Hertford.<sup>42</sup> Whether this Wishart was the martyr or not, is a question much debated to little purpose. In any case, the conspiracy failed at this time. On May 1, the English expedition arrived from Shields to attack Edinburgh.

They effected a surprise. The Scots probably could not pay for intelligence: nobody expected an attack by sea. Hertford's army drove back a Scots force of 6000 men, which seems to have been ill handled, and took Leith with the artillery "such as it is." The Governor and Beaton were in the field, and some Lothian lairds, including the traitor Brunston. The Cardinal and Arran did not remain to endure the assault on Edinburgh, but retired to Linlithgow—a step excusable in the Cardinal, whose capture would have been fatal to his cause. The Provost declined to yield Edinburgh except on terms which Hertford could not grant. It is agreeable to learn that Brunston, sneaking round the English camp on the double chance of getting intelligence or saving himself by surrender, was shot in the thigh by an arrow from a sentinel: had it pierced his throat it would have been well for Scotland. He was not so badly hurt but that he returned next day, recommending Hertford to hold and fortify Edinburgh as a centre for the English party. After a stout resistance at the gate, Hertford's men carried it with considerable loss, and his artillery, without orders, advanced and fired on the castle, where they suffered much. They retired, leaving one of their guns, and began burning the town. Here the castle had them at a disadvantage, firing on the city, so that the English soldiers fled in a panic, Hertford declares, trampling each other down in the gateway. So Hertford retreated, congratulating himself that he had made "a jolly fire" and destroyed Holyrood. Edinburgh had meanwhile chosen a new Provost, and was bent on resistance, though the women were heard to cry "Woe worth the Cardinal!" The country was devastated nearly as far as Stirling—all which Sir George Douglas regarded as a crowning mercy, since but for Hertford's arrival he and Angus

would have lost their heads. Hertford returned to England after an expedition in which he did much mischief and won little honour.<sup>43</sup> As far as it had a purpose beyond revenge, that purpose was to show the Scottish populace the futility of resisting Henry's benevolent desire "to have the word of God truly preached among them."

Henry's idea bore some fruit. There can be little doubt that the commons began to distrust the Cardinal. His foreign policy brought them intolerable suffering, and his persecutions must have alienated their hearts and made them readier to listen to the new doctrines. At this juncture Lennox and Glencairn sold themselves to Henry. On May 17, at Carlisle, a contract was executed<sup>44</sup> by which Glencairn and his son, the Master of Kilmaurs, were pensioned. Lennox was to receive the hand of Angus's daughter, Henry's niece, and the office of Governor of Scotland. He was to give Dumbarton Castle and the Isle of Bute to Henry. He was to acknowledge that prince's "Right Title and Authority in Scotland," and to secure the teaching of God's Word "as the mere and only foundation whence proceeds all Truth and Honour." Glencairn tried to carry out his contract, but was defeated by Arran near Glasgow, and fled to Dumbarton. Lennox retired to England, and married the daughter of Angus, later the unhappy mother of Darnley.

Perhaps weariness of war and defeat now favoured the singular intrigue whereby, at a meeting of nobles in Stirling, June 3, the queen-mother, Mary of Guise, was placed under a council of twelve lords and four bishops, while Angus acquired the lieutenancy on the Border. To his English paymasters George Douglas represented this revolution, so ruinous to Arran's power, as the result of his own diplomacy.<sup>45</sup> Arran had fled to Blackness, and now the Douglas party held the queen; while we find Rothes, John Charteris, and Grey in arms in the Cardinal's interest, though, three months earlier, they had conspired to murder him. "Every lord did for his ain particular profit, and took na heid of the common weill. . . . There was na credit among the nobilitie at this present."<sup>46</sup> In the North, Lovat fought Clanranald, and there was almost incredible slaughter. On July 22, Rothes, Grey, Glamis, and Ogilvy—all of late the Cardinal's deadly foes—fought at Perth against Ruthven, Drummond, and Craigie, in the interest of John Charteris, whom the Cardinal, against Ruthven's interest,

had made Provost of Perth. Only ten days before, Charteris and Rothes had been sending their excuses to Henry—probably for some failure of theirs while the invading army was in Scotland.<sup>47</sup> Fyvie, their messenger, vowed that Henry could rely on Lord Grey. Yet here we find Grey's party in arms for Beaton's new *protégé*, Charteris! The Cardinal had somehow won over his most extreme enemies. To Grey he gave in October, and may have already promised, lands in Rescobie, for defending the Church from "execrable heresies."<sup>48</sup> The Church robber is now *defensor Fidei*. For Charteris, as Knox says, Beaton "purchased" the Provostship of Perth. How he secured the others is unknown.

Certain it is that Beaton had detached Learmonth, Rothes, Kirkcaldy of Grange, Grey, Ogilvy, and others from the faction of Angus and of England. We have seen that advantages were offered to Charteris and Grey. The rest of the party may, as patriots, have stood by the lawful Governor, Arran. But they can scarcely have seriously thought that Protestantism was likely to gain more from Arran and Beaton than from Mary of Guise and Angus. Again, they can hardly have sided with Beaton to avoid civil war, which certain of them had offered to begin when Hereford was in Scotland. We cannot prove that all were bought (though that hypothesis would explain their versatility), and it is conceivable that they were moving in obedience to some secret "bands" among themselves. However they were brought over, Beaton had found an equipoise in these men of Protestant tendencies for what the Douglas faction had gained by "capturing" Mary of Guise.<sup>49</sup>

Meanwhile there was constant fighting on the Borders, and Lennox failed in an effort to capture Dumbarton for England. Private feuds raged: Arran captured the Laird of Calder, and George Douglas retorted by seizing the Laird of Borthwick, while Lady Borthwick made Bothwell her prisoner. Eure and Bowes ravaged the Border from July to November.

Early in November Arran held a Parliament in Edinburgh, while the Angus faction, with the queen-mother, were denouncing Arran in Stirling. With Arran and the Cardinal were Balnevis, Learmonth, Rothes, Grey, Ogilvy, Norman Leslie, David Lyndsay, and Kirkcaldy of Grange.<sup>50</sup> The Estates promised to support Arran if the Douglasses persisted in holding aloof. Summonses for treason were threatened against them. These measures were successful. The Douglasses appeared at Edinburgh on December 12, and were

“assoilzied,” and declared innocent of all their open and secret treasons, now and for ever. Of course they were, and were known to be, deeply guilty; but the threat of trial for treason brought them into the national union for the moment. Such were the vagaries of politics, but the Cardinal’s triumph, won by the aid of the very men who had lately planned his murder, is a remarkable piece of statecraft. The agreement was of little use. Angus and Douglas failed disgracefully in an attempt on Coldingham, and Douglas was blamed for a dastardly retreat. The English were certainly not aware of his treachery, if treacherous he was, in this instance. Brunston now gave news to the English of the sailing of Scottish vessels for France, with the French Ambassador on board, and he advised Henry to invade Scotland before French help could come. A tax was raised to support 1000 men under Angus for warding the Border,—very needful, as the Teviotdale lairds, with Cessford and Ferniehurst, had assumed the Red Cross. Eure had spy’s news that Sir George and the Cardinal were friends, and that the infant Mary Stuart was to be sent to marry the Dauphin.

Henry now offered 2000 crowns for “the trapping” of Angus, and 1000 for Sir George: it was his old idea.<sup>51</sup> Henry gave Angus’s barony of Coldingham to an Englishman, and Angus, perhaps, felt all the blood of the good Lord James swell in his bosom: if so, he dissembled. In February 1545, a Border spy, a Graham, was in Edinburgh, where he beheld the edifying spectacle of Glencairn at the queen’s Mass. Glencairn promised to be true to Henry, and Angus declared that “he loved the king’s Majesty best of all men.” He offered to make Lennox, the dear husband of his beloved daughter, Governor of Scotland. He would send one William Knox with further intelligence.<sup>52</sup> Meanwhile Wharton was working to kidnap Angus and Sir George! As the English and the Teviotdale lairds were now raiding the Border, Arran convened the country at Lauder (February 23), but the country would not rise, justly misdoubting the Douglas treachery, “ever false as they alleged.”<sup>53</sup> Arran was defeated near Melrose, and, it is said, was nearly betrayed by Sir George (whom Wharton was trying to seize) to the English.<sup>54</sup> Melrose was burned, and the graves of the Douglasses were desecrated. This insult aroused even Angus. As the English retired, he, with Arran, met them on Ancrum Moor, where he was joined by Norman Leslie, a man of

heroic valour, and by Buccleuch. The confident English, beguiled by the sending back of the Scottish horses, advanced too hastily, and found the dismounted Scots in close array of spears. Sun, wind, and blown smoke were in the eyes of the English: the spearmen of Scotland were not to be broken by cavalry, the Red Cross Scots (the men of Cessford and Ferniehurst, fighting under English colours) joined their countrymen: the English fled, the peasants rose on them, Eure and Layton were slain, with 800 men, while 2000 were taken prisoners.<sup>55</sup> Coldingham fell, and Jedburgh was evacuated by the English. It is a singular incident of Ancrum Moor that Arran wept over Sir Ralf Eure's dead body. "God have mercy on him, for he was a fell cruel man, and over cruel. . . . And welaway that ever such slaughter and bloodshed should be among Christian men," wherewith, as the tale is told, the tears trickled down his cheeks.<sup>56</sup>

Early in this year, 1545, some efforts towards peaceful negotiations were made. There was correspondence between Henry and Sir George Douglas, who tried to justify his own behaviour. But the burden of his letter was the usual one: Henry will never win Scotland "by reason of the extreme war that is used in killing women and young children." Henry must try gentle measures, for he is reported to intend the very worst. As a step toward peace, Cassilis, the only Solway prisoner returned to England, sought and got leave to revisit Scotland on parole, to try to make terms. He found the usual English party willing, but had news of a French auxiliary expedition to Scotland (April 2, 1545). Against this invasion Henry took measures and sent Hertford to the Border. Cassilis reported that the Cardinal was only killing time, "for his own particular profit," and advised an invasion, with the usual proclamation of the best intentions (April 20). Beaton had just been appointed as Legate *a latere*, though his commission was captured at sea. Henry accepted Cassilis's advice, and, in accordance with a hint of his, sent Sadleyr to the Border. To Sadleyr Cassilis wrote, with an offer to have Beaton murdered, if Henry would pay a reward. Henry "will not seem to have to do in it, and yet mislikes not the offer." Sadleyr was therefore advised to reply, as if from himself, that he would counsel Cassilis to achieve the feat, and trust to Henry's gratitude. One Forster was to be the go-between, and they must put their ideas in writing, under Cassilis's cipher.<sup>57</sup> Forster undertook his mission, and met Angus and Cassilis. But,

on the point of the murder, Cassilis would not commit himself, though he sent a ciphered letter to Sadleyr. George Douglas, however, advised the deed, if a due reward were stipulated. The scheme of assassination, therefore, lay by—to be renewed later by Brunston, probably in collusion with Cassilis. He and Brunston used the same cipher, and were clearly in the same plot.<sup>58</sup>

In open politics the main event was the landing of Lorges de Montgomerie with a considerable French force and treasure. Now all this time Angus had been representing himself to Henry as, despite Ancrum fight, a warm friend of the English cause. And such he proved himself, for he led 30,000 Scots and 3000 French over the Border; but, to use a phrase of a later traitor already quoted, Ker of Kersland, his action was only taken for reasons of “decorum,” that is, to keep up the pretence of being a loyal Scot. He burned the village of Branxton, the scene of Flodden field, and some other hamlets. But, on August 13, all the large force returned to Scotland, “through the deceit of George Douglas and the vanguard,” says the contemporary diary-writer. All was ruined “by us that are the king’s friends,” boast the Douglas faction.<sup>59</sup> Thus, while Cassilis and George Douglas were scheming Beaton’s murder, George Douglas and Angus were also leading Scotland’s vanguard with the precise purpose of ruining its endeavours.

At this juncture a “Lord of the Isles” makes an unlooked-for appearance. Since the forfeiture and death of John of the Isles, and Earl of Ross, about 1494-1498, no acknowledged Lord of the Isles had existed. The new Lord is that Donald Dubh, regarded by the Celts as legitimate son of the Bastard of the Isles, Angus Og, son of John of the Isles. Donald Dubh had been kidnapped by Atholl, says tradition, as an infant, and immured by Argyll in Inchconnel Castle, on Loch Awe, about 1480-84. He had an interval of freedom, about 1501-1506, and was then recaptured. By 1543 he was at liberty again, and since that date had made diversions in the west, and distracted the power of Argyll. Denounced by Government as a bastard, he maintained that “even within his mother’s womb” he had been the prisoner of his foes. Atholl, then, about 1480-1484, must have kidnapped, not the infant, but his pregnant mother, whether the wife of Angus Og, and daughter of the first Earl of Argyll, or a mistress of Angus. This Donald Dubh it was who, in July and August 1545, was in treaty with Henry. With him were Maclean of Duart, Clanranald,

Macleod, Lochbuy, MacNeil, Glengarry, and other Celts, some of them recently set free from ward by the folly of Arran. They practically renewed the old treaty of Westminster and Ardtornish (1461-63). They were to raise 8000 men for Henry's service, and the Lord of the Isles was to receive a pension of 2000 crowns per annum. They avow themselves "auld enemies of Scotland."<sup>60</sup> We are not to suppose that these chiefs were Protestants, though allied with Henry. None of them could write. Thus Beaton had against him the traitor southern nobles and also the western Celts, except Argyll. A western invasion, aided by Lennox and Donald, calling himself Lord of the Isles, was projected, but came to little, the Celts quarrelling about their pay, which came into the hands of Maclean of Duart. By land, Hertford, in the first week of September, crossed the Border and destroyed the beautiful Abbey of Kelso, with Melrose, Dryburgh, and Jedburgh. Irish forces were used, as the most relentless. The sleep of the Douglas ancestors was thus again disturbed. Meanwhile where was "the Douglas true"? Skulking at Irvine, far away, with Cassilis and Sir George.<sup>61</sup> Arran gathered 10,000 men to repel Hertford, but by advice of Angus they dispersed. Thus the Douglases won both shame and heavy loss, their own lands suffering in the ruthless and useless devastation, the greatest ever known on the unhappy Border. Some Frenchmen deserted to Hertford, and were asked by Henry to trap or kill Beaton, Arran, or Montgomerie.<sup>62</sup>

This emphatic failure of the French auxiliaries, this disgrace to the arms of Scotland, this wreck of her monuments and provisions, must have been a sore stroke to Beaton. A few of his letters survive. "Dangers I encounter to avert danger from others," he had written when Angus was in arms against him. That open attack he had subdued; he had gained French help, and, in July 1545, he had written, "Heresy is almost extinct; the feuds of the nobles are appeased; victory over England is probable"—with Angus to lead the van! In fact, before the failure and treachery on the Border, and the harrying by Hertford, Beaton was most vexed, not by England, but by the assertion of his rival, the Bishop of Glasgow, to precedence over him, a fray immortally comic in the pages of Knox.<sup>63</sup> Disappointed and discomfited, surrounded by traitors, threatened by Celts on his west flank, the Cardinal did not lose heart. Maxwell had surrendered Caerlaverock to Henry; Beaton took that hold, with Lochmaben and Thrave, in November.

He also recovered, by dint of money, Dumbarton, then in danger from Lennox, the new Lord of the Isles, and an Irish force under Ormond (November 1545).

The next event of importance, at a moment when Beaton had recovered power and prestige, and had entered into "bands" with some of his would-be assassins, was the capture of George Wishart, the beginning of the end. The facts in the career of this remarkable man cannot be precisely ascertained, and his chief modern admirers are at variance as to dates and sequence of events. Knox appears to have dislocated the dates, and again, criticism cannot easily accept Knox's account of his trial. The much-debated question is, Was George Wishart, the martyr, the Wishart who, in April 1544, visited Henry VIII. with the Brunston-Rothes-Charteris and Kirkcaldy schemes for assassinating Beaton, and attacking the towns and lands of churchmen? Nothing, we think, in the evidence renders this impossible, while nothing proves the case. Wishart was doubtless a Forfarshire man, and is believed to have been connected with the House of Pitarrow, and with the family of Learmonth of Balcomie, ambassador to England in 1543. Tradition associates him with the teaching of Greek at Montrose, under the auspices of Erskine of Dun, and alleges that, in 1538, he fled from an injunction of the Bishop of Brechin.<sup>64</sup> He (if not another of his name) certainly was in Bristol in 1539, where he recanted on a charge of heresy: he had denied the merits of Christ as a Redeemer. He went abroad, and Knox tells us (as from Wishart himself) that a Jew, on a Rhine boat, inspired him with, or increased, his hatred of works of religious art. He translated the Confession of Faith of the Churches of Switzerland (1536-37), which enjoins on magistrates the punishment of heretics. About 1542-43 he took pupils at Corpus Christi College, Cambridge, and Tylney, with whom he read, attests his unbounded charity, while admitting that some of his "people" (pupils?) were anxious to kill him for his severity. Even the most unpopular tutors are seldom assassinated at the English universities. Wishart's next movements are subjects of controversy. Tylney remarks that he returned to Scotland with some of the nobility that came for a treaty with Henry VIII. This must mean the ambassadors Learmonth, George Douglas, and others, who arrived in Edinburgh in July 1543. Knox also says that he returned "with the



Commissioners before mentioned,"—he has only mentioned these ambassadors,—but makes the date 1544.<sup>65</sup> Now the right date for Wishart's return cannot well be other than that indicated by Tylney, and by Knox's reference to "the Commissioners before mentioned"—that is, the ambassadors of 1543. It was natural that Wishart should return under their protection on the journey. Moreover, thanks to the terms of peace they carried, he would expect (if an outlaw) to find a changed face of things in Scotland, with the English and Protestant party in the ascendant. As naturally, he would go to his own country, and, after Beaton was outlawed for some days (August 28—September 3, 1543), he might well take heart to preach in Dundee. Dr Lorimer, indeed, supposes his lectures to have abetted the "popular demonstration"—that is, the rabbling of the Dundee monasteries at the end of August 1543.<sup>66</sup> If this were so, Wishart's public activity would inevitably cease when Beaton visited Dundee, and imprisoned the ringleaders of the mob, in November 1543, while he persecuted in these regions in January 1544. The ascendancy of the Cardinal would almost necessitate Wishart's silence. In April 1544 a Wishart, the martyr or another, is the messenger of murder between Brunston and Henry VIII. In 1545, after Cassilis's murder plot, the country of Cassilis, Kyle, and Ayrshire would be the safest place for a Protestant preacher, and Knox tells us that Wishart did preach in that district, apparently about June—August 1545.

But even the greatest admirers of Wishart do not find it easy to construct a consistent theory as to his movements out of Knox's narrative. Writing from memory, after the lapse of a score of years, Knox began from what we must consider a false date (1544 instead of 1543) for Wishart's return from England. He then, perhaps, by an illusion of memory, may have foreshortened or "telescoped" events. Wishart, in his version, begins his doctrine in Montrose and Dundee, certainly not before 1544. But at that date, as we saw, preaching would have been very perilous. Next Knox tells us that Wishart instantly obeyed an injunction to leave preaching, and went to "the west land"—Kyle and Ayrshire. Here he held conventicles in various places. The sheriff of Ayr found it necessary to protect Mauchline kirk, for therein was a tabernacle "beautiful to the eye." On another occasion, to prevent a fight, Wishart preached in the fields, leaving a church to its bishop. Then, probably in July—August 1545, Wishart was summoned back to Dundee,

where the plague was raging. He fought the plague manfully, escaped several snares of the wicked Cardinal, and (apparently in December 1545) began to move on Edinburgh, where he said he was "called to another battle." In fact, Cassilis and the gentlemen of the west country, aware that Beaton was about to hold a convocation of the clergy at Edinburgh, had determined to take their own part in the affair. They were to ride to Edinburgh, probably at the head of their retainers, and demand that the bishops should meet Wishart in open public controversy. As Wishart was, it seems, an outlaw at the moment, and certainly, according to Knox, was the object of Beaton's murderous attempts, the appeal of the westland gentlemen could only succeed if supported by force.

Here we are deserted by the evidence of documents. We have seen, from Sadleyr's correspondence in the Hamilton Papers, that in the summer of 1545 Cassilis was trying to arrange for the Cardinal's murder, while Brunston (who used Cassilis's cipher) was harping on the favourite scheme as late as October 20, 1545. But what the relation of Cassilis was to the plot in the autumn of 1545 we do not know, because the letters on Scottish affairs in the State Papers are lost or have been destroyed. For the period between October 1545 and the murder of Beaton in the end of May 1546 the manuscripts do not exist—a circumstance in itself suspicious. We can only conjecture that Cassilis had laid aside, or subordinated, his homicidal plot, and that with Wishart's aid he contemplated some form of "popular demonstration." Wishart left Forfarshire in December 1545 to keep tryst with Cassilis in Edinburgh. He did not keep tryst with Cassilis but with Fate.

To him and his fortunes we shall return. Meanwhile, if Knox was accurate (which, if Tylney and Knox's own reference to the Commissioners is correct, he cannot be) in making Wishart return to Scotland first in 1544, then the martyr could scarcely be the Wishart who carried the scheme of murder to Henry VIII. in April 1544. Again, if (as Knox says) Wishart preached at Dundee in a year which seems to be 1545, was inhibited, obeyed the inhibition, went to the westland, and was recalled to Dundee by the plague, all would be consistent enough. Up to the spring of 1545 Wishart did nothing notable: he then began to preach, and ceased when inhibited. Unluckily Knox, who tells us this, also prints Articles of Accusation against Wishart at his trial, in which he is charged

with contumaciously refusing to obey the inhibition.<sup>67</sup> Which version (if either) is true, or did Wishart disobey in August–September 1543 and obey later in 1545? Or is the reference to some other inhibition? We can but point out the difficulties.

There is another point. Wishart is found, later, in close association with Brunston, Calder, and others in the murder plot; while, as we show, he was now in connection with Cassilis, who had also schemed assassination. But it is easy to reply, and the reply must be admitted, that Wishart knew nothing of these men's iniquities. Here, again, actual proof is impossible. Because Brunston sent a fellow-scoundrel named Wishart to Henry in 1544, and aided and "reset" Wishart the martyr in 1545, it does not follow that these two Wisharts are one and the same man. There were other Wisharts. Mr Maxwell, in 'Old Dundee,' produces a George Wishart, a travelled gentleman, who was accused of helping to drown an old Catholic lady, and of other acts of zeal. All is matter of probability, not of demonstration. We cannot prove that the martyr knew Brunston before January 1546.

Wishart was to meet, in Edinburgh, "the gentlemen of the West," who were to aid him to encounter the clergy in controversy. Beaton, in fact, held a convocation of the clergy at Edinburgh, in January 1546. Wishart kept tryst, but Cassilis did not. The preacher was sheltered by Brunston, Ormiston, and other "earnest professors," and the saintly Sir George Douglas heard his doctrine, which he promised to avow and protect. Naturally Sir George did not keep his word. It was at Haddington—where he had a small congregation and therefore "continued in vehemency and threatening," says Knox, "near an hour and a half"—that Wishart learned that Cassilis would not join him. He took a last leave of his friends, including Knox, who used to carry a two-handed sword before him. That night, at Ormiston, in the company of Brunston and Calder, Wishart was arrested by Bothwell (January 16, 1546). The earl was summoned to surrender the prisoner, and Beaton carried him to St Andrews.<sup>68</sup>

Whether Wishart knew anything of the plots of Brunston and Cassilis can never be certainly discovered. We are baffled by the loss or destruction of the English papers. We can only conjecture as to whether Wishart was or was not the murderous envoy of Brunston in 1544. Later, in 1545-46, he was in Brunston's society, as, in the summer of 1545, he had been in Cassilis's country about the

time of Cassilis's plot. If we may say *noscitur e sociis*, the case for Wishart stands ill. But Knox was not averse to murder in a holy cause, and, if Wishart was no less a man of his age than Knox (which we cannot prove), he was also a man of sincere conviction, of great charity, of dauntless courage, of high temper, and, according to Knox, gifted with premonitions of events in some supernatural manner. Wishart suffered at St Andrews on March 1: he was strangled, and his body was burned. Knox avers that the Archbishop of Glasgow, with Beaton, looked on, lying in an eastern tower, probably opposite Castle Street. Knox cites the Trial from Foxe's 'Acts and Monuments of Martyrs,' which, again, cites a dateless tract, published in London, with a long wordy preface by Robert Barrant. The same book includes Lyndsay's 'Tragedy of the Cardinal.' In my opinion Knox himself was the author of this tract. Whoever reads his History in one of the old editions will perceive no break in the style. In Wesley's words it is "fierce, sour, and bitter," and is marked by Knox's peculiar vein of humour. Even a joke, "fiend" for "friar," which occurs here, is used by Knox in later pages. In Knox's acknowledged work, as in the tract, Wishart is "the servant of God," and is "Maister George."<sup>69</sup>

The tract, besides these verbal coincidences, and besides the florid and fluent vituperation (entirely absent in an account from Scotland of a similar trial in 1550, published by Foxe), is marked as Knox's by his affection for Wishart, and his local knowledge of St Andrews. Thus the tract seems to be Knox's own,<sup>70</sup> and we may discount the odious language in which Lauder, the accuser, addresses the prisoner. Nothing of the kind is reported when the same cleric accuses Wallace in 1550, or, to take a Court virulent enough, in the *Procès* of Jeanne d'Arc. "When that this fed sow [Lauder] had read through all his lying menacings, his face running down with sweat, and frothing at the mouth like a bear, he spat at Maister George his face, saying,"—and so forth. If Knox did not write these words, he certainly modelled himself on the master of vituperation who was their author. As it is improbable, if not impossible, that Knox was himself present at the trial, and as he cites no authority for his version of the Articles and Answers, we need not take them as literally authentic. Whatever occurred, Wishart was certainly found guilty, praying Christ to forgive them who condemned him ignorantly. Knox and the tract say nothing of his prophecy of Beaton's destruction, and it is probable

that he died in the true spirit of a martyr. But if he agreed with the Swiss Catechism which he translated, he had no objections to the punishment of heretics: and Calvin would have burned him cheerfully for the heresy which he is said to have recanted at Bristol. More gently treated than Calvin's victim, Servetus, he was hanged, after which his body was "brynt to poulder."

It is alleged that the civil magistrate did not sanction this execution,—which would greatly add to its odium. John Leslie, brother of Rothes, is said to have openly vowed revenge. Beaton cried, "A fig for the feud and a button for the bragging of all the heretics and their assistance in Scotland," according to Knox, who adds a rumour that Angus and his friends purposed something against him, "but it failed." This was in Edinburgh, where in January Beaton had held a Provincial Council "of Baal's shaven sort," the clergy. According to Knox, letters found after Beaton's death "partly" proved that he had summoned his future murderers to meet him on a date two days after his assassination, with a treacherous purpose, "plainly affirmed by such as were of the council." The letters are not extant.

He now married one of his daughters, by Mariotte Ogilvy, to the Master of Crawford, thereby probably ending an old Crawford-Ogilvy blood-feud. He was refortifying his castle—already, for these times, a place of strength. On May 29 he was surprised in his Castle of St Andrews by a set of ruffians who slipped in early in the morning, dirked the porter or knocked him on the head, and secured the place. Eight Kirkcaldys and one Learmonth are named among the gang, with Norman Leslie, Master of Rothes; John Leslie, his uncle; James Melville, Peter Carmichael, and other earnest professors. A letter written on the day of the murder says that Beaton was slain on the staircase of the blockhouse.<sup>71</sup> Knox's version is almost too familiar for quotation. After some speech with John Leslie, Beaton or his page opened the door, when fire was brought to burn it down. A secret postern was watched by young Kirkcaldy of Grange, later so celebrated. The Cardinal fell into a chair, crying, "I am a priest!" John Leslie and Peter Carmichael struck or stabbed him: James Melville, "a man most gentle and most modest," proved these qualities by first haranguing the victim at considerable length, and then stabbing him several times. The Provost, Learmonth, with the townsfolk, came to the moat, and the dead man was shown to them, probably hung

in a sheet over the wall. His body was insulted, it is said, in an unmentionable manner. The remains were delivered up in December 1546 or January 1547, and were probably then buried in the now ruinous chapel of the Dominicans in South Street. The long-deferred deed was done; the swords of the ruffians who had first conspired against and next sided with Beaton were washed in his blood. "Fie, fie, all is gone!" are said by Knox to have been his last words. All was gone, indeed: save Hamilton, presently Archbishop of St Andrews, no man of Beaton's intellect, courage, craft, and tenacity was left to uphold the ancient Faith and the old Alliance. Knox, gloating over his maimed obsequies, says, "These things we write merrily." But mirth is not the mood in which we hear of ruffianly deeds, triumphing where force had failed in open field, and craft had failed in council.

A verse commonly attributed, but without good authority, to Lyndsay, runs—

"Although the loon is well away,  
*The deed was foully done!*"

Foul was the attack on a single priest by a crowd of armed assassins, some of them under "bands" with him, others, like young Kirkcaldy of Grange, belonging to families which were, to all appearance, publicly supporting Beaton and Arran. But in Norman Leslie and several of the rest old grudges rankled, new private offences are said to have arisen, and it is conceivable, though, in the absence of documents, not certain, that the murderers were in Henry's pay; that the terms, so often higgled over, had by Henry been at last conceded. With the death of Beaton closes the chapter of united resistance to England, and alliance with France. The policy of Bruce's prelates, and of the patriotic Bishop Kennedy, was to struggle on for a while, under Beaton's successor, Arran's half-brother, Archbishop Hamilton. But, with David Beaton slain, and with Knox hurrying forward to assume a power greater than Beaton's, we may say of old Catholic Scotland, as said the dying Cardinal, "Fie, all is gone!"

## NOTES TO CHAPTER XVII.

<sup>1</sup> Lisle to Henry, Hamilton Papers, vol. i., Christmas Eve, 1542.

<sup>2</sup> This citation is from the original, which does not contain the inverted commas (marks of quotation) that confuse the sense in the printed version. The sense here taken is that in which Henry understood it. Hamilton Papers, i. 356.

<sup>3</sup> Hamilton Papers, i. 358.

<sup>4</sup> In 'Blackwood's Magazine,' March 1898, p. 345, I misunderstood Lisle to mean that Douglas was reporting remarks by Arran. Lisle's English is confused. Dr Hay Fleming corrected me here. Douglas, not Arran, is the speaker; but Douglas's omission of any charge of forgery remains to be explained away.

<sup>5</sup> Sir George Douglas told this to Lisle, and why should Douglas invent a palpable lie which could not gain him a rose-noble, and could not fail to be detected? State Papers, 1836, v. iv. 250, note. Lisle to Henry, Feb. 2, 1543.

<sup>6</sup> Here we have at second-hand what Lisle wrote to Henry VIII. on Dec. 30, 1542. Hamilton Papers, i. 349.

<sup>7</sup> Calendar State Papers, Spanish, vi. pt. ii. 228-231.

<sup>8</sup> Chapuys, Spanish Calendar, vi. pt. ii. 222; State Papers, 1836, v. iv. 234, note.

<sup>9</sup> State Papers, 1836, v. iv. 242.

<sup>10</sup> Hamilton Papers, i. 361-402.

<sup>11</sup> The affair of Captain Dreyfus.

<sup>12</sup> Lisle to Suffolk, February 1-2, 1543, State Papers, 1836, v. iv. 249, 250.

<sup>13</sup> Spanish Calendar, vi. ii. 243-279. This 150 is the 360 of Arran's fable to Sadleyr about the proscription of Protestants.

<sup>14</sup> Hamilton Papers, i. 466.

<sup>15</sup> State Papers, 1836, v. iv. 263, 264.

<sup>16</sup> Act. Parl. Scot., ii. 411-413.

<sup>17</sup> Sadleyr Papers, i. 83-90, March 22, 23.

<sup>18</sup> Hamilton Papers, ii. 40.

<sup>19</sup> Sadleyr, i. 138.

<sup>20</sup> Hist. MSS. Commission, xi. App. vi., 219, 220.

<sup>21</sup> Theiner, 614.

<sup>22</sup> State Papers, 1836, v. iv. 284.

<sup>23</sup> Sadleyr Papers, i. 216.

<sup>24</sup> Hamilton Papers, i. 602-606.

<sup>25</sup> Sadleyr, i. 257.

<sup>26</sup> Hamilton Papers, i. 630-632.

<sup>27</sup> August 17, Hamilton Papers, i. 639-642.

<sup>28</sup> Hamilton Papers, i. 651.

<sup>29</sup> Sadleyr, i. 270-275.

<sup>30</sup> Hamilton Papers, ii. 21.

<sup>31</sup> "They would have destroyed Arbroath Kirk but for Lord Ogilvy," says the 'Diurnal of Occurrents,' p. 29. Perhaps Ogilvy spared the church while spoiling the property, but there seems to be no thoroughly authentic account of the event.

<sup>32</sup> Hamilton Papers, i. 663, 664. The Council to Suffolk, August 29.

<sup>33</sup> Mr Bliss's Vatican Transcripts, Record Office.

<sup>34</sup> Hamilton Papers, ii. 96-112.

<sup>35</sup> We have seen, however, that the Cardinal had already expressed his fear of assassination.

<sup>36</sup> "Thinking to have had the most part of their will, and to have done the king [Henry] service acceptable."—Brunston, Hamilton Papers, ii. 187.

<sup>37</sup> Knox misdates the capture, placing it in July 1543, *after* a skirmish between Ruthven and Ogilvy, which, we know from the 'Diurnal of Occurrents,' took place eight months later. Knox, i. 113; Diurnal, p. 34. It is not merely Knox's

date, in Arabic numerals, that is wrong; he says that the capture followed the skirmish, which it preceded by several months.

<sup>38</sup> Maitland, ii. 854. Cited by Tyler.

<sup>39</sup> Douglas in Suffolk, January 15, 1544; Hamilton Papers, ii. 250, 251.

<sup>40</sup> Hamilton Papers, ii. 326.

<sup>41</sup> State Papers, 1836, v. iv. 377, 378.

<sup>42</sup> Haynes, State Papers, pp. 32, 33.

<sup>43</sup> Hertford's Despatches in Hamilton Papers.

<sup>44</sup> Fœdera, xv. 23-26 and 29-32.

<sup>45</sup> Hamilton Papers, ii. 409. Beaton, as we read in Mr Bliss's Transcripts, once asked at Rome for excommunications against he-tile prelates, perhaps the four bishops.

<sup>46</sup> Diurnal of Occurrents, p. 33. For the fight at Perth, Diurnal, p. 34.

<sup>47</sup> Hamilton Papers, ii. 422, 423.

<sup>48</sup> Register, Great Seal, 1513-1546, pp. 709, 710.

<sup>49</sup> Dr Hay Fleming, in 'Contemporary Review' for September 1898, p. 387, has shown that my original idea, the wholesale purchase of the more or less Protestant barons and lairds, lately hostile to the Cardinal, is not proved. Kirkcaldy, for example, was not bought with an equivalent for the great Gold Chain, as I had inferred. He only got an old debt paid, as was his due.

<sup>50</sup> Act. Parl., ii. 446.

<sup>51</sup> Hamilton Papers, ii. 538.

<sup>52</sup> Knox had a brother named William.

<sup>53</sup> Diurnal of Occurrents, p. 38.

<sup>54</sup> Diurnal of Occurrents.

<sup>55</sup> February 27, 1545.

<sup>56</sup> Shrewsbury to Henry, Hamilton Papers, ii. 565.

<sup>57</sup> Privy Council, 30th May 1545; State Papers, 1836, v. iv. 449-451.

<sup>58</sup> State Papers, 1836, v. iv. 470-472, note.

<sup>59</sup> Diurnal of Occurrents, p. 40; Angus, Marischal, George Douglas, and Cassilis to the Privy Council, August 15, 1545; State Papers, 1836, v. iv. 498, note.

<sup>60</sup> See Appendix H, "Donald Dubh, the last Lord of the Isles."

<sup>61</sup> State Papers, v. iv. 519, note. Their letter from Irvine, September 9.

<sup>62</sup> State Papers, 1836, v. iv. 512.

<sup>63</sup> Theiner, Mon. Vet., pp. 615-618.

<sup>64</sup> Petrie's History of the Catholick Church, pt. ii. 182. Hague, 1662.

<sup>65</sup> Knox, i. 102-104, 125.

<sup>66</sup> Scottish Reformation, p. 107.

<sup>67</sup> Knox, i. 126, 155.

<sup>68</sup> Knox says that Bothwell promised safety to Wishart, and gave him up because he could not withstand "the assaults of a gracious queen," and, moreover, was bought by Beaton. Bothwell merely obeyed an Act of Council of January 19, which is extant, and cited by Laing, Knox, i. 143, Note 6.

<sup>69</sup> Knox, i. 143, "Maister George"; i. 148, "the innocent servant of God." In 'Blackwood's Magazine,' March 1898, I wrote, "Knox calls Wishart 'that servant of God, Maister George,' and so does the tract." Dr Hay Fleming replied, "The expression quoted does not occur in the tract." The *expressions* do occur in the tract, where Wishart is "the servant of God," and in the next line but one, is "the said Maister George" (Tract, Knox, i. 149). Mr Hill Burton cites the account of the trial as "bearing the mark of Knox's vehement colouring." It is "needless," he says, "to seek in the account for precise accuracy" (Hill Burton, iii. 255, 1873).

<sup>70</sup> The idea, though I did not know it, had occurred to a previous writer, Dr Rogers: the marvel is that it has not occurred to every student.

<sup>71</sup> State Papers, 1836, v. iv. 560.



## APPENDIX A.

## EARLY PROBLEMS.

WHILE this book passed through the press essays on some of the debated questions appeared. In 'Proceedings of the Society of Antiquaries of Scotland' Principal Rhys repeated his expression of belief that "the Pictish language is not Celtic, not Aryan." His opinion rests on inscriptions not always legible, and on philological arguments which cannot be condensed.<sup>1</sup> Prof. Zimmer's essay on "Pictish Matriarchy" (agreeing on the whole with Rhys) may now be read as the 'Introduction to Leabhar nan Gleann.'<sup>2</sup> Prof. Zimmer's theory depends (p. 6) on the notion that the Dalriad Scots (of Argyll and Kintyre) not only Christianised the Northern Picts, which is true, but also imposed their Gaelic language on the Picts and "took away their independence." It is most improbable that Irish missionaries could impose a new language; and as to "taking away the independence" of the Picts, we might as wisely hold that James VI. took away the independence of the English by becoming king as that Kenneth MacAlpine, a Pict by female descent, did as much for the Picts. The argument of Rhys that ancient inscriptions in the Pictish area show a "non-Aryan substratum, under a light Irish (Gaelic) veneer," must be left to experts. As to female descent among the Picts, considered as a "non-Aryan" survival, we only know it in the royal house, and the many seeming relics of totemism in Greece show that Aryan races have developed like others.<sup>3</sup> Opponents must allege that Aryans in Greece adopted non-Aryan customs and legends. Prof. Zimmer denies that any proof of the development of male out of female kin "without extraneous influence" has ever been given. He may not have studied 'The Deme and the Horde,' by Messrs Howitt and Fison,<sup>4</sup> where the process is shown at work in Australia. It is true that Messrs Spencer and Gillen ('Native Tribes of Central Australia,' p. 36, note) throw doubt on this, but all that they say of the Urabunna tribe appears to confirm the theory of maternal passing into paternal lineage "without extraneous influence." From a MS. by Mr Howitt I gather that he still (1899) does not agree with Zimmer.

As an example of a Scottish inscription which Principal Rhys regards as certainly non-Aryan, we may choose—

X TTOCUHETTS : AHEHHTMNNN : HCCVVEVV : NEHHTONN  
(Lunasting).

This appears to be not merely non-Aryan but non-human! or not correctly deciphered. Some people seems to have dropped all its aspirates in one place, at Lunasting.

The Proceedings (1897-98, pp. 399-476) also present a description of the recent

excavations at the Roman station of Ardoch, in Perthshire. These show (pp. 468, 469) that Ardoch was less well found in the finer elements of Roman civilisation than the Roman site at Birrens, just north of Solway Firth. Ardoch was coarser, cheaper, probably less permanent; and this fact makes in favour, I think, of the theory that the Roman occupation of Scotland was purely military, was little extended, and casually held north of Forth. Again, a new work<sup>5</sup> indicates that Birrens "had been destroyed, had lain waste, for a long period" (p. 29), and had, later, been recovered and reconstructed. Was it first founded under Antoninus Pius, then lost, and recovered under Severus? or was it an early station destroyed, and recovered under Antoninus? The few coins found were chiefly of Trajan, Hadrian, and Antoninus Pius.

A hoard of coins of Severus, found in Kincardineshire, seems to me nearly as good evidence of Severus's northern march as is, for that of Edward I., the great hoard of his coins found (1897-98) at Penicuik. For the Severus hoard see Mr Haverfield's tract on 'A Roman Inscription' (Glasgow, 1898). For the difficulties about Hadrian's Wall see "The Romans in Britain" ('Edinburgh Review,' April 1899).

As to these Roman problems, what we need is excavation. I learn from Sir Herbert Maxwell that a work in Galloway, externally of Roman aspect, deserves the spade. (See his book on 'Galloway and Dumfries'). On the other hand, Mr S. R. Crockett has found, from a letter written about 1730, that a so-called "Roman camp" in Galloway was really erected by the "Levellers."

<sup>1</sup> Proceedings, 1897-98, pp. 324-398.

<sup>2</sup> By George Henderson. Norman Macleod, The Mound, Edinburgh. *S.a.*

<sup>3</sup> See the author's 'Custom and Myth' and 'Myth, Ritual, and Religion.'

<sup>4</sup> Journal of the Anthropological Institute, xiv. 142.

<sup>5</sup> Birrens and its Antiquities, by Dr James Macdonald and J. Barbour, 'Standard' Office, Dumfries, 1897.

## APPENDIX B.

### THE SIDHE AND THE GODS.

THE best short account of old Celtic religion in Ireland is perhaps that given by Dr Hyde in 'A Literary History of Ireland.'<sup>1</sup> This work appeared after my own remarks were in type. Dr Hyde distinguishes "private idols" (used by "poets" or medicine men in their magic) from "public idols," such as "the great gold-covered image," called the Crom Cruach or Cenn Cruach. It seems to have received even human sacrifices; but our information, of course, is from later and Christian sources. In lines apparently "not very ancient," we read—

" He was their God,  
The withered Cromm with many mists."

His statue, or idol, was surrounded by twelve stone idols.<sup>2</sup> There is evidence of sun-worship in St Patrick's "Confession." Apparently Irish paganism, as far as idols were concerned, was much on a level with that of the pagan Northmen.

The *Sidh*, dwelling in fairy mounds, are by no means forgotten or wholly disbelieved in by the peasantry of Sligo, for example. But their precise relationship to such gods as Cromm is difficult to unravel.

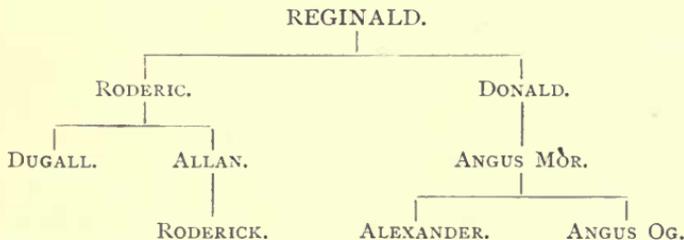
<sup>1</sup> Fisher Unwin, 1899.

<sup>2</sup> See Mr Nutt's Voyage of Bran, i. 301.

## APPENDIX C.

### THE CELTS IN THE WAR OF INDEPENDENCE.

THE War of Independence was won by the Lowland Scots (in origin mainly of English descent) fighting under the standards of leaders more or less Norman by blood. Nobles of such lineage varied, shifting from side to side, and even so shifted the Celtic chiefs. Most of their great men, from Argyll and Perthshire to Wigtownshire, are found taking oaths of homage to Edward I. in 1296 after the collapse of the "toom tabard," John Balliol. When Wallace in 1297 lifted the fallen banner of Scotland, the Celtic chiefs took, some the English, some the Scottish side, as national feeling, private ambition, or family feud chanced to dictate. After Bruce had slain Comyn, some of the Celtic opponents of England in 1297 were brought under her flag by the blood-feud for Comyn. There were also divisions within the family, and the two brothers of the house of the Isles were of opposite parties: the elder, Alexander, for England; the younger, Angus Og, for Bruce. A notion of the divisions among the Celts in 1297 may readily be gained. We find Alexander de Yle, head of the Isla house, on the English side, and seizing "Macrogi," apparently Roderick, a chief of Clan Rory, a descendant, as it seems, of Reginald, son of Somerled, whether second son or eldest is debated. Both men, captor and captive, were originally of Reginald's blood.



Besides announcing to the English Government his capture of "Macrogi," Alexander de Yle remarks that Alexander de Ergadia (Argyll) is still holding out, though he did homage at Elgin in July 1296. This Alexander de Ergadia of Argyll is a descendant of Somerled's first (or second) son, Dugall; or, he is another of the descendants of Reginald, son of Somerled.<sup>1</sup> However it be, we see only Alexander de Yle, of all the children of Somerled, on the English side when Wallace is out in 1297.<sup>2</sup> In 1301 John, son of Suffne, laments that one of the de Ergadia family, John, robs him in favour of Sir John Menteith, who later gave up Wallace, but then was on the Scottish side. One of the de Yle family,

Angus, was at that hour with Bisset's fleet in English interests.<sup>3</sup> But the murder of Comyn, their kinsman, by Bruce raised a blood-feud between the house de Ergadia, Macdougals of Argyll, and Bruce. Henceforth the house of Argyll (Macdougall) is staunch to England, as is Alexander de Yle. But Sir Nigel Campbell and Angus Og of the de Yle house are loyal from the first to Bruce, and by aid of Angus Og Bruce led the men of Argyll, of Kentyre, and of the Isles in his reserve, with his Carrick men, at Bannockburn.

As to other Celts, the Badenoch tribes would be for Scotland while a Comyn was of that party, and would probably shift when the Comyn blood-feud with Bruce began. The north-eastern Celts on Spey and elsewhere were for Wallace, under Sir Andrew Moray.

The Celts of Galloway, such as the Macdowals (probably akin to the Macdougals of Argyll), were notoriously Bruce's enemies. A curious point arises as to Galloway. In June 1298 Edward I. informed Louis of France that certain Celtic chiefs came in and did homage at Wigtown on Monday next after St John the Baptist's Day in 1296. They continued in his allegiance. Among them are MacEthes, a Macgillavray, MacEuries, and "all the lineage of Clenafren." Now Macgillavray is a Clan Chattan name. MacEuries are perhaps MacUlrigs, a Kennedy name. But if MacEthes or MacHeths are the Macphersons, sons of Heth, Earl of Moray, and of the royal blood of Lulach, what are these Clan Chattan men, MacHeths and Macgillavrays, doing in Galloway?<sup>4</sup> If the MacEthes of the Clen Afren are of the ancient Celtic royal house, the blood of Lulach, it is natural to see them on the side of England in the War of Independence. Thus the house of the Isles, even under Henry VIII., was of the same party, "auld enemies of the realm of Scotland." Celtic scholars must decide as to these MacEthes: to a Lowlander it seems conceivable that they were merely Galloway Mackies, a large clan in the Stewartry.

<sup>1</sup> Skene, *Highlanders of Scotland*, ii. 107, adopts the latter opinion.

<sup>2</sup> See his *Letters*, Bain, ii. 235 (903, 904). Stevenson gives them in full.

<sup>3</sup> Bain, ii. 320.

<sup>4</sup> Bain, ii. 253. Skene, *Highlanders*, ii. 177, quoting, for the Heth origin of the Macphersons, a MS. of 1450, "Clan Heth must have been the most ancient name of the Macphersons." Mr Skene published the MS. of 1450, with a translation, in 'Collectanea de Rebus Albanicis.'

#### THE ENGLISH SUPREMACY.

(Pp. 44-46.)

The whole question of the English supremacy is now of purely antiquarian interest. But it is not to be wondered at that Scottish historians contest "the primary fact from which the English controversialist starts," in Mr Freeman's words. We may have a bias, but so had Mr Freeman. He says that Mr Robertson "would never have satisfied himself with such futile arguments except under the influence of strong national partiality."<sup>1</sup> But Mr Charles Truman Wyckoff, of Chicago, is not a Scot (as far as his name indicates), and he warmly espouses Mr Robertson's cause in a thesis for a doctor's degree in the University of Chicago.<sup>2</sup> Perhaps Mr Wyckoff is an Anglophobe: we all have our bias. He believes that Regnwald, who died in 920<sup>3</sup> or in 921, is *the* Regnwald, not "another person of the same

name." He contrasts Mr Freeman's affirmative<sup>4</sup> with Mr Green's negative.<sup>5</sup> He gives proofs that in Eadward's reign submissions were made "in the immediate neighbourhood of the people concerned." "But Bakewell in Peakland is in Derbyshire, on the borders of Eadward's dominions, and far removed from Strathclyde and distant Scotland. The idea of these peoples going thither to do homage is completely at variance with the customs and history of this period." Mr Wyckoff nowhere else at this period finds the expression "to choose him for *father* and lord." If we take 921 (the date of Florence) in place of 924 for the submission, "it leaves the last three, and most important, years of Eadward's reign a blank." "The story of the great 'commendation' of the North to Eadward cannot therefore be accepted as an historical fact."

Then what is the record? Mr Green cannot date this section of the Winchester Chronicle "earlier than 975," or the end of Eadgar's reign, some fifty years after the "commendation"; and as the "imperial claims of the English Crown seem to date pretty much from the later days of Eadgar or the beginning of Æthelred's reign, an entry made at that time would naturally take its form from them."<sup>6</sup> Nothing about the commendation of 924 occurs in MS. D of the Chronicle, which is especially rich in Northern details. Mr Wyckoff therefore suspects "erroneous or fraudulent entries" in the Winchester Chronicle of 924 and thereabouts—reflections from the later period of Eadgar. If MS. D is silent about the commendation of 924, it, and it alone, is copious about 926. On page 46 I have briefly touched on the question of a Scottish submission to Æthelstan in 926, quoting Mr Freeman<sup>7</sup> and Mr Robertson (ii. 397, 398). The sole authority is this MS. D, which makes Constantine, with two Welsh princes, and Ealdred, son of Eadulf of Bamborough, "confirm peace with oaths" at "Eamotum," and promise to put down devil-tribute. They "then submitted in peace." Mr Robertson objects that Christian kings had nothing to do with "renouncing idolatry," and supposes the Scots to be interpolated into a record of Danish submission, the Danes being heathen. William of Malmesbury,<sup>8</sup> citing an old poem, asserts that Constantine's son was baptised on the occasion, which, of course, is absurd. He makes the place of meeting Dacor in Cumberland, not "Eamotum," which has been interpreted as Emmett in Yorkshire. The local difficulty, however, is solved by assuming Dacre, near the Eamont, an overflow of Ullswater, to be the place intended. The Dacre burn meets the Eamont (of old "Amot"); and the dative plural, *æt Eamotum*, would seem to mean "at the meeting of the waters." Sir James Ramsay finds the living tradition at Dacre that this is the site of the event. I add a note which Mr W. H. Stevenson, of Exeter College, Oxford, kindly supplied:—

"Steenstrup<sup>9</sup> discusses fully the evidence about the meeting at Dacre, and justifies William of Malmesbury's account. The Turfridus he identifies with the Thurferth (both are forms of the Norse name Thorfrithr), who is recorded in MS. A of the Chronicle as surrendering to Edward in 921 with the Northamptonshire folk. This is an entry written within a year or two of the date, if not in the year itself, for the hand in which it is written ends in 924. From this point for some time the D MS. is the best authority. The form in the MS. is 'æt Eamotum,' which is an English dative plural, the case required by the preposition. It was taken over in this form by Florence of Worcester, who speaks of 'in loco qui dicitur Eamotum,' which is not intended as a Latinisation, but is the OE. dat. pl. without the preposition, quite a legitimate use for an English-speaking writer. Steenstrup quotes Fergusson<sup>10</sup> as proof that this river was called Amot as late as 1425, and thinks that the meeting occurred at the confluence of the Dacre with the

Eamont. The reference to the prohibition of idolatry was one in which Christian kings could well take part, and it refers not to the Scots or Welsh, but to the Danes. Steenstrup argues that Malmesbury has added the confusing notice that Athelstan caused Constantine's son to be baptised on this occasion, in consequence of the statement in the old compilation known as the 'Flores Historiarum,' or 'Matthew of Westminster,' that Constantine's son was given to Athelstan as hostage in 934. This is probable, for we know that Malmesbury had a contemporary Latin poem on the achievements of Athelstan that has perished, and it is fair to presume that the poem would either not give the chronology or would give it defectively. It was a good stroke of policy on the part of Athelstan to induce the Scotch and Welsh kings to prohibit paganism, for such a step would cause a scission between them and the Northmen that he was engaged in subduing. That it did not succeed, we know from the subsequent league of Constantine with the exiled Northmen before Brunanburh. The meeting at Eamotum falls in naturally with Athelstan's occupation of Northumbria, and Steenstrup points out what a very convenient place it was for a conference with the Celtic kings."

Taking all this into consideration, the arguments of Mr Robertson against this meeting in 926 of the Scottish king and Æthelstan may seem to be weakened. The difficulty about the alleged Scottish prohibition of devil-tribute, however, is still very puzzling to me. Conceivably it may refer to heathenish survivals in folk-lore, even now not extinct, and probably as common in Æthelstan's realm as in Constantine's. What is said as to Mr Robertson here also holds good for Mr Wyckoff in his 'Feudal Relations between England and Scotland,' p. 12. In effect, the difficulty about the place of the meeting (Eamotum or Dacor) is overcome; but the sense, if any, of "aelc deofol geld to cwædon," applied to the devout Constantine, remains as unintelligible as ever. Mr Green does not elucidate matters by suggesting<sup>11</sup> that the entry of the commendation of 924 in the Winchester Chronicle is a mere refraction of the alliance of 926 in MS. D. On p. 50 I have preferred Mr Robertson's scepticism to Mr Freeman's belief in the eight kings who rowed Eadgar's boat on the Dee. Three MSS. of the A.S. Chronicle (D, E, and F) say that in 972 "there came to meet Eadgar six kings, and all swore fealty to him that they would be his co-operators by sea and land."<sup>12</sup> For "fealty" the original has "ealle him on hand sealdon." The Chronicle, then, records a promise of faithful alliance by six unnamed kings of unnamed kingdoms. But 972 is an error; 973 is correct, as in Florence of Worcester, says Mr Stevenson.<sup>13</sup> Florence, as we saw in the text, adds two to the six kings (a great modern authority makes them *seven*), and also adds the tale of the boat. Mr Robertson, for various reasons, dismisses the tale of Florence as a myth. Mr Robertson's objections are in his 'Scotland under her Early Kings,' ii. 387, 388. There could have been no "king of the Cumbrians" at the date; and if Strathclyde is meant, "no Malcolm could have appeared at Chester in that capacity." A Malcolm, *Rex Cumbrorum*, it is replied, occurs in Tighernac's Annals in 997. Siferth, in Florence, is "unquestionably," says Mr Robertson, meant for Jevaf ap Idwal; and Florence's Howell and Jacob are his sons, Jago and Howell, princes of North Wales, while Jukill may be Idwal ap Idwal. Now Jevaf died in 967. Duffnal is "utterly unknown amongst the contemporary princes of the Welsh, and is only applicable to the King of Strathclyde, adding another element to the confusion. This is scarcely the handiwork of a contemporary chronicler."

Of all these, Duffnal, if anybody, is Rex Deaulix. Siferth and Jacob appear, Mr Robertson says, in an authentic charter of 955. Maccus is probably Magnus Haraldson, King of the Isles—*Archipirata*, as he signs himself—and ancestor of

the Maxwells. Dr Steenstrup is satisfied with his identifications of kings who puzzle Mr Robertson, and incidentally makes an error of his own in Celtic philology. He decides that "there is nothing to prevent us supposing that these kings may have been present at the Dee. Despite a few possible mistakes, we cannot deny the existence of these princes or Eadgar's supremacy over them."<sup>14</sup> "A few possible mistakes" in so brief a statement as Florence's "*donnent furieusement à penser!*" But Mr Stevenson cites, as additional evidence, Ælfric, writing about 996, twenty-three years after the alleged event. "All the kings of this island, of Cumbrians and Scots eight kings, came to Eadgar once upon a time on one day, and they all bowed to Eadgar's government." This is a stronger statement of submission than that in the Chronicle, and Ælfric has added two kings to the anonymous six of the Chronicle—or, with praiseworthy modesty, the Chronicle has deducted two kings from the eight of Ælfric, just as De Quincey, in his 'Opium-Eater,' has added one, making nine in all. Mr Freeman<sup>15</sup> describes the A.S. Chronicle as "the best of all authorities," and on this showing the best authority is for *six* kings, unnamed, of unnamed regions. Kenneth, then, need not have been *dans cette galère*.

In my own opinion, it seems probable that Eadgar met an uncertain number of princes on the Dee, and made a convention with them of uncertain nature. We know only too well how variously such conventions as to suzerainty may be interpreted in our own day. In the days of Eadgar, and later, no Scottish submission would be understood by either party as carrying the consequences of the submission to Edward I. These consequences the Scottish people would not endure; they freed themselves with spear and sword. The ridicule, in the long controversy, attaches to Henry VIII. with the monstrous anachronisms and self-contradictory character of his pretensions.

<sup>1</sup> N. C., i. 570.

<sup>2</sup> Feudal Relations between the Kings of England and Scotland (Chicago University Press, 1897), pp. 1-11.

<sup>3</sup> Annals of Ulster.

<sup>4</sup> N. C., i. 568, 569.

<sup>5</sup> Conquest of England, p. 217.

<sup>6</sup> Conquest of England, p. 217, note.

<sup>7</sup> N. C., i. 59.

<sup>8</sup> Gesta Regum, i. 147.

<sup>9</sup> Normannerne, iii. 26 *sqq.*

<sup>10</sup> The Northmen in Cumberland, p. 112.

<sup>11</sup> Conquest of England, pp. 217, 220, notes.

<sup>12</sup> Thorpe's Translation A.S. Chron., R. S., ii. 96.

<sup>13</sup> English Historical Review, July 1898, p. 505, citing Steenstrup, Normannerne, ii. 200.

<sup>14</sup> Normannerne, iii. 203; Eng. Hist. Rev., July 1898, p. 506.

<sup>15</sup> N. C., i. 65.

## APPENDIX D.

## THE EVOLUTION OF BOROUGHES.

“DARK as the history of our villages may be, the history of the boroughs is darker yet,” writes Mr Maitland.<sup>1</sup> It is not possible in a brief statement to put all the complex problems as to the rise of boroughs before the reader. As in the case of the Hide, the Hundred, and the Manor, the question of the boroughs lies in the hands of specialists—German, French, and English—and has its own abundant literature. Whatever theory may be adopted, “we ought to protest that no general theory will tell the story of every or any particular town.” That boroughs were a modified survival, or reintroduction, of Roman municipal institutions was for long a favourite opinion,<sup>2</sup> but is no longer accepted generally, even in the case of Gaul.

In a list of aid-paying English boroughs of the twelfth century, Mr Maitland remarks “the broad fact that throughout the larger part of England the commissioners found a town in each county, and in general one town only, which required special treatment. They do not locate it on *Terra Regis*; they do not locate it on any man’s land. It stands outside the general system of land-tenure.”

In these “county towns” (the county name being usually borrowed from that of the town) we seldom, if ever, find that all the burgesses have one landlord. Thus in Oxford there were perhaps a score of landlords, from the king to archbishops, bishops, abbots, counts, and so forth. In fact, houses in boroughs are attached to manors existing all over the county. Again, “the burgesses who *de jure* are in one place” (say Staines) “are often *de facto* in quite another place” (say London). It is suggested that these men of Staines, for example, located in London, are a military contingent which Staines owes to the defence of the great *burh*, London. Originally *burh* may have meant no more than a fortified place, a strength or fastness, perhaps a fortified hill-top. The intrenchment round a great man’s house is called a *burh*; and in the king’s or noble’s *burh* his “peace” prevails: a crime done in his enclosure is an offence against himself. Now “the peace of the burh” (when considered as a group of houses) seems to be evolved from the peace of the burh (considered as the fortified enclosure of the king’s house). Where there is such peace (and probably it was often based on saintly protection or tradition) moots, or meetings for judicial and other purposes, can be, and in Æthelstan’s day are, already held. This moot may be the shire-moot or county meeting, but the burh soon has a moot of its own, *burh-gemót*, held thrice a-year. The burh, with its peace and its moot, is thus already something more than an ordinary group of houses, a *tūn*. (In rural Scotland a farmhouse, with offices, cottages, stables, byres, and so forth, is still called a “toon.”) The group of houses, with its court, or moot, and its peace, hard by a great man’s fortified enclosure, comes itself in time to be fortified, notably in the wars between Wessex and the Danes. The land is now burdened with the maintenance of these civic strongholds. “Wall work is coupled with bridge work.” The landholders, in proportion to their holdings, have to see to the strength of the walls of the burh. “Each shire has to have its borough in its middle. Each shire takes its name from its borough. . . . The shire maintains the borough.” Thus “we shall hardly go astray if we suggest that the thegns of the shire have been bound to keep houses and retainers in the borough of their shire, and that this duty has



been apportioned among the great estates." This fact accounts for the circumstance, already noted, that the burgesses have so many different landlords, for example, in Oxford. Thus "we may strongly suspect that the first burghmen, the first *burgenses*, were not an exceptionally peaceful folk." They were far unlike the fat burgesses of St Andrews, who burst themselves in flying from Montrose's men, and "died without stroke of sword." They were equally unlike the civic militia of Glasgow, who fell at Falkirk beneath the claymore. "In all probability these [original] burghmen were of all men in the realm the most professionally warlike. . . . We may believe that the *burgensis* of the tenth century very often was a *cnicht*, a great man's *cnicht*; and that if not exactly a professional soldier (professional militancy was but beginning), he was kept in the borough for a military purpose, and was perhaps being fed by the manor to which he belonged." Heterogeneous as was the society composed of such retainers of various lords, the borough in which they dwelt especially needed "a very stringent peace," "the king's own house-peace," and a moot or court of its own.

The Conquest, with its castles garrisoned by heavily armed professional knights, came athwart this military development of the old English borough. Mr E. W. Robertson's 'Scotland under her Early Kings' (i. 306, 307) may be cited for the forty days of service under the Constable of the royal castle in "castle ward." Mr Robertson elsewhere remarks, like Mr Maitland, that "the actual *burgh thegns*—the thegns *in burgh*—were originally a garrison rather than a trading class" (ii. 337, note).

We see, then, a number of separate elements in the growth of the burh—security, military, social, and commercial—under the "peace" of king or lord, or at last of the burh itself, being the main object. But we must not expect to find absolute uniformity of development. The elements of the burh would exist in various places before they were confirmed and more or less stereotyped by charters conferring franchises as to tolls, fairs, markets, local administration of justice and local government, and so on. To examine the county names of Scotland is to learn, more or less exactly, how the institution of county towns, centres giving their own names to the shires, came in. Ross, Argyll, Sutherland, Fife, and so forth, are shire names, given (or retained) independent of dominating burghs, such as Edinburgh, Roxburgh, and the rest. A most curious and valuable treatise on the remote origins of "the peace," so necessary for places commercial—a "peace" first arising (among savages) from traditional respect paid to certain routes and spots, then (in Greece and Ireland) associated with the funeral games in memories of heroes, then protected by saints ("Lawren Fair," "Paldy's Fair")—with many other matters, will be found in Mr Elton's 'First Report of the Royal Commission on Market Rights and Tolls,' pp. 1-30; for Scotland, pp. 94-101.

As to borough houses in Scotland, which are parts of knights' fees, we must await the complete publication of the researches of Mr George Neilson.

<sup>1</sup> Domesday Book and Beyond, p. 172.

<sup>2</sup> See Hill Burton, ii. 83, 84.

## APPENDIX E.

## BRUCE'S CHARTERS.

FOR what is said here about Bruce's charters I am indebted (as in many other cases) to Mr George Neilson. He kindly lent me his copies of the charters existing in the antiquarian Lord Haddington's Transcripts, now in the Advocates' Library. The charters show Bruce's interest in raising infantry and in exacting the service of galleys. That certain royal burghs became feudal burghs "by intermediate grant" is perhaps less creditable to the policy of the king. Concerning his forfeitures of his opponents' lands, perhaps enough has been said in the text. The results were the troubles of the reign of David II. But, as Mr Neilson writes, these forfeitures "must have been the finance of the war of independence." The whole body of Bruce's charters will repay close study.

## APPENDIX F.

## EDWARD III. IN SCOTLAND.

(Cf. CHAPTER IX., "REACTION.")

CERTAIN passages in chapter ix. (p. 242 *et seq.*) must be corrected by a comparison of the "Bridlington author" with public documents. The writer called "the Canon of Bridlington," or another, is responsible for an unusually authoritative version of what occurred in Scotland during the early part of the adventure of Edward Balliol (1332-1339). His tract, or the best edition of it, may be said to "lurk unseen" in the volumes of the Rolls Series named 'Chronicles of Edward I. and Edward II.'<sup>1</sup> Little or nothing is known of the author, but he was clearly contemporary, and gives original letters. He is thus more to be relied on than Sir Thomas Gray, and, of course, is infinitely more trustworthy than the Scots, Fordun and Wyntoun, who wrote long after date. They, on the other hand, are rich in picturesque details. But the Bridlington man, like the rest, cannot be trusted for figures, such as the numbers of men engaged in a battle.

I proceed to correct chapter ix. by aid of this chronicler, giving the pages in my own text. Thus (pp. 243, 244, *supra*) Bridlington, like Lanercost, represents the Scottish Regent, Mar, as having intrigued with the Disinherited Lords. This may have been before Mar obtained the Regency on Randolph's death (July 20). Balliol landed at Kinghorn on August 6; and we are asked to believe that Fife's force, which he defeated, was one of 24,000 foot and horse, while his own was under 2000. On the battle of Dupplin (August 12) Bridlington adds nothing of importance, but he too speaks of the treacherous betrayal of the ford of Earn, for which (according to our chroniclers) Murray of Tullibardine suffered death.<sup>2</sup> From an obscure and corrupt text in Bridlington, it seems that the famous Flemish

engineer, John Crab, was foiled in an effort to oust Balliol from Perth by a sea force (p. 245, *supra*, last line). In pp. 247, 248, I follow Sir Thomas Gray's account of the negotiations for the relief of Berwick (July 1333). The first truce was interrupted by a Scottish attempt to throw in men and provisions on July 11. Many of the men were cut off, says Bridlington, by William de Montacute, and Edward, not regarding the relief as adequate, hanged a hostage, young Seton, before his father's eyes. On the same night (July 11) Tineman's force tried to make a diversion by ravaging Northumberland. I next represent Berwick as securing a truce of *fourteen days* for relief (p. 248, line 12), but Bridlington is undoubtedly correct in limiting the period to "Monday next." This is confirmed by a document of July 16, 1333—a formal arrangement in French between Keith and Edward.<sup>3</sup> Keith carried the news to Douglas, who had reached Morpeth. He returned, and was defeated at Halidon Hill on July 19. The break up of Balliol's party (p. 250, *supra*) seems to have begun in August 1334. In the spring of 1335 France made an unavailing attempt to mediate.<sup>4</sup> Atholl came in at Perth, and was pardoned on August 18, 1335.<sup>5</sup> On August 20 French envoys brought to Edward a letter of Philip of France (July 7) proposing papal arbitration, which Edward declined. He then left for England, and Atholl was slain on November 29, 1335, according to Bridlington. The date November 30 is given on p. 253, *supra*. On that page no mention is made of the frequent negotiations for truce by Edward, who granted an armistice from November 23 to Christmas 1335, Atholl being slain in that period.<sup>6</sup> Nor is it shown that, on hearing of Atholl's death, Edward returned, as he did, to Berwick from Newcastle. At Berwick (January 22, 1336) he granted a prolonged truce, yet the Scots, says Bridlington, "returned to their vomit" and "slew their English rulers."<sup>7</sup> Invading Scotland in the summer of 1336 (p. 253, *supra*), Edward, at Perth in August, was still anxious to negotiate.<sup>8</sup> We cite Fordun's (and Wyntoun's) story of Edward's murder of his brother, John of Eltham, Earl of Cornwall, at this period. The myth is probably meant as an offset to Bruce's murder of Comyn. If true, the story could not have been hushed up by the English writers. The Scots would inform the Pope, who would, *ex officio*, notice the crime. Bridlington avers that Edward had returned to England (obviously after September 3), when documents prove that he was in Perth. He then sent John, his brother, to the North, and John died in Scotland while Edward was in England. Bridlington gives neither the place nor the date when John "went the way of all flesh." But Walsingham and Hemingburgh (here practically but one authority) say that John died at Perth in the end of October 1336.<sup>9</sup> Now, on October 28, Edward, who had been moving northwards, was at Newcastle, as documents in 'Fødera' demonstrate. As Walsingham and Bridlington agree, he strengthened the fortifications of Bothwell and Stirling. 'Fødera' proves that he was at both places in November and December 1336. In the face of this contemporary English evidence, which proves that Edward was in England when John died in Perth, it is hard to accept the Scottish myth, of much later publication, that Edward slew John in Perth with a knife—a revenge of heaven, the Scots chroniclers aver, for the violation of a sanctuary at Lesmahagow. Edward has an excellent *alibi*, unless we are to imagine that he wounded John at Perth in September, and left him to expire in late October. On the other hand, the Lanercost chronicler (p. 287) dates John's death September 15, 1336, and certainly Edward (Rot. Scot. i. 453) was in Perth on that day. John was buried in London. Edward returned to England for Christmas, where he remained till, on March 16, 1338, we find him in Berwick. He expected French

aid for Scotland, and Bridlington does not date the abandonment of the siege of Dunbar, which we (p. 254) date June 1338.<sup>10</sup>

<sup>1</sup> Chronicles of Edward I. and Edward II. (Rolls Series), ii. 102-128. Edited by the Bishop of Oxford.

<sup>2</sup> The family had obtained the lands of Tullibardine in 1284 by marriage. The story of the showing of the ford is given in the Duke of Atholl's privately printed 'Chronicles of the Atholl and Tullibardine Families,' i. 10 (1896).

<sup>3</sup> *Fœdera* (edition of 1739), ii. iii. 96, 97.

<sup>4</sup> *Fœdera, ut supra*, 123.

<sup>5</sup> *Fœdera, ut supra*, 134.

<sup>6</sup> November 23, Newcastle. *Fœdera*, ii. iii. 138, 139.

<sup>7</sup> *Fœdera*, ii. iii. 141. Prolongation of Truce, Berwick, January 22, 1336.

<sup>8</sup> *Fœdera*, ii. iii. 150.

<sup>9</sup> "In fine mensis Octobris" (Walsingham, R.S., i. 197; Hemingburgh, ii. 312).

<sup>10</sup> Bain, iii. xlvii.

## APPENDIX G.

### THE TRAGEDY OF FINNART.

By following the track of one man across an obscure page of history we sometimes gain a clue to characters and actions. Sir James Hamilton of Finnart, executed in August 1540 on a charge of treason which historians think "doubtful," deserves close study. He was a bastard of the first Earl of Arran, and on January 20, 1513, he was admitted as one of Arran's "heirs of tailzie" in the absence at that date of a legitimate son. Finnart's uncle, not more legally begotten than himself, was Sir Patrick Hamilton of Kincavel, son of the first Lord Hamilton, and father of (1) Sir James Hamilton (laird of Kincavel after Sir Patrick's death) and (2) Patrick Hamilton, who was martyred in 1528. Both Kincavel and Finnart were men trusted with high State employments. As an envoy to Francis I. in 1517 (his mission was concerned with the murder of de la Bastie), Finnart may have acquired in France his knowledge of architecture. In 1520 Sir Patrick Hamilton was slain in the skirmish of "Cleanse the Causeway." If we may trust Pitscottie, it was a taunt of Finnart's which goaded Sir Patrick into the fight. From 1520 to 1526 we find Finnart mentioned, for example, by Magnus, the English envoy, as a skilled "undertaker" or politician. His own course veered with the veerings of Arran, who was now for Angus and the English, now for the Scottish party. We have seen that in 1519 Finnart slew one Gavin, a burghess partisan of Angus, when the gates of Edinburgh were shut in Arran's face. In 1526, however, Arran, and therefore Finnart, resisted Lennox's attempt to rescue James V. from Angus. At the battle near Linlithgow Finnart slew Lennox, a prisoner, in cold blood, and, according to Pitscottie, set "his mark," a slash across the jaws, on many of Lennox's party. A retainer of the slain earl's presently stabbed Finnart several times, but not mortally. This man was tortured, cursing his hand that dealt no fatal blow, and was executed. Finnart, characteristically, made atonement by founding masses to be said for the soul of Lennox.<sup>1</sup>

Though we here find Finnart in 1526 on Angus's side and taking off James's best loved partisan, yet when the Douglasses fell in July 1528 Arran sat on the

court that forfeited them, and Finnart is said by Magnus to have received part of their estates. While they were holding Tantallon against James in November 1528, Magnus reported that he believed Finnart to have arranged a *secret* interview with Archibald Douglas of Kilspindie.<sup>2</sup> This is notable, for, according to the charge of treason which in 1540 destroyed Finnart, he had another secret interview with Kilspindie, and planned James's murder, in the Douglas interest, near Holyrood on February 2, 1529. In December 1531, Bothwell, at a treasonable interview with Northumberland, spoke of "the simple regarding" (neglect) of Finnart by James as one instance of the royal ingratitude which was apt to cause a rebellion.<sup>3</sup> But the Register of the Great Seal shows Finnart in receipt of lands and favours manifold throughout this period down to 1540. On November 17, 1533, he appears as selected by James for an "extraordinary" Lord of Session.<sup>4</sup> Now Buchanan (fol. 172), speaking apparently of 1539, but possibly referring to this appointment of 1533, says that the clergy had Finnart selected as a *judex* of heretics. He accepted the office, Buchanan says, to win James's offended heart by any deed, however cruel. James, in fact, was then heaping honours on Finnart; but Buchanan, in his 'Admonition to the Trew Lordis' (1571), still maintains that Finnart could not acquire the royal favour, and therefore, in Hamilton interests, tried to keep the king unmarried. He is even said to have turned the course of the royal ship homewards when James lay asleep during his frustrated voyage to France to woo Marie de Vendôme in July 1536. Three months earlier (April 25, 1536) Howard had reported to Henry VIII. that Finnart alone was privy to James's design of marrying his old love, the mother of the Regent Moray.<sup>5</sup> In 1535-39 Finnart was Master of the Works at the palace of Linlithgow—in fact, everything proves him to have been a favourite of James, whose "chief sewar," or cupbearer, he was. Of this favour we offer a proof from the Privy Seal Register, cited by Messrs MacGibbon and Ross:<sup>6</sup> "Ane lettre maid to James Hammyltoun of Fynnart, knycht, makand him maister of werk principale to our soverane lord of all his werkis within his realme now biggand or to be biggit and to haif thre or four deputis undir him quha sall ansuer to him and his direction our all; and to haif yerlie for the said office ij<sup>c</sup>.li. of fe to be paid to him, that ane half be the thesaurar and the uthir be the comptrollare at tua termes Mertymes in wynter and Whitsunday be evin portionis allenerlie. At Stirling, the ix day of September the yere forsaid" (1539).

These payments were continued into 1540, when at last Finnart was overthrown. I find no proof that he was in any way accessory to the martyrdom of his cousin, Patrick Hamilton, in 1528—a charge which is made in modern works.<sup>7</sup> But in August of 1534 the martyr's brother, Sir James Hamilton of Kincavel, was denounced as a heretic, and had to flee the country.<sup>8</sup> This was after Finnart's appointment as an Extraordinary Lord of Session in November 1533. Possibly he may have moved against his cousin Kincavel, and so caused his flight, followed by a family feud. Certainly in or about August 1540 Kincavel returned from exile. Buchanan and Pitcottie, clearly following the same unknown source, make Kincavel send his son to James with a secret message. James, who was riding on a journey and could not stop to inquire, despatched the young man with his ring to Learmonth of Dairsie, Kirkcaldy of Grange, and Thomas Erskine, his secretary, bidding them hear the youth's report and act as seemed good. They (or David Wood, according to Lesley) bade Finnart go into confinement in Edinburgh Castle on a charge of treason urged by Kincavel. Finnart wrote to James, who was for letting him go free and untried. But Kirkcaldy and Learmonth (both Protestants later) and Erskine, a Catholic, knew that if released

Finnart would avenge himself on them for his arrest. They insisted on a trial, and the expenses of summoning the judges and of the wine which they drank on August 16, 1540, are in the Treasurer's Accounts. Lesley (ii. 246) writes, "In judgement in the singular combat he [Finnart] is overcome, and heidit [beheaded] in judgement." Buchanan merely says that the court was constituted *patrio more*, "in ancestral fashion." Pitscottie neglects the picturesque opportunity. Apparently Kincavel and Finnart fought, and the cruel slayer of Lennox was overcome. Such judicial duels were by no means very rare: one is recorded in Birrell's Diary in 1597.

The nature of Kincavel's charge against Finnart is casually recorded in Act. Parl., ii. 423, when (in March 1543) some proceedings arose as to the heirs of the forfeited Robert Leslie, an accomplice of Finnart's. On February 2, 1529, Finnart had (it was charged) met Kilspindie and Douglas of Parkhead at St Leonard's, near Holyrood, and had there arranged with them to murder James. Parkhead then reported the scheme to Angus and Sir George Douglas, still in rebellion at Tantallon, who approved of the plan. "For the which conspiratioun the said Sir James Hamilton [of Finnart] was convict." Among the persons affected by the forfeiture of Leslie, Finnart's accomplice, was his son-in-law, one Thomas Hamilton. This Hamilton may have been that Thomas Hamilton, brother of Hamilton of Stanehouse, who signs a deed referring to pecuniary dealings between Stanehouse and Sir Patrick Hamilton of Kincavel, the deed being of 1529.<sup>9</sup> If so, from him Sir James Hamilton of Kincavel may have got the intelligence on which he founded his charge in 1540. This, of course, is mere conjecture.

The whole affair throws light on James's character. On one hand, he cherishes and caresses a notoriously brutal ruffian of artistic tastes and Catholic fanaticism. On the other hand, he was obviously not moved by caprice to condemn Finnart, whom he was even anxious to release without a trial, the accusation being only brought by a proscribed heretic. The court must have been satisfied with the evidence against Finnart, unless, *patrio more*, it merely accepted the judgment of God in single combat.

Finnart is credited with work on his own *château* of Draffane or Craignethan,<sup>10</sup> as well as with what he did for Falkland, Linlithgow, and Edinburgh and Stirling.<sup>11</sup> The author of the article adds, "Being a man of inventive mind, he had contrived a certain machine, by which it was said that the king was to be shot from the towers of Linlithgow. For this 'crime' he lost his life in 1540." His life he richly deserved to lose; but I know nothing of his "machine."

<sup>1</sup> Hist. MSS. Commission, Third Report, p. 393.

<sup>2</sup> L. and P., 1836, iv. iv. 530.

<sup>3</sup> L. and P., 1836, iv. iv. 598.

<sup>4</sup> Act. Dom. Con. et Sess. apud Brunton and Haig, "Senators of the College of Justice," p. 53.

<sup>5</sup> L. and P., 1836, v. iv. 41.

<sup>6</sup> Castellated and Domestic Architecture of Scotland, v. 537.

<sup>7</sup> Pitcairn, Criminal Trials, i. 228, note 3.

<sup>8</sup> Calderwood, i. 108.

<sup>9</sup> Reg. Mag. Sig., No. 864, p. 190, year 1529.

<sup>10</sup> MacGibbon and Ross, Castellated and Domestic Architecture of Scotland, i. 259, 260.

<sup>11</sup> Transactions of the Architectural Institute of Scotland, 1850-51, p. 60.

## APPENDIX H.

## DONALD DUBH, THE LAST LORD OF THE ISLES.

WHENCE and how, fifty years after the forfeiture of the last Lord of the Isles and his surrender under James IV. (1493-94), does a fresh Lord of the Isles appear, as an ally of Henry VIII., in 1544-45? This Lord of the Isles is Donald, styled Donald Dubh; and our historians are terribly at a loss about him. Even Mr Tytler, who had his eye on Donald Dubh till 1505, then makes him carry "his aged head" to Ireland, where he dies. In truth Donald was, perhaps, as aged as twenty in 1505, and did not expire till at least forty years later. Mr Hill Burton, speaking of the year 1545, merely says that "there is much confused dealing with the Lord of the Isles," without pausing to ask how there could be such a personage. He had represented the lordship of the Isles as "broken up" in 1492-98, yet here is a Lord of the Isles an ally of Henry VIII. in 1545.<sup>1</sup> Our older authors, such as Ferrerius and Lesley, are here of no value. Lesley has a confused story of the misdeeds of "Donald of the Isles" in 1461:<sup>2</sup> he seems to mix up Donald Dubh with his father, and to antedate that father's proceedings by twenty years; and Ferrerius is in the same blunder.

One cannot hope to clear up the whole mystery, but some points may be elucidated by aid of Mr Gregory's 'History of the Western Highlands' and of public documents. Mr Gregory cites the MS. of MacVurich, Sennachie of Clan Ranald of Garmoran (seventeenth century), and MacVurich certainly knew more than Ferrerius and Lesley.

We have described in the text the Westminster-Ardtornish Treaty of John, Lord of the Isles, with Edward IV. in 1462-63 under James III. This John, Earl of Ross and Lord of the Isles, was in direct descent from Reginald, son of Somerled. He had a bastard, Angus Og, who was active in the northern trouble following on the alliance with England. When John of the Isles lost Knapdale and Kintyre in 1476, Angus Og resisted not only the central government of James III., but his father: made an attempt to win Ross, and, probably about 1480 or 1481, defeated his sire at the sea-fight of Bloody Bay, near Tobermory. Now this Angus had married a daughter of the first Earl of Argyll. Highland tradition avers that they had a son, Donald Dubh, and that Atholl kidnapped the child, whom Argyll shut up in Inchconnell Castle, in Lochawe. Angus Og took a fierce revenge on Atholl, probably about 1481-84, which Lesley and Ferrerius attribute to Donald in 1461!

But why did Atholl seize, and Argyll immure, Donald Dubh, Argyll's own grandson? Either they thought him a mere warming-pan heir of Angus Og, a bastard of his (as the Scottish Government later proclaimed Donald Dubh to be); or Argyll wanted to secure the person of the infant heir of the Isles; or he merely rescued his daughter, then pregnant, from Angus Og. But, strange to note, Donald Dubh himself does not say that he was stolen as an infant. In 1545 he told Henry VIII. by letter that he had been made a captive in his mother's womb. "In materno utero inimicorum jugo et captivitati fuimus astricti."<sup>3</sup> Thus, not Donald Dubh, but his mother, while pregnant of him, was given up by Atholl to her father, Argyll. Very possibly Argyll merely rescued his daughter from the ferocious Angus Og, and then took care to keep her child in the castle of Inchconnell, on Lochawe. However this may be, in or before 1490 Angus Og was killed by

an Irish harper. Donald Dubh being in Argyll's hands, the nephew of John of the Isles, Alexander of Lochalsh, was accepted as heir of the Isles: possibly he merely acted for the absent Donald Dubh.<sup>4</sup> Lochalsh dipped in rebellion, and John of the Isles, already forfeited, died in 1498. In 1501, under James IV., many old vassals of the Lords of the Isles were threatened with eviction. But at this juncture the Macdonalds of Glencoe rescued Donald Dubh, a young man of about twenty, from his prison at Lochawe. He sailed to the Lewes, and was welcomed by Macleod, who was his uncle by marriage, having wedded his mother's sister—namely, Katherine, daughter of Argyll.<sup>5</sup> Macleod obviously either knew that Donald Dubh was legitimate, or was content with any kind of son of Angus Og. Of course, on Donald's showing, there could be no kind of doubt about his mother's being the wife of Angus, because she was carried to the custody of Argyll, or of some hostile persons, *before Donald was born*—a point not observed by Highland historians. According to the Rev. Messrs Macdonald, "At the time of the battle of Bloody Bay this lady [Lady Mary, daughter of Argyll, and wife of Angus Og] and an infant son, Donald, were living in the family residence at Finlaggan." There Atholl "stole the infant son of Angus Og and carried him to Lochawe." This was "an act of unspeakable meanness," especially as Argyll "concocted and got the Government to believe the story of Donald's illegitimacy." A great many moral remarks follow.<sup>6</sup> But the Macdonald authors overlook Donald's own story. He was captured *in materno utero*, in his mother's womb. Quite conceivably, as has been said, Argyll was only rescuing his daughter from a ruffian of the stamp of Angus Og. The Messrs Macdonald cite, vaguely, as "document in State Paper Office," the very letter in which we are told that Donald was taken before he was born.<sup>7</sup> Nay, they do more; they later publish the letter in full—and miss the point.<sup>8</sup> This cannot be atoned for by representing Donald as "a lion still, and as soon as he trod his native heather," and so on.

James IV. now commanded Macleod to give up Donald Dubh as a *bastard* son of Angus Og.<sup>9</sup> But Macleod, Maclean of Dowart, and Lochiel proclaimed Donald as Lord of the Isles (1504); in 1505 Dowart abandoned his cause; in 1506 Macleod was forfeited in Parliament,<sup>10</sup> and Donald Dubh himself was taken and shut up in Edinburgh Castle. He lay in irons, he tells Henry VIII., "carceris squalore obrutus, et intolerabilibus compedibus ligatus."

Such was Donald's deplorable posture for nearly forty years. But in 1543, when Huntly and Argyll, as members of the Cardinal's national party, were being assailed by every means, Irish or Highland, at the disposal of Henry VIII., Donald Dubh escaped from his *intolerabilibus compedibus*. How his escape was managed is unknown. In a letter of August 5, 1545, his supporters tell Henry VIII. that Donald "hath lvin in prisoun afore he was borne of his modir, and nocht releiffit with their will, but now laillie be thé grace of God,"<sup>11</sup> which is vague. Free in his ancestral Isles, Donald made a truce with Argyll till May Day 1543.<sup>12</sup> Douglas of Drumlanrig gave this and much treasonable intelligence to England. Sir Walter Scott, in his note on the passage, says "it is difficult to guess whom Sadler" (he means Drumlanrig) "calls Earl of the Isles." He meant Donald Dubh, about whom Scott knew nothing, or not enough. On June 7, 1543, Sadleyr informed Henry VIII. that the Highlanders were up against Argyll; and on August 25, 1543, Sadleyr added that, by Glencairn's advice, Arran had let slip on Argyll a number of Highland chiefs who had long lain "in ward."<sup>13</sup> These captives, with or without Donald Dubh, raided Argyll's lands handsomely.<sup>14</sup> As Arran presently (September 4) revolted to the Cardinal, he tried to reconcile Donald's men, but



only one, James Macdonald of Isla, adhered to the national party. In 1544, Lennox, acting for Henry VIII. against Scotland, allied himself with Donald Dubh, to subdue whom, in June 1545, Arran issued a proclamation. He announced that Donald was acting for England, to bring the Isles and much of the mainland under the English Crown.<sup>15</sup> Donald, with a large force, sailed for Ireland, and from Knockfergus, in August, favoured Henry with fragments of his autobiography, already cited. His Council was with Donald: Dowart, Clanranald, Macleod, Lochbuy, Glengarry, and generally "the wicked blood of the Isles." They acknowledged fealty to Henry; they hailed Lennox as Governor; they would "destroy the tane part of Scotland or reduce it"; they would raise 8000 men; they have, they say, "beyne auld enemys to the realm of Scotland"; they apologise for "our lang, rusticall, and barbarose ditment"; and they ask for money. Their spokesman is "Rore Macallister, Elect of the Isles"<sup>16</sup>—Bishop Elect, that is to say. Donald, in fact, was highly salaried by Henry: at the rate of 2000 crowns *per annum*. But though Lennox, with 6000 Islesmen, and Ormond, with an Irish force, were to invade Scotland and march on Stirling, nothing came of it. Lennox was detained by Hertford, and the Celts of Donald Dubh broke up on a quarrel about their pay. Maclean of Dowart received the money, and was not reckoned a good paymaster.<sup>17</sup> Lennox later made his effort against Dumbarton in November: he found it in the hands of the Cardinal's party, and with Donald Dubh returned to Ireland. There Donald died of a fever at Drogheda without issue, save one bastard.

It is a strange sad story: the mysterious early woes, the brief years of freedom, the long incarceration, the escape, the loyal rally to the Celts to "the true heir of Innisgall," the high hopes, and then the quarrels about the English money, and the death of the last Lord of the Isles. The house of Sleat ought to have succeeded, but James Macdonald of Isla (previously loyal to Scotland) coveted "a place with a pension" from Henry VIII. This ambition alienated Clan Gillean, the Macleods, and Macneills, and they came in to the Regent, Arran. Henry did not give James his pension. Lochiel and Keppoch were executed for being on the English side; and in 1546 the processes of treason against the Celts were dropped, and James of Isla ceased to call himself Lord of the Isles. *Sic transit gloria.*

<sup>1</sup> Hill Burton, iii. 65, 240.

<sup>2</sup> Lesley, ii. 83.

<sup>3</sup> State Papers (1836), v. iv. 483.

<sup>4</sup> Gregory, p. 55.

<sup>5</sup> Gregory, p. 96.

<sup>6</sup> Clan Donald, pp. 268-270.

<sup>7</sup> Clan Donald, p. 363.

<sup>8</sup> Clan Donald, p. 379.

<sup>9</sup> Gregory, p. 97, citing Acts of Lords of Council, xii. fol. 123.

<sup>10</sup> Act. Parl. Scot., ii. 263.

<sup>11</sup> State Papers (1836), v. iv. 503.

<sup>12</sup> Sadleyr, i. 192, 194.

<sup>13</sup> Sadleyr, i. 275.

<sup>14</sup> Sadleyr, i. 266.

<sup>15</sup> Gregory, p. 169, citing Register of Privy Council, June 1545.

<sup>16</sup> State Papers, v. iv. 501-504.

<sup>17</sup> MacVurich, in Gregory, p. 174.

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## PREFACE.

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THE number, variety, complexity, and importance of the events and characters of the Reformation and the reign of James VI. fill the present volume. Concerned with a period of less than a century, the volume is based on documents far more numerous than exist for the previous fifteen hundred years. After the accession of James VI. to the English throne (1603) the student loses the invaluable guidance of Mr Tytler, who lacked, indeed, the Spanish evidence first seriously explored by Mr Froude, but who is certainly, beyond all rivalry, the most learned and impartial historian of Scotland.

The present writer has made use of the printed Calendars and State Papers, and, in many cases, has had recourse to the original MSS. in the Record Office and the British Museum. Through the generosity of Father Pollen, S.J., he has had the advantage of using Father Stevenson's transcripts of the Cambridge MSS., for the most part once in the possession of the Regent Lennox. These have been more copiously employed by the author in his 'Mystery of Mary Stuart' (1901). To the kindness of the Earl of Haddington, and of Lady Cecily Baillie-Hamilton, the author owes his knowledge of the Sprot papers as to the Gowrie Conspiracy,—papers which he has edited for, and presented to, the Rox-

burghe Club. To the Rev. John Anderson, of the General Register House, and to Mr Gunton, Librarian at Hatfield House, he is very greatly indebted for assistance and advice; not less to Father Pollen; and on several points he has had the advantage of consulting Dr Hay Fleming and Major Martin Hume. He must also express his thanks to Mr Maitland Anderson and Mr Smith, of the University Library, St Andrews, and to Miss E. M. Thompson, who made many transcripts from the MS. Records, and helped in verifying references. The portrait of James VI. is reproduced by permission of the Curator of the Scottish Gallery of National Portraits, Mr Caw.

The author must apologise for any errors in fact which have escaped his attention, or are due to that subconscious bias from which no historical student can be free. In his opinion the hardships of the Catholics, after the Reformation, have been rather cavalierly treated by many of our historians, and he has therefore dwelt upon a point too much neglected. As Sir Walter Scott observed in a private letter, our sympathies—at the period here treated, and later—are apt always to be with the party which is out of power.

A. LANG.

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# A HISTORY OF SCOTLAND FROM THE ROMAN OCCUPATION.

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## CHAPTER I.

FROM THE CARDINAL'S DEATH TO THE REGENCY OF  
MARY OF GUISE.

1546-1554.

THE first volume of this History ended when the great Cardinal Beaton died, butchered in his Castle of St Andrews. He fell in the hour of apparent victory: he had successfully resisted the feudal claims made by Henry VIII. to sovereignty over Scotland. In that resistance he had shone as a patriot, but he had also opposed, and to some extent dominated, the Scottish tendency towards Protestantism. As a friend of national independence, he had, no doubt, been chiefly animated by attachment to the interests of his Church, and that Church, partly by her corruptions, partly by the weakness which had made her the victim of the great Houses, was, in Scotland, doomed. For the next three years resistance to the English feudal claims to sovereignty over Scotland was to be maintained by a woman, by a priest, and by Arran, the wavering Governor. Henry VIII. was not long to outlive his murdered opponent, but Henry's contradictory aims, first to prove that the Scottish crown was his own, worn by "pretensed kings," next, to win the hand of the child, the "pretensed queen," for his son, were to be pursued by that scourge of Scotland, Hertford, under his new title of the

Protector Somerset.<sup>1</sup> Everything combined to make the Scottish resistance difficult. Thus the two Douglasses, Angus and Sir George, displayed a double treachery so vacillating and profitless that it seemed rather the result of ingrained habit than of settled policy. The nobles would on one day defy England, and renounce all their engagements with her, and on the next would secretly renew their treasonable "bands." For a little money, Argyll—for weariness of his English captivity, Huntly—would abandon the patriotic attitude, only to assume it again on fair occasion. The residence of English garrisons, with their vernacular Bibles, at Dundee and on the Border, may have encouraged a genuine evangelical belief among the populace; among the gentry the same causes bred a hypocrisy which sickened even a Scottish spy. In a convention of the nobles at Stirling, within ten days after the Cardinal's murder, complaints of anarchy were heard. The rent-collectors of ecclesiastical landlords were being mobbed, and compelled to eat their summonses. Crowds of tenants were collecting to resist evictions by lay landlords. Arran was later pelted with stones by the women of Edinburgh, and driven to take refuge in St Giles' church.<sup>2</sup>

The first object of the Government, after the Cardinal's death, was to bring the murderers to trial, and to rescue St Andrews Castle, now a Scottish Gibraltar at English service. Knox illustrates the slender hold of law on Scottish minds by representing the action of Government as a mere piece of priestly and feminine vindictiveness. The Cardinal's death was "most dolorous to the Queen-Dowager, for in him perished faithfulness to France, and the comfort to all gentlewomen, and especially to wanton widows. His death must be revenged."<sup>3</sup> By "wanton widows" the Reformer means us to understand Mary of Guise, the queen-mother. What part would the Douglasses take in the "revenge" of the man they had lately schemed (according to a report given by Knox) to destroy? Influenced, says the Reformer, by a desire to secure Beaton's rich abbey of Arbroath for Angus's bastard, George, they came to Court, and were the first to vote for the siege of the castle. The bastard, George Douglas, received the abbey, but had an uncertain tenure. Later he was concerned in the murder of Riccio, and in 1574 he became Bishop of Moray.<sup>4</sup> At the Convention in Stirling (June 2-11) the Douglasses and other nobles renounced their bands with England, and the "godly purpose of marriage" between Mary and Edward VI. Arran nominally abandoned his claims to Mary's

hand for his son: hope, perhaps, he did not abandon. Twenty peers were chosen to form a monthly series of Councils of Four. Huntly accepted the Chancellorship, a "glorious young man," and a rival of Argyll. It was proclaimed that none should aid and abet the murderers in the castle. Wrecking of ecclesiastical property and buildings was denounced.<sup>5</sup> On July 1 Parliament met, and summonses for treason were urged, but later dropped, against Brunston and Macleod, who may have been intriguing with England. It was shown later that the "Castilians," the murderers in the castle, had failed to obey a summons for treason. Taxes were raised for the expenses of the siege of St Andrews Castle, which was to be prosecuted in turn by the forces of the kingdom arrayed in four territorial divisions. Henry VIII. was urged not to abet the murderers. Scotland desired to be included in the peace of Ardres (June 7) negotiated between France and England.<sup>6</sup> This inclusion does not seem to have been granted by Henry.<sup>7</sup>

Henry, in fact, was intriguing with the murderers. At the beginning of the siege in September he promised help, on the usual conditions, to the Castilians, as they were called. By October he was sending William Tyrrell, with six ships, to the relief of the hold.<sup>8</sup> In November the besieged sent to Henry an account of their situation. The Government despatched to England Panter, Bishop of Ross, and Adam Otterburn. The garrison sent Balnaves and John Leslie. The French Ambassador suspected the Archbishop of St Andrews and the Bishop of Ross of inclining to heresy.<sup>9</sup> On December 20, Henry, observing that the Castilians were being persecuted undeservedly, "straitly put at without desert," bade Arran abandon the siege. The Castilians, he said, were ready to forward the marriage of Mary with his son. While the whole force of Scotland was camped round Beaton's castle on the cliff above the Northern Sea, and was vainly battering walls and towers, or block-houses, too strong for the weak and ill-served artillery, Arran was constantly present at the leaguer from September 19 to December 17. The Government was still pleading with Henry VIII. for the inclusion of Scotland in the peace with France, and apparently they pleaded in vain.<sup>10</sup> On November 26 Arran applied for aid to France; she was invited to insist, with threats of war, on the Scottish inclusion in the peace, and to send guns, engineers, and money. An English invasion was expected in February.<sup>11</sup>

Presently Arran discovered, or was deluded into a belief in, the futility of his attempts at a siege. For some reason, probably for

lack of ships, the sea lay open to the English provisioning vessels. The Scottish artillery from no point could command the castle, then of much greater extent eastwards than could be guessed from the existing ruins. On December 17, an armistice or "appointment" was arranged—Knox says treacherously, and accuses the Laird of Mountquhanie, Sir Michael Balfour, father of the later notorious Sir James.<sup>12</sup> In point of fact, provisions were failing the garrison, hence their acceptance of a truce. The Castilians promised to hand over the castle as soon as a papal remission for the murder arrived. Till then they were to keep the hold, with Arran's son as hostage. Knox says that Arran's party did not mean to keep these articles.<sup>13</sup> Certainly the Castilians had no mind to keep their own word, and to hand over their fortress, as they frankly told Henry. They only wanted time to revictual the castle, and, with singular cynicism, asked Henry to move the Emperor to intercede with the Pope "for the stopping and hindering of their absolution."

The truce rejoiced "the godly," who had been comforted by the presence of the preacher, John Rough. During Arran's Protestant fit (1542-43) Rough was chaplain to that nobleman. He was "not of the most learned," Knox says, but his doctrine was "well liked of the people." They were soon to be reinforced by a yet more popular master of pulpit oratory, Knox himself. By betaking himself, with his pupils, to the castle (about April 10, 1547), Knox may have avoided the prosecution by the Archbishop of St Andrews, but he also definitely chose his part in the religious revolution.

A few sentences may here be devoted to the obscure previous career of a man who henceforward lives in the intensest light of history. Concerning his birth, family, and all his life till 1546 Knox says nothing. We know, however, that he was born in 1505, probably in the parish of Morham, near Haddington. From an account which Knox gives of his conversation with Bothwell in 1562, it appears that both of his grandfathers and his father "have served your lordship's predecessors, and some of them have died under their standards," the flag of the unruly Hepburns. Knox's ancestors were probably small farmers, like the ancestors of Burns and of many notable Scots. His parents educated him for the service of the Church. He was almost certainly trained at Haddington grammar-school, receiving "the elements of religious education



from his buik and prymar, and of Latin grammar from his Donatus," before proceeding to higher studies. In his seventeenth year he went up to the University of Glasgow, probably because Major, a Haddington man, was Principal. He did not take his Master's degree, and it is probable that at Glasgow he did not study for more than a year or eighteen months. His Greek and Hebrew were later acquired. From 1523, or thereabouts, till 1540 nothing is known about Knox. Documents of 1540-1543 prove that he was "Sir John Knox" (one of "the Pope's Knights"), and was acting as "minister of the holy altar," and as notary by apostolic authority.<sup>14</sup> He was also engaged in tuition at Samueltown, near Haddington, and probably "combined the duties of chaplain and of instructor of youth."<sup>15</sup> We hear no more of Knox till December 1545 and January 1546, when he acted as body-guard to George Wishart. Whether this was the date of his first acquaintance with Wishart, or whether he had met him in Brunston's society earlier, we are not informed. Wishart's teaching fell in fruitful ground already prepared, as Knox had been for some time associated with Lothian lairds, who were "earnest professors of Christ Jesus." After Wishart's death Knox was sought for by the new Archbishop of St Andrews ("not yet desecrated"—*i.e.*, consecrated), and he had thoughts of seeking safety in Germany. At this period his ideas, like those of Wishart, were Lutheran rather than Calvinistic: he was not an enemy of the order of Bishops, though no believer in Apostolic Succession. We shall see later that he only refused an English bishopric because of his "fore-sight of evils to come" under Mary Tudor. Knox's ideas of the obedience owed by subjects to kings were also at this time in accordance with Luther's teaching; he adopted later the revolutionary doctrine of Calvin.<sup>16</sup>

In place of fleeing to Germany, Knox was moved by the Protestant parents of his pupils to seek refuge in the Castle of St Andrews. He "lap into the castle" at Easter (April 10) 1547, during the truce. The pardon from Rome appears to have arrived rather earlier. Meanwhile the castle and town held open intercourse. The company of assassins displayed, as Mr Hume Brown says, a "strange commixture of unbridled vice and earnest religious feeling," a phenomenon familiar among the banditti of Italy. "All those of the castle . . . openly professed, by participation of the Lord's Table, in the same purity that it is now adminis-

tered in the churches of Scotland.”<sup>17</sup> The ceremony called “fencing the tables” must have been omitted, for, as Keith says, the “Castilians ran into all the vices which idle persons are subject to. . . Whoredoms, adulteries, and depredations with fire and sword” are included. This “corrupt life,” as Knox calls it, was not abated by the sermons which he presently began to preach. He had already catechised his pupils—“he read unto them a catechism”—in the parish church of the Holy Trinity, in South Street. He also lectured on the Gospel of St John in the chapel of the castle. He was presently called on by John Rough, hitherto the chaplain of the unruly castle congregation, to take on himself the office of preacher. He wept, under a sense of the solemnity of the occasion, his “only consecration to his office.” Next Sunday, preaching before the University, he “identified the Church of Rome with the Man of Sin, with Antichrist, and the Whore of Babylon.” His authority was the seventh chapter of Daniel and “the New Testament.” The Archbishop bade Wynram, the sub-prior, interfere; but Wynram (the Vicar of Bray of Scotland) merely disputed feebly with Knox, while a Franciscan friar collapsed under the logic and eloquence of the Reformer. Henceforth he preached effectually on week-days, the parish pulpit being occupied by “Baal’s shaven sort” on Sundays. But Knox’s preaching cannot have lasted for more than a month or two.

During the truce Henry VIII. had died (January 28, 1547), and Francis II. had followed his old rival (March 31, 1547). On the coronation of Henry II., d’Osel, or d’Oysel, was sent to Scotland; he was *a secretis mulierum*, says Knox—another stroke at Mary of Guise. In England the Protector, Somerset, was still intriguing with Balnaves, who was to bring over the Scottish nobles to the English marriage of Mary. On March 11, at St Andrews, the fickle Lord Gray came into the project.<sup>18</sup> What Gray wanted was the command of Perth, which he would hold for England. Broughty Castle also he promised to betray to them. On the Border Wharton had entrapped the Laird of Johnston, by burning Whamfray and catching the laird in an ambush as he rode to the rescue. Three spears were broken on his armour.<sup>19</sup> Langholm was Wharton’s hold; an attack on the English in Langholm was, therefore, meditated by Arran in March, while ships from Holy Island were re-occupying the Castle of St Andrews, and English ships captured the Lion, a Scottish vessel. In July Arran mustered a great army, “the

starkest since Flodden," and marched to the Border. The absolution for the slayers of Beaton had arrived before April 2. The besieged mocked at it; "they would rather have a boll of wheat than all the Pope's remissions." <sup>20</sup> \*

But the end of the reign of the Castilians was at hand. While Arran, with a great force, was operating round Langholm on the Border, French galleys were passing northwards along the east coast (July 6). Knox writes that these galleys came round the point into St Andrews Bay "upon the penult day of June," and that the siege lasted for a month.<sup>21</sup> But there must be some error. Knox describes the papal remission as shown to the garrison on June 21. We have seen that it was mocked at before April 2. The garrison's technical objection, that the words "we remit the irremissible" were not acceptable, may have been an afterthought, taken later, in June. Knox avers that the Castilians successfully battered the galleons, and that the castle was not invested by land till Arran arrived from the siege of Langhope on the Border. "The trenches were cast, ordnance was planted upon the Abbey Kirk, and upon St Salvador's College, and yet was the steeple thereof burned." Pitscottie says that an Italian engineer in the employ of the Castilians abandoned hope when he saw the French guns "coming down the street alone," drawn by some mechanical arrangement of pulleys. Knox demoralised the garrison by prophesying their fall, their walls "should be but eggshells," "their corrupt life would not escape punishment of God." On the night of July 29, he says, a great breach was effected between the fore tower and the east blockhouse. The castle was surrendered to Leo Strozzi, Prior of Capua, on the last o. July, after an interview between Kirkcaldy and the French commander.

The terms of capitulation are uncertain. Buchanan avers that the garrison bargained only for their lives, "*incolumitatem modo pacti.*" To this Knox (who certainly ought to have known) adds that they were all to be carried to France, while such of them as desired not to "remain in service and freedom there" should be transported to any country except Scotland. They would not acknowledge Arran or any Scottish authority, "for they had all traitorously betrayed them."<sup>22</sup> Mr Tytler does not think that the terms of surrender were violated, and, though Knox ought to have known, his version is frequently contradicted by contemporary

\* See note at end of chapter, "The Absolution and the Siege," p. 20.

papers. The French razed the castle, lest it might fall into English hands. The existing ruins represent the new castle built by Archbishop Hamilton, whose cinquefoils adorn the wall. The contemporary diarist declares that spoil to the value of £100,000 was carried away. Their chief captives the French warded in castles: Knox, with the sons of the detested Laird of Mountquhanie (including Sir James Balfour, later notorious), was sent to the galleys. The adventures of Knox and his companions are later to be touched upon; meanwhile the chief English hold on Scotland was lost, and the most ardent revolutionaries were out of the battle.

Yet Arran's burden was not lightened. He had to face black treachery at home and open preparations for war on the part of England. That Gray and Glencairn were already traitors we know from their letters. Gray, whom the Cardinal had but recently rewarded for his loyalty to the Church, had been bargaining, we saw, to hold Perth for England, and to deliver up Broughty Castle on the Firth of Tay. This important point, commanding the estuary of Tay and the town of Dundee, was presently seized and long held by England. Glencairn, in July, had offered to raise 2000 "assistors and favourers of the Word of God" for English service.<sup>23</sup> There were hundreds of "assured Scots" among the nobles and gentry, and Arran knew it. On August 18 the Laird of Langtown wrote to Somerset, "My Lord Bothwell, and many other lords, lairds, and gentlemen, is in as much danger as ever, on account of a Register book found in Master Balnaves' chamber in the Castle of St Andrews, and now in the Governor's custody, with their names and handwriting to support England." There were two hundred of these patriots, all enrolled, including the Earl Marischal, Cassilis, Sir George Douglas, Kilmaurs, and Lord Gray. Bothwell had offered to betray Hermitage Castle in exchange for a rich English marriage.<sup>24</sup> So much for domestic treason among the godly and the worldly. In England the despatches of de Selve show that great preparations for war had long been making: on July 23 he describes the English plan of campaign.<sup>25</sup> Somerset was bidding Warwick to muster "the army appointed to invade Scotland at Newcastle" on August 24. Seventy or eighty ships and transports were engaged. The army was of 15,000 men.<sup>26</sup> The traitor Ormistoun informed Somerset that the priests were to send round the Fiery Cross as soon as the Protector crossed the Border, a rare example of this Celtic practice in the Lowlands. Arran, said Ormistoun, would make his

stand at the Peaths, a deep ravine cutting the road north of Berwick (September 2). Probably Ormistoun's letter arrived too late : Somerset entered Scotland on the very day when the renegade wrote.<sup>27</sup> But he did not find Arran guarding the dangerous defile. His forces were summoned to Fala Moor for the last of August, when, Glencairn says, but few came in. At this moment Angus was promising to join Lennox and Wharton if they invaded by the west. He did not join them : he fought for Scotland, and, months later, when they returned, after renewed promises on his part, he helped to defeat them.<sup>28</sup>

Somerset prosecuted the rough wooing with a force of some 16,000 men, while a large fleet attended his progress along the east coast, and Lennox with Wharton was gathering on the western border. Under Somerset the leaders were Warwick, Dacre, Grey of Wilton, and Sadleyr as treasurer. Sir Francis Bryan led 2000 light horse, Sir Ralph Vane commanded 4000 cavalry. Sir Peter Mewtus was at the head of 600 musketeers, or hackbut-men, on foot, and Gamboa, a Spaniard (the Scots had no musketry), was captain of 200 mounted musketeers. Fifteen pieces of heavy artillery were brought into the field, with more than a thousand carts and waggons. The discipline and commissariat were excellent. Yet Somerset "dreamed a weary dream." He fancied that he returned to Court, and was heartily welcomed by Edward, "but yet him thought that he had done nothing at all in this voyage." His dream was fulfilled. He won a great victory ; but, as far as his purpose went,—the subjugation of Scotland and the marriage,—he did "nothing at all."<sup>29</sup>

It was on September 5 that the invaders reached "the Peaths," a deep and narrow ravine of six miles in length, which cut the road at right angles. Direct descent and ascent were practically impossible, a series of paths, worn by wayfarers, ran obliquely down the southern and up the northern side of the dene. The Scots ought to have held this defile ; but either because they were not fully mustered, or because Arran knew the treachery of the local barons, they had merely tried to break the paths. The army crossed easily, and were unopposed. On the 8th September Somerset was at Prestonpans. On the 9th his cavalry cut to pieces the Scottish light horse. The Protector then reconnoitred from Faside hill : he saw the Scots camped, in four divisions, "like four great fields of ripe barley," in an excellent position. On the south they were flanked by a great marsh, on the east the river Esk protected their

front. Their left leaned on the Forth. Somerset determined to occupy with artillery the round hill crowned by Inveresk Church, which commands the river. On his return to camp, says Patten, a judge-martial who was present, Somerset met a Scottish herald, and rejected a challenge from Huntly, and an offer, on Arran's part, to let him retire in peace, on honest conditions. Now Pitscottie and Buchanan aver that during the night Somerset offered to retire, if the Scots would keep Mary at home till she was of nubile years, and then let her choose if she would accept the English wedding. Arran and Archbishop Hamilton, it is said, not only rejected the offer, but spread a report of a provocative and truculent message. Thus their wickedness caused the Scottish ruin at Pinkie.<sup>30</sup> This report, unless Somerset changed his mind, is in contradiction with what Patten heard.

The fatal battle of Pinkie Cleugh occurred next day, Somerset being aided by his galleons at the mouth of the Esk. To tell the story briefly: Somerset, moving early to occupy Inveresk hill, was perplexed by finding the Scots across the Esk and nearer the hill. Instead of merely holding it in force, they pushed forward to cut between the English and the sea. The fire of a galleon from the mouth of the Esk scattered the archers of Argyll on the Scottish left, a very long, scarcely credible, range of fire, but well attested. Somerset now hurried his cavalry, in two divisions, to his left, to occupy Faside hill, while his foot, apparently concealed behind a ridge, marched in the same direction more slowly. It was a race for Faside hill between the English cavalry and the 8000 footmen of Angus. The English horse gained the ridge, and charged across a deep ditch and over ploughed land. The Scots met them in the old formation of Falkirk, defeated them, slew many, and shook the English confidence. Shelley fell, Lord Grey was wounded in the mouth. The Bulleners (Boulogne veterans) were cut up: there was a rout, the foot being broken by the flying horse. But the cavalry were re-formed: the ditch in the Scottish front was lined by English musketeers, the guns on Faside hill cut lanes through the Scottish ranks, which were also galled by archers. Just when the Scots gained a full view of the English infantry in position on the hill and plain, they had to face a fresh charge of cavalry. Their formation being shattered by musket and artillery fire, and by their own advance, they broke. The Highlanders were the first to flee. Arran took horse, Angus hid till he found a chance of escape.

The whole army, throwing down weapons and "jacks," ran in every direction. Some 10,000 were cut down: few prisoners were taken, the nobles, except Huntly, not being distinguishable by their dress. In Huntly, England had an important captive. Many priests were slain, and their sacred banner, the Church supplicating Christ, was given to Edward.

Never—no, not at Solway Moss—was Scotland so smitten and so disgraced. As later, at Dunbar, they abandoned a strong defensive position, and threw away the chance of destroying an invader. Angus is said only to have advanced in obedience to a threat of a charge of treason. In fact, the Scots thought that Somerset meant to embark his infantry, and make a rapid retreat with his cavalry. To prevent this they rushed on ruin.

Next day Somerset occupied Leith. The use he made of his victory was to seize Broughty Castle from the sea, to fortify Inchcolm, in the Firth, to ravage the country, and devastate Holyrood Abbey. On the retreat, at the end of a week, Hume Castle was taken, and Roxburgh Castle was repaired. Meanwhile, on the west Marches, Lennox and Wharton ravaged Annandale, took the church, which was defended, and burned the town.<sup>31</sup> As in his dream, Somerset had practically done nothing: he had merely strengthened the Scottish resolve never to accept the English marriage, and had confirmed the French alliance. After the defeat of "Black Saturday" (September 10), Arran with the Archbishop hastened to the queen-mother at Stirling. On September 16 (?), just before his retreat, Somerset ordered Norroy Herald to carry proposals to the queen-mother and the Council. The Protector has only come to Scotland "to forward the godly purpose of the marriage," and to say that if they will not yield to his amicable proceedings, he will accomplish his purpose by force.<sup>32</sup> The queen-mother now removed Mary to the Isle of Inchmahone, in the Loch of Menteith, "half-way between Stirling and the Highlands."<sup>33</sup> How long the child stayed there is uncertain, assuredly not later than February 1548. Her "child's garden" has been commemorated, but from October to January there is little opportunity for horticulture.<sup>34</sup> Mary was safe enough, despite attempts by Grey of Wilton on the loyalty of Sir George Douglas, who, on October 9, promised Grey that he would try to put Mary in his hands for a reward.<sup>35</sup> Sir George was offering schemes for an English invasion, but Somerset saw through his purpose of destroying the invading

force. By November 5 the Laird of Longniddry, a spy, informed Somerset that the Scots had sent an envoy to France, and schemed to carry thither the child queen.<sup>36</sup> Indeed by October 23 a French gentleman had turned Arran and the queen-mother from a purpose, negotiated by Glencairn, of accepting Somerset's proposals.<sup>37</sup> While French aid was being asked and prepared, the chief scenes of military operations were Dundee, Broughty Castle (held by Warwick's brother, Sir Andrew Dudley), and Buccleuch's country on the Border. Between October 1547 and February 1548 many strange examples were given of the mixture of Protestant piety, perfidy, and ambition. On the whole, it seems that the populace, as far as it was touched by Protestantism, remained staunch and single-hearted, while most of the Reforming gentry and nobles were hypocritical self-seekers. On October 27 the burgesses of Dundee, overawed by Dudley in the adjacent Broughty Castle, bound themselves to be "faithful setters forth of God's work."<sup>38</sup> Arran, in Edinburgh, was unpopular: "the wives" (anticipating Jenny Geddes) "were like to have stoned him to death."<sup>39</sup> Doubtless they blamed him for the slaughter of their husbands and sons at Pinkie. Fife, Angus, and Dundee called out, Dudley says, for Bibles and Testaments. "Yet," writes a spy, "it makes one sore to see these gentlemen feigning themselves favourers of 'The Word of God,' more for your pleasure than for God's sake." Hypocrisy that sickens a spy must be odious indeed.

The next really important move in the game was the arrival of a large French force, under André de Montalembert, Sieur d'Essé, in June 1548. This was the result of many petitions by the queen-mother. The winter after Pinkie fight, and the spring, had seen Argyll besiege Broughty Castle, and withdraw, promising to aid the English marriage, for a bribe of 1000 crowns.<sup>40</sup> Broughty Castle, under Sir Andrew Dudley, had gallantly held out, and in February (21-27) a double invasion by Grey of Wilton in the east, and Lennox and Wharton in the west, had been ruined by a defeat inflicted on Wharton by Angus and Lord Maxwell. Grey later destroyed Sir George Douglas's house at Dalkeith, and took his son, the Master of Morton. He also fortified Haddington strongly, that being the chief object of his invasion, and it was at the abbey outside Haddington (July 7, 1548) that Parliament accepted the hand of the Dauphin for Mary, carefully securing Scottish independence. Dunbar was now placed in French keeping, but Mary of Guise exaggerated when she declared that the Estates "would



put everything into the hands of the King of France."<sup>41</sup> That was what France desired in vain, and soon it became apparent that jealousy of French domination would throw Scotland into the arms of England.

Mary had won the consent of Angus, Douglas, and Cassilis by the usual means. Arran had already been compensated by the Duchy of Châtelherault (February 8, 1548). Huntly and Argyll received the Order of St Michael.<sup>42</sup> Yet both in March 1549 will be found negotiating with England "to the end they may compel the French King to return the young Queen to Scotland," and undertaking to favour her English marriage.<sup>43</sup> Meanwhile the robberies and oppressions by the French soldiery, which led to bloodshed between them and their allies, increased the jealousy of French designs. After much scathe on either side, Haddington was relieved, and the siege broken up in the middle of August. By that date, leaving Dumbarton with her four child friends, the four Maries, on August 2, Mary was safely landed on the friendly French shores (August 13). Somerset retorted by again setting up the claims of Edward I.<sup>44</sup> The wars took a character of ferocity. Arran refused quarter to any Scot taken in arms for England.<sup>45</sup> Somerset retorted by a general refusal of quarter. The Scots were all rebels to "their superior and sovereign lord, the King's Majesty of England." Poor as they were, the Scots purchased English prisoners from French captors, and then tortured them to death.<sup>46</sup> Mary of Guise had often to complain of the excesses of the French. They seize farmhouses, and use the furniture for firewood. "Our peasants have no property, and never remain more than five or six years on a holding," a singular fact, but strongly corroborated.<sup>47</sup> Knox, who never omitted a chance of describing a grimly humorous situation, chronicles a great tumult in October 1548. On a trifling quarrel a riot arose in Edinburgh. The Provost and others were slain by the French. D'Essé, d'Oysel, and the queen-mother composed the strife by promising that the French would do a great feat of arms. They nearly surprised Haddington, when one of the besieged, shouting "Ware before!" to warn his own party, then struggling with the French at the East Port, fired two large pieces of artillery. These pierced the French ranks, cannoned off the wall of the church back into the assailing party, thence cannoned back through them again, off the wall of St Catherine's Chapel, back to the church wall again, and so on, "so often that there fell more than a hundred of

the French at those two shots only.”<sup>48</sup> The incident is not mentioned in strictly contemporary accounts. Though the large force under Shrewsbury not only relieved Haddington, but was rewarded by the capture of Dundee and other successes, the Scots cut off a raiding party in Fife. Huntly returned to Scotland—according to Lesley, by escaping while his jailers were busy at cards at Morpeth.<sup>49</sup> De Selve’s despatches are full of suspicions of Huntly’s perfidy and double-dealing. Was he a patriot? Was he a traitor Scot? Probably he took each part by turns.

The Scots captured Hume Castle, and were reinforced by French soldiers under De Termes. Mary of Guise describes this leader as possessing, in the gout and a pretty young wife, quite enough to provide him with occupation.<sup>50</sup> Nevertheless, a force of French and Scots cut off and captured Sir John Wilford, the courageous captain of the English garrison in Haddington. Jedburgh and Ferniehirst were won on the Border, Inchcolm was recovered, and domestic discords broke out in England. Somerset had offended by what was called avarice and insolence: his lenity to agrarian insurrection made him suspected by the nobles. Warwick, having put down a rising in Norfolk, appeared as the rival of the Protector, who secured the person of Edward VI., but presently yielded to force or fear. The victor of Pinkie was conducted to the Tower; but his successful rivals were unable to retain the English hold on Boulogne. The Scots and French had already taken Broughty Castle and Lauder; the English were compelled to make peace in March-April 1550, and to abandon Boulogne and all their holds in Scotland.<sup>51</sup> The eight years’ war had again demonstrated that England, when divided by domestic strife, and opposed by both France and Scotland, could never overpower her northern vassal. The clergy marked their opportunity by burning one Adam Wallace as a heretic.<sup>52</sup>

That this execution was as impolitic as cruel is obvious. “The common people” had now opportunities of reading and hearing the Scriptures. From these they could draw no conclusions except that the Christian doctrine, as exhibited in practice by priests as profligate as Hamilton, and by peers as treacherous as Angus, Huntly, and Argyll, was not the doctrine of Christ. Mere cruelty did not shock the populace. For a hundred and fifty years they were to behold the burning of witches without remorse or pity. But they feared and hated witches, whereas men like Wallace neither

had injured nor could injure them. While the English were occupying parts of Scotland, no Scot had suffered for his opinions. The people would therefore infer that England was a Power less cruel to the innocent than France. All this made in favour of the Reformation. It is true that Protestantism in England was also keenly engaged in burnings and persecutions. The Act of Uniformity was being enforced by Cranmer, Ridley, Latimer, Parker, Cecil, and others. Champneys, a priest who denied the divinity of Christ; Patton, a tanner; Thumb, a butcher; and Ashton, another Unitarian priest, were all tried: they all, unlike Wallace, abjured—they all burnt their faggots and saved their lives. But Joan Bocher was tried for similar opinions before Cranmer, Latimer, and others, was condemned, and, despite the tears of Edward VI., was burned in the year following the martyrdom of Wallace, as was Von Parris, a Dutch Unitarian.<sup>53</sup> In this matter of persecution there was then nothing to choose between England and Scotland, Hamilton and Latimer; they merely burned different sets of people. Yet a point so notorious is usually overlooked by historians of the Scottish Reformation. The true difference came out later. Persecutors as they were, the Presbyterians did not *burn*, and scarcely ever executed, either Catholics or Unitarians as such.

Denunciations of heresy had been made the year before Wallace's death, in a Provincial Council of 1549. Every ordinary in his diocese, every abbot and prior, was to make inquisition of heresy. Among the heresies noted, Unitarianism does not appear. For some reason it never was popular in Scotland. In the same Council the Church tried to put her own house in order. Priests were to dismiss their concubines. The medical advice of Jerome Cardan to the Archbishop of St Andrews proves that the Archbishop did not obey his own rule. Monasteries were to be visited and reformed: bishops were not to keep drunkards, pimps, gamblers (Lyndsay accuses Beaton of very high play), and buffoons in their establishments. There were other restrictions on a Church which, by its own confession, needed them badly. On the evangelical side, the Protestant teachers, like Adam Wallace (and unlike the ruffians and aristocrats of the party), were usually men of unblemished life. This contrast made a direct and natural appeal to the populace. Thus the Reformation gathered and grew, while the love of sheer destruction of "idols," or works of sacred art, and the pleasures of plunder, made a constant appeal to the passions of Knox's "rascal multitude."

The approaching day of doom had been hastened even before Wallace's death. In February or March 1549 Knox was released from the galleys, by April 7 he was in England. His fellow-captives of the castle garrison were set free by July 1550. Presently Knox was a licensed preacher at Berwick; there he abode for two years, for as many in Newcastle, and then was a year in London.<sup>54</sup> From Berwick his doctrine might readily be heard by Scots within easy distance of the Border.

Only one ingredient in the Medea's caldron of Revolution was quiescent, and that ingredient Mary of Guise stirred into activity. Leaving Scotland in September 1550, she visited France. Her professed object was to see her daughter. Her real aim was, by the aid of her kinsmen, the Guises, and the French Court, to obtain the regency for herself, and to oust Arran, who, to distinguish him from his son, Earl of Arran, must now be called Duke of Châtelherault. She was accompanied, says the 'Diurnal of Occurrents' (which misdates her departure, making it August instead of September 8), by Lord James Stuart, Queen Mary's natural brother, and many other nobles and clergy. She was received "as a goddess," and her companions were bribed, or magnificently entertained, according as we follow Lesley or the Venetian Minister. The letters of Mason, the English Ambassador to France, prove, or allege, that her stay with her kinsmen was not altogether happy. She arrived on September 25. Her nobles at once squabbled about their lodgings. The ambassador was gouty, and wished to return home "and die among Christian men." This disposition makes his temper crabbed. He announces that the French wish to appoint a French Governor of Scotland, to which the Scots will not agree. On January 28, 1551, the English Council sent to Mason a secret agent, recommended by the scheming Balnaves. He arrived on February 24, but was very timid, and provided, as a substitute for himself, young Kirkcaldy of Grange, who henceforth was deep in what may be euphemistically styled "secret service." His cypher name was "Corax." Mason suspected a French war on England; "it is already half concluded to send away the Queen of Scots with all convenient speed, and with her 300 or 400 men-at-arms and 10,000 foot."<sup>55</sup> Mary of Guise is hostile to England, and "is in this Court made a goddess." Yet the Scots (March 18) were grown home-sick. "The Scots mislike the yoke that foolishly they have put their head in" (April 22). By April 28 one Stuart was charged with an attempt to poison the young

Queen of Scotland. He was an archer of the Scots Guard, but, we may hope, he was not known to "Corax."<sup>56</sup> He had been one of the Castilians; like Knox he had rowed in the galleys. Mason reported his escape to Ireland (April 29). He was captured, and brought to Angers on June 5. Whether he was hanged, as Lesley says, or not, Dumas furnishes him with later adventures in the novel called 'L'Horoscope.'

Mary of Guise's return was said to be delayed by an intrigue of the French king with Lady Fleming, one of her suite. She arrived in England on October 22: she had an interview with Edward VI., who is said to have pressed his own suit for the hand of her daughter. By the end of November Mary of Guise was in Scotland again. During the queen-dowager's stay in France Henry II. had sent the Bishop of Ross and other envoys to Châtelherault, hinting broadly that he wished Mary of Guise to assume the Regency.<sup>57</sup> The emissaries found the Duke very reluctant to acquiesce. Nor did the change at once take place. The queen-mother and Arran visited the North (where the captain of Clanchattan had a year before been executed by Huntly), and inflicted various penalties on unruly Celts. In the South the blood-feud for Ker of Cessford had caused the death of Buccleuch in Edinburgh, when

"startled burghers fled, afar,  
The furies of the Border war."<sup>58</sup>

This "unhappy accident" the Kers professed to deplore. The queen-mother soothed the various discords, and, secretly tampering with the nobles, undermined the power of Châtelherault.<sup>59</sup> The dowager's party proved the stronger. In a Parliament at Edinburgh on April 12, 1554, Châtelherault resigned the Regency to his rival. Says Knox, "A crown was put on her head, as seemly a sight (if men had eyes) as to put a saddle upon the back of *ane unrewly kow*."<sup>60</sup> Arran received an approval of his conduct in the Regency, a general amnesty for his actions, and a general acknowledgment of his financial rectitude.<sup>61</sup>

There was to be "a new world." The death of Edward VI., in July 1553, the accession of Mary Tudor, the consequent persecutions and returns to Scotland of Protestant Scottish refugees, and the conduct of Mary of Guise in selecting French and deposing Scottish Ministers, all worked to a single end. Scotland had ever detested the tenure of power by foreigners: Knox arrived to blow the

smouldering embers of Protestantism ; and the circumstances that seemed to favour the Catholic cause resulted speedily in its downfall. "Bloody Mary" might ally herself with Spain : Mary of Guise might serve her own ambitious House : both might seem defenders of the Faith, but reaction was inevitable, and the Church was foredoomed.

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NOTES TO CHAPTER I.

<sup>1</sup> That Henry asserted the feudal claims of Edward I. has been denied. The reader may consult the copious evidence for the fact in Mr Pollard's article on Somerset and Scotland, in the 'English Historical Review,' July 1898, pp. 464-472. At first Somerset kept the claims in the background.

<sup>2</sup> Privy Council Register, i. 27 ; Bain, Calendar of Scottish Papers, i. 34.

<sup>3</sup> Knox, i. 180.

<sup>4</sup> Privy Council, i. 57 ; Laing's Knox, i. 180, note 4.

<sup>5</sup> Privy Council, i. 22-27.

<sup>6</sup> Act. Parl., ii. 466-480.

<sup>7</sup> Pollard, 'English Historical Review,' *ut supra*. Correspondance Politique de Odet de Selve, pp. 53, 54, 93. Paris: Alcan, 1888.

<sup>8</sup> Thorpe's Calendar, i. 59.

<sup>9</sup> De Selve, 53, 54, 143.

<sup>10</sup> Odet de Selve, Correspondance Politique, pp. 66, 78, 86 ; Privy Council, i. 43.

<sup>11</sup> Privy Council, i. 52-54.

<sup>12</sup> Knox appears to date this at the end of January 1547 (i. 182, 183). Compare Tytler, vi. 8 (1837), citing State Paper for December 17, and Thorpe, i. 60 ; Privy Council, i. 57, 58. Writing from memory, Knox was often incorrect in his dates, and in this and other cases, his error helps his argument that Arran was treacherous.

<sup>13</sup> Knox, i. 183.

<sup>14</sup> Proceedings, Scot. Society of Antiquaries, 1862, iii. 58.

<sup>15</sup> See Hume Brown, Life of John Knox, i. 59.

<sup>16</sup> Hume Brown, Knox, i. 94.

<sup>17</sup> Knox, i. 201. Knox declares that "so blessed were his labours," yet (i. 204) he denounced the "corrupt life" of his converts.

<sup>18</sup> Thorpe, i. 61.

<sup>19</sup> State Papers, Domestic, Addenda, 1547-1565, p. 323.

<sup>20</sup> Stewart of Cardonald, a spy, to Wharton. Calendar of Scottish Papers, i. 4.

<sup>21</sup> Knox, i. 203.

<sup>22</sup> Knox, i. 205, 206 ; Buchanan, xv. 45. Lesley says the terms *asked* were that the garrison should be *salvi cum fortunis* ; but the terms *granted* were that, subject to the will of the King of France, the men only should go forth unharmed, *soli homines integri discederent* (Lesley, p. 461 ; Rome, 1578). If Knox's account of the terms is correct, they were not kept. Possibly Knox confused the terms asked for with the terms actually obtained. Mr Hume Brown ('Life of Knox,' i. 80) says that Buchanan's evidence confirms Knox's. The words of Buchanan, "incolumitatem modo pacti," seem to me to mean that they were merely promised their bare lives. Compare the use of *incolumitas* by Cæsar, De Bello Civili, iii. 28, and Tytler, vi. 17, note 1 (1837).

- <sup>23</sup> Calendar of Scottish Papers, i. 10.  
<sup>24</sup> Calendar, i. 10, 14. <sup>25</sup> De Selve, pp. 168-170.  
<sup>26</sup> Calendar, i. 11-14. De Selve gives similar numbers.  
<sup>27</sup> Calendar, i. 15, 16, 17, 18. <sup>28</sup> Calendar, i. 16; August 31, 1547.  
<sup>29</sup> The account of the expedition is mainly from Patten's Diary, in Dalryell's 'Fragments of Scottish History' (1798).  
<sup>30</sup> Buchanan, fol. 180; Pitscottie, xxii. 10. For another report, Tytler, vi. 25, 26.  
<sup>31</sup> Calendar, i. 19, 20. <sup>32</sup> Thorpe, i. 66.  
<sup>33</sup> De Selve, "among the Savages" (p. 204, September 17).  
<sup>34</sup> Hay Fleming, Mary, Queen of Scots, pp. 191, 192.  
<sup>35</sup> Calendar, i. 25. October 25. Thorpe, p. 69; Calendar, i. 31, 32.  
<sup>36</sup> Calendar, i. 37, 38. Longniddry asks for money.  
<sup>37</sup> Calendar, i. 30. <sup>38</sup> Calendar, i. 33.  
<sup>39</sup> Calendar, i. 34. <sup>40</sup> Calendar, i. 71.  
<sup>41</sup> Teulet, 'Relations Politiques,' i. 179; Act. Parl., ii. 481.  
<sup>42</sup> Knox, i. 217. <sup>43</sup> Calendar, i. 173, 174.  
<sup>44</sup> December 1548 (Calendar, i. 170, 171). <sup>45</sup> Calendar, i. 175, 176.  
<sup>46</sup> Beaugué, 'Histoire de la Guerre d'Ecosse,' Maitland Club, p. 104.  
<sup>47</sup> Teulet, i. 'Relations Politiques,' p. 201 (1862). <sup>48</sup> Knox, i. 222, 223.  
<sup>49</sup> Lesley, p. 475.  
<sup>50</sup> November 29, 1549. (Teulet, i. 210, 211. Marie to the Cardinal de Guise.)  
<sup>51</sup> *Fœdera*, xv. 211-217; Privy Council Register, i. 85-87.  
<sup>52</sup> Knox, i. 237-241.

We may compare, as to this martyr, the contemporary account in Foxe, where the conduct and language of the Court are not (as by Knox) described as violent. The accused is not addressed as "false traitor," "heretic," "knave," and so forth. Wallace is described by Knox as "a simple man, without great learning, but one that was zealous in godliness, and of an upright life." He was much in the company of the wife of Ormistoun, himself then banished as a traitor. Through the last three years of war he and Brunston had been constant agents of Somerset. Wallace was apprehended at Lord Seton's house, Wyntoun, near Haddington, and his trial took place before Arran, Huntly, Glencairn (son of the "godly" Earl, recently dead), "and divers others besides the Bishops and their rabble." The scene was "the Kirk of the Black Thieves, otherwise Friars," the Dominicans. Accused of preaching, Wallace denied the fact: he had only "given exhortation," and read the Scriptures "in privy places." According to Knox, Wallace in his defence styled the Bishops "dumb dogs, and unsavoury salt." The charges against him were read. He was accused of christening his own child, of denying Purgatory and the efficacy of prayer to saints and for the dead. He admitted the charges, and denounced the mass as "abomination before God." He was condemned, and burned on the Castle Hill. Turning to Foxe's account, we see that Argyll—"Justice"—and Angus were present, and the whole "Senate." Glencairn is not named; Knox, however, says that he made a kind of protest to "the Bishop of Orkney and others that sat near him." Knox and Foxe agree in stating that Wallace appealed to the Bible as his judge. He was not, if we follow Foxe, burned on the day of his condemnation, as Knox declares; the intervening day was passed in attempts to argue or tease him into recantation. He did not, as in Knox, insult the Bishops as "dumb dogs," or Foxe omits the fact. He appears to have been strangled before the burning. Foxe's account is from "testimonies and letters brought

from Scotland in 1550." (Laing's Knox, i. 543-550.) In both versions Wallace calls the mass an "abomination" or "abominable." Foxe declares that, as Wallace went to the stake, "the common people said, 'God have mercy upon him.'"

<sup>53</sup> Lingard, v. 159 (1855).

<sup>54</sup> Knox, ii. 280.

<sup>55</sup> February 23. Foreign Calendar, Edward VI., p. 75. (Edited by Turnbull, 1861.)

<sup>56</sup> Teulet, i. 249-260 (Bannatyne Club). Foreign Calendar, Edward VI., pp. 97, 121, 126. Compare Hay Fleming, Mary, Queen of Scots, p. 200, note 15.

<sup>57</sup> Lesley, p. 486.

<sup>58</sup> Privy Council Register, i. 109, 152.

<sup>59</sup> Lesley, p. 477.

<sup>60</sup> Knox, i. 242.

<sup>61</sup> Act. Parl., ii. 602-604.

#### THE ABSOLUTION AND THE SIEGE.

At this point it seems desirable to say something about the trustworthiness of Knox's History. He was in the castle, a trusted adviser; he ought to have known what occurred. But he asserts that the galleys appeared on "the penult day of June." Eight days earlier, he avers, the Government had shown the Castilians a copy of the papal absolution, "containing . . . this clause, *Remittimus irremissibile*"—that is, "we remit the crime that cannot be remitted." The garrison thought that this was not a trustworthy absolution, and declined to give up the castle. Yet we know that the absolution arrived early in April. As Knox is fond of charging his adversaries with treachery, it is needful to note the facts. The absolution did not *arrive* eight days before "the penult of June." On April 2 James Stuart of Cardonald, as we saw, reported to Wharton that M. de Combas, a French diplomatist, had already brought the document. On April 24 de Selve wrote that he suspected that the Castilians had refused the absolution carried by de Combas. Cardonald avers that before April 2 the Castilians were declaring that they would rather have a boll of wheat than all the Pope's remissions, "and so in no way can he" (Arran) "have St Andrews, albeit they have not declared him plainly, but allege against him fault in himself, for not keeping of his promise." In describing the coming of the French ships, Knox remarks, "This treasonable mean had the Governor, the Bishop, the Queen, and Monsieur Dosele under the Appointment drawn." Now Arran asked for French aid on November 26, long before the "Appointment" of December 17 (Privy Council Register, i. 54). There seems to be no treachery on Arran's part. Apparently, however, it was fair for the Castilians to engage English aid, and even to ask Henry, to move the Emperor, to urge the Pope to refuse the requested absolution.

In short, the Castilians never meant to keep *their* promise: never meant to surrender the castle on their own stipulated terms—the receipt of a papal absolution. Yet their ally, Knox, accuses the governor of treachery (Knox, i. 203; Calendar, i. 4, 5; de Selve, p. 134).

As to the siege of the castle by the French galleons, Knox makes it begin on June 30. After two days' fire from the ships, "the castle handled them so that Sancta Barbara [the gunner's goddess] helped them nothing." One galleon was nearly wrecked, the rest retired to Dundee, and, on Arran's arrival from the Border, the castle was invested on the land side. This was on July 19. For the first twenty days the castle "had many prosperous chances," but Knox warned the garrison that their corrupt life could not escape God's punishment, and that their walls would be but eggshells. On July 31, after a heavy fire, the castle



surrendered (Knox, i. 204, 205). It appears that there is some error or confusion in Knox's account of this famous siege of the castle, of which he was an eye-witness. The 'Diurnal of Occurrents' places the arrival of Strozzi and his fleet on July 24. In State Papers Domestic, Addenda, Edward VI., No. 23, July 13, 1547, Lord Eure writes to Somerset from Berwick that a number of galleons have passed that town towards Scotland. He again mentions them as *French* galleons on July 14. De Selve had the news from Somerset on July 16. On July 23 he learned that the galleons were investing the castle. On August 2 Somerset had news that a galleon had been destroyed by the bursting of a gun, and this may be the ship spoken of by Knox as wrecked or nearly wrecked. De Selve did not believe the story. On August 5 Somerset informed de Selve that the castle had surrendered on the first day that the battery was erected (de Selve, p. 178). It does not seem easy to reconcile these facts with Knox's dates and statements.

## CHAPTER II.

THE REGENCY. THE MARRIAGE OF MARY STUART.

1554-1559.

TILL the moment when Mary of Guise assumed the Regency, the national sentiment of Scotland, on the whole, must have preferred the French alliance to any union or compact with England. This would not, of course, be the opinion of men honestly convinced of the merits of the Reformation. In "their auld enemies of England" these Protestants, like Sir John Mason, recognised "Christian men"; in the French they saw "idolaters." Even before the change of religion, persons like Major had found the best hope for Scotland in union with England. Later, all who sincerely held the principles of Knox and Rough were of the same mind. The nobles, as has been shown, though they might speak the language of the godly, were alternately false to both parties; while all who had suffered in the ferocious wars of Somerset had a cruel hatred of the English, and little love for the French. A curious manifesto of a Unionist, James Henderson, is 'The Godly and Golden Book,' addressed to Thynne and Cecil (July 9, 1549). Henderson desires "the union and matrimony of the northern and southern parts of this isle of Great Britain." All are "of one tongue and nature, bred in one isle, compassed of the sea." Henderson, like Knox and Major, and indeed like Mary of Guise, pities "the poor labourers of the ground, . . . in more servitude than were the children of Israel in Egypt." He proposes that whereas, according to Mary of Guise, the peasants kept their holdings but for five years, they now should have long leases at the same rents, and the tithes so far as not "set to the landlords." Now, just as persecution

was at the moment as cruel in Protestant England as in Catholic Scotland, so the greed of landlords was as great. The insurrections of 1549 in England were mainly due to the recent inclosures of commons by landlords, who "frequently let their lands at an advanced rent to 'leasemongers'" (like the larger Highland tacksmen) "or middle-men, who on their part oppressed the farmer and cottager that they might indemnify and benefit themselves."<sup>1</sup> But Henderson, like Knox and Latimer, was sanguine enough to hope for a more tolerable social condition as a result of a purer Christian doctrine. But while it was easy to be godly as regards dogmas and ceremonies, and not impossible to punish sexual vices, the Reformers did not succeed in softening the hearts and subduing the avarice of men. Henderson hoped that the poor might live "as substantial commoners, not miserable cottars, charged daily to war and to slay their neighbours at their own expense." So far the union of the crowns was destined to fulfil his dream: Border raids were diminished and ceased. He also desired the restoration of the old almshouses and hospitals, decayed under the greedy cadets of noble houses, who for long had almost monopolised the best benefices. Many parish churches were "rent or falling down": the most ignorant and cheapest clergy held the cures. The wealth of the benefices ought to be expended on rebuilding the churches and securing adequate ministers, while bishops ought to maintain free schools in the chief towns.<sup>2</sup>

Not much is known of this Henderson, who was a Scottish informant of William Cecil. But his book, which he was anxious to print, proves that Reformers of his stamp expected social as well as religious reform from Protestantism, union, and the abandonment of "the bloody league" with France. To such Scots, when sincere and disinterested, we can no longer refuse the name of patriots. The whole policy of Mary of Guise tended to increase their number and influence. Since de la Bastie's head swung by its long locks at a Borderer's saddle-bow, the Scots had ever resisted the intrusion of foreigners into places of power. Mary of Guise, nevertheless, made de Rubay chancellor under Huntly, whose place became but nominal. Huntly's history is complex and obscure. We have seen that, after being taken at Pinkie, he either escaped or broke parole to return to England after a visit to Scotland. While he

was in England, de Selve thought him double-faced (December 1548).<sup>3</sup> In Scotland he showed duplicity, trying to keep touch with both parties.<sup>4</sup> He, with Argyll, was expected to keep down Highland disorders, to "pass upon the Clan Cameron," while Argyll "passed upon" Clan Ranald.<sup>5</sup> Later, according to Lesley, he was commanded to bring the Macdonalds of Moydart into subjection. He was deserted by his Clan Chattan allies, in revenge for his execution of their captain, Mackintosh, and his expedition failed. He was then imprisoned in Edinburgh Castle, was deprived of the earldom of Murray, and was sentenced to five years of exile, though this punishment was remitted. Huntly was regarded as the champion of the old faith; but, both under the Regent and her daughter, he was untrustworthy, was constantly "put at," and finally destroyed.

Mary of Guise, as Lesley declares, "neglected almost all the Scots nobles," and admitted only de Rubay, d'Oysel, Bonot, and other Frenchmen to her counsels.<sup>6</sup> The most fortunate occurrences of these years were the establishment of peace on the Borders, and the delimitation of the Debatable Land.<sup>7</sup> Despite these arrangements (which were previous to the assumption of regency by Mary of Guise) many Borderers were under bands to England. Such were the Elliots, Armstrongs, Glendinnings, and Irvings.<sup>8</sup> A Parliament held at Edinburgh in June 1555 throws some light on the condition of the country. Among evil deeds noted and repressed are the eating of flesh in Lent, and the revels of Robin Hood, and of Queens of the May, and "women or others about summer trees singing." The Protestants whose Lenten beef and mutton were cut off could scarcely be mollified by this repression of sports in essence older than Christianity. Vengeance was denounced on political gossips who blamed the French in Scotland. A "Revocation" by Mary of grants in her minority, made on April 25 at Fontainebleau, in the usual form, was recorded. In May 1556, after the marriage of Mary Tudor and Philip of Spain had seemed to strengthen the old faith, it was decided that an inquest into all property should be held, as the basis of new taxation.<sup>9</sup> According to Lesley, the Regent was moved by the advice of her Frenchmen, who wished to reorganise the system of national defence. Some of the nobles approved, but the barons totally rejected the scheme. Three hundred of them met, and denounced a measure contrary to their ancient feudal methods of military service. They would hear

of no mercenary forces, no germ of a standing army; and the Regent gave way. Many of the protesters against taxation and a standing army were probably much inclined to the English party. Hence, in part, their opposition to the only scheme which would enable Scotland to put regularly drilled musketeers into the field. In this Parliament the traitor Brunston, Balnaves, and William Kirkcaldy of Grange were pardoned, and restored to their estates. This was a measure of conciliation. Throughout de Selve's despatches, and despite a letter of Mary of Guise, speaking well of Châtelherault and the Archbishop of St Andrews, we recognise friction and jealousy between her and the Hamiltons. She was therefore anxious to gain over the Protestant party to her cause, and thus there was a lull in persecution for heresy.

The days of Brunston, Angus, and Sir George Douglas were nearly ended. New hands, Cecil and Lethington, were weaving the tangled web of faith and policy. Among these the most vigorous was Knox, whose biography for this period must be summarised. He had gone to England, as we saw, when released from the galleys in 1549. Under Henry VIII. he had regarded the English Church as little better than the Roman. Under Somerset and Edward VI. there was more of root-and-branch work. Fiery "licensed preachers" were needed by the Government, so Knox was licensed. He "was left to his own devices, and was permitted to introduce into an English town" (Berwick) "a form of religious service after the model of the most advanced Swiss reformers."<sup>10</sup> In Berwick he became the director of a spiritual hypochondriac, wife of Richard Bowes, an English gentleman of good family. His visits to her "gave rise to public gossip"; but the older Knox grew, the younger did he like his wives to be, and probably the eyes of Mrs Bowes' daughter Marjory were as attractive to him as the godly perplexities of her mother. At all events he later wedded the daughter, Marjory, when he was verging on fifty. In 1551 he went to Newcastle and took part in the editing of the Second Prayer Book of Edward VI. He had already, at Newcastle, preached to a distinguished audience against the mass. As Mr Hume Brown says, "his method of procedure was arbitrary in the highest degree, and by a similar handling of texts any fanatic could make good his wildest visions." But underlying the logic based on detached texts was his fundamental idea, "that rites and ceremonies were but so many barriers between the soul of man and God." This notion may

be true in certain ages, and of certain men. Of other men and other ages it is not true; and even Knox admitted the rites of baptism and of the Holy Communion. Meanwhile he already displayed his unparalleled candour and energy in political harangues from the pulpit. The reforming Somerset fell beneath the axe guided by Warwick (Northumberland), as the reforming Warwick (actually a Catholic) was more deservedly to fall in his turn. Knox even denounced, whether privately or in public seems uncertain, the execution of Somerset.<sup>11</sup> In 1551 he became a royal chaplain: his stipend was but £40 per annum. Northumberland, perhaps to bridle Knox, offered him the bishopric of Rochester. "What moved me to refuse?" he asked Mrs Bowes a year or two later, and answered, "Assuredly the foresight of evils to come." Whether he alluded to his gift of prophecy, or only to an obvious inference from what would follow on the death of Edward VI., a sickly boy, may have been left to the decision of Mrs Bowes.<sup>12</sup> "At a later period," remarks Mr Hume Brown, "he set down this refusal to his disapproval of bishops."

Meanwhile his energies were directed against the custom of kneeling at the celebration of the eucharist. He appears to have had a hand in the preparation of the "Black Rubric," and, that once inserted, he had "a good opinion" of the Second Prayer Book of Edward VI. That good opinion later changed into contempt.<sup>13</sup> In February 1553 he was offered, and declined, the vicarage of All Hallows, in Bread Street. Presently came the conspiracy of Northumberland to secure the throne, on Edward's death, for his daughter-in-law, Lady Jane Grey. The hearts of the people of England were with Mary Tudor, her cause prevailed, and Knox found that his "foresight of troubles to come" was justified. He had denounced Northumberland, from the pulpit, before Edward VI. as Achitophel, Paulet as Shebna, and somebody unidentified as Judas.<sup>14</sup> Mr Hume Brown suggests that Northumberland tolerated these harangues because he had no party except in the extreme Protestant body. Tolerated Knox was, and so he was confirmed in the habit of using the pulpit as the platform. This habit he carried into Scotland, and it practically meant that preachers, in a kind of inspired way, and with the sanction of their own and their flock's belief in their inspiration, were to guide the foreign and domestic policy of the State. These pretensions are incompatible with political freedom. Through the reigns of Mary,

James VI., Charles I., and Charles II. they were persisted in, till the Stewarts and the Hierocrats broke each other, and were broken, and the pulpiteers slowly became content to know their place.

Under Mary Tudor, Knox did not hold his post and accept martyrdom. He went abroad in January 1554, and at Geneva and Zurich consulted Calvin and Bullinger on certain cases of conscience. Is obedience to be rendered to a magistrate who enforces idolatry and condemns true religion? This is a handsome example of Knox's method. After 1560 a Scot who thought that the old faith was "true religion" was to be compelled by severe penal laws to "obey the magistrate"—the Presbyterian magistrate. Our beliefs as to what is "trew" are subjective and uncontrollable. But Knox believed, with a faith that moved political mountains, that his religion was the only true religion. Much of his power lay in faith so absolute, so devoid of shadow of turning. He asked other questions, but this of godly resistance to the idolatrous magistrate was the most important. Calvin and Bullinger put the questions by; for Calvin they had not yet risen into the sphere of political politics. For the moment Knox bade the faithful, whom he had left to the tender mercies of Mary Tudor, "not to be revengers of their own cause," "not to hate with any carnal hatred these blind, cruel, and malicious tyrants." In "a spiritual hatred" they might freely indulge.<sup>15</sup> Knox's hatred of Riccio, Mary, Mary of Guise, and his other opponents was, doubtless, not "carnal" but spiritual. The worldly eye does not easily detect any essential distinction in the two forms of deadly detestation. Returning to Dieppe, he sent a mission to "the professors of God's truth in England."<sup>16</sup> In this tract Knox, after lashing Mary Tudor with Biblical parallels, exclaims, "God, for his great mercy's sake, stir up some Phineas, Elias, or Jehu, that the blood of abominable idolaters may pacify God's wrath, that it consume not the whole multitude."<sup>17</sup> Jehu murdered Jezebel, and Knox's prayer is a provocation to murder. Did Knox forget Hosea i. 4? "The Lord said, . . . for yet a little while, and I will avenge the blood of Jezreel" (the scene of the deed) "upon the house of Jehu." As his most recent biographer says, "In casting such a pamphlet into England, at the time he did, he indulged his indignation, in itself so natural under the circumstances, at no personal risk, while he seriously compromised those who had the strongest claims on his most generous consideration."<sup>18</sup> The fires of Smithfield soon after

blazed out. It was easy, and perhaps natural, for opponents to say that Knox had lighted them. He had described the Queen of England as "an open traitress," had spoken of what would have occurred if she "had been sent to hell before these days," had called for a Jehu, and certainly had compromised the flock which he had abandoned. In uttering provocatives to, and applauses of, political murders, Knox of course spoke as a man of his age. Greece had applauded Harmodius and Aristogiton, murderers of a tyrant. Elijah had impelled Jehu, the murderer of an idolater. Catholics and Protestants at this period believed that they had Biblical and classical warrant for the dagger. But there was a certain shamefacedness, as a rule, in clerical abettors of murder. Knox, for his part, is frank enough. That Christ came to abolish such deeds of blood is no part of the reformed Christianity of Knox.

He later moved to Frankfort, and took a vigorous part in the quarrels of the English Protestant refugees as to their Church service. A congregation, who sat under Cox, insisted on uttering the responses, or "mummuling" as Knox called it; and now he discovered even in the Second Prayer Book of Edward VI. "things superstitious, impure, unclean, and imperfect."<sup>19</sup> In the end some of Cox's party denounced Knox to the Frankfort magistrates for the treason to the Kaiser, Philip, and Mary contained in his 'Godly Admonition' to the faithful in England. He had drawn a trenchant historical parallel between the Kaiser and the Emperor Nero. Knox had to leave Frankfort. He arrived in Geneva in April 1555. There he found Calvin wielding the full powers of a theocracy. Outlanders had been enfranchised: the native vote was swamped; the ministers could excommunicate, with all the civil consequences of a State "boycott," "virtually implying banishment." Such, or very similar, was the condition to which Knox and his successors endeavoured to reduce Scotland. And now, after harvest in 1555, to Scotland Knox returned, at the request of Mrs Bowes. He probably did not know himself how safe was this venture into the native country where, nine years ago, his peril had been extreme. Despite the execution of Wallace, various causes had contributed to keep down persecution. It was not the policy of Archbishop Hamilton. The ambitions of his House, disappointed for the time by the deposition of Châtelherault from the regency, would not be forwarded by the unpopularity that cruelties



must arouse. Mary of Guise, for her part, was trying to conciliate the Protestants.

In 1549, and in 1552, the Church had been taking shame to herself for the evil lives of clerics: a Reformation from within was being attempted. The Catechism of Archbishop Hamilton was issued early in 1552, after the Provincial Council in January of that year. It is "a fine piece of composition, full of a spirit of gentleness and charity," says Mr Hill Burton. The tolerance of tone, and the preference for a Christian life as more essential than disputes on Christian mysteries, are worthy of Ninian Winzet.<sup>20</sup> In these years, then, the Reformers, such as Harlaw (originally an Edinburgh tailor) and Willock (an Ayrshire man) ventured back into Scotland and held forth in private. "And last came John Knox, in the end of harvest." Lodging at Edinburgh with John Syme, "that notable man of God," Knox exhorted secretly. In a Mrs Barron Knox found another Mrs Bowes,—“she had a troubled conscience.” Like Edward Irving, and other popular preachers, Knox had enormous influence over women. He seems to have been unwearied in listening to the long and complex chapter of their spiritual sorrows, to which the Catholic confessors probably lent an accustomed and uninterested hearing. At this juncture even masculine consciences were "affrayed" as to the propriety of bowing down in the house of Rimmon, and going to mass.

To discuss this question of conformity, Knox dined with Erskine of Dun, Willock, and William Maitland, younger of Lethington. Here we first meet this captivating and extraordinary man, a modern of the moderns, cool, witty, ironical, subtle, and unconvinced; a man of to-day, moving among fanatics and assassins, and using both, without relish as without scruple. Knox decided that it was not lawful for a Christian man to present himself to that idol, the mass. It was argued, perhaps by Lethington, that the thing had New Testament warrant. The probatory text was Acts xxi. 18-27. On St Paul's arrival at Jerusalem, after a missionary expedition among the Gentiles, St James pointed out to him that many Jews professed Christian principles, but remained "zealous for the law." Paul was accused of wishing them to "forsake Moses" and disuse circumcision. Would Paul give a practical proof that he had not broken with the old Law? Paul therefore ritually "purified" himself with

four shaven men under a vow. With them he entered the temple "until that an offering should be offered for every one of them." Apparently the argument was that the sacrifice of the mass answered to this offering of "the shaven sort" of Hebrew votaries. As a matter of fact, Paul was mobbed by the Jews. Knox, evading the "offerings" (the essence of the parallel), replied that "to pay vows . . . was never idolatry," but the mass *was* idolatry. "Secondly," said he, "I greatly doubt whether either James's commandment or Paul's obedience proceeded from the Holy Ghost." For, in fact, Paul was mobbed, which showed "that God approved not that means of reconciliation, but rather that he plainly declared that evil should not be done that good might come of it." Lethington had an obvious reply. First, by Knox's own showing, evil, in this case, was *not* done. Next, Stephen was worse handled than Paul; did such results prove God's displeasure? Lastly, by what right did Knox determine when the apostles were, and when they were not, inspired? However, Maitland is not reported to have pressed these answers, and conformity began to be disused by the godly. Knox now visited some country houses. He stayed with Erskine of Dun, and with old Sir James Sandilands at Calder House. Here he met Lord Erskine (later sixth Earl of Mar), Lord Lorne, who became fifth Earl of Argyll in 1558, and the Bastard of Scotland, Lord James Stewart, Prior of St Andrews and Macon, later Earl of Murray, and at this time a man of twenty-three or twenty-four years of age. Till Christmas, Knox lectured in Edinburgh, then in Kyle, Ayr, at the house of Glencairn, Finlayston, and elsewhere about the country, ministering the Sacrament in the Geneva way. Consequently he was summoned to appear for trial in the Dominicans' church in Edinburgh on May 15, 1556. But "that diet held not." Erskine of Dun, with divers other gentlemen, convened at Edinburgh, and the bishops, as Knox says, either "perceived informality in their own proceedings, or feared danger to ensue upon their extremity, it was unknown to us." The latter alternative is the more probable. After successful sermons, Knox sent a letter to the Regent, who showed it to the Cardinal's nephew, James Beaton, Archbishop of Glasgow, saying, in mockage, "Please you, my Lord, to read a pasquil." The letter had been conciliatory, for Knox, who, irritated by the Regent's scorn, published it anew, with truculent additions. Nothing galled him like a gibe.<sup>21</sup> Knox now

sent Mrs Bowes, "and his wife Marjory," abroad; visited the Earl of Argyll of the 1000 crowns; then crossed to Dieppe in July 1556, and so proceeded to Geneva, to resume his care of the English congregation. Here we may glance at the process of evolution by which Protestantism was increasing its hold upon Scotland. Between the release of Knox from the galleys and his visit to his native country in 1555-1556, the new movement had advanced rapidly. Progress was due in part to the arrival of preaching refugees from England, and of Knox; in part to the toleration forced on the Government, or congenial to Mary of Guise; in part to the death or decline of the old intriguers like Glencairn and Argyll, with the advent of a younger generation.

Among the middle and lower classes, too, the leaven of reform was working busily. Mr Carlyle has eloquently complained that no clear view of this travail is given by historians. When he desires to see and hear the spiritual ferment of a grave, ardent, and deeply moved people; to watch the tokens of hearts convinced of sin; and the stir of indignation against a secular imposture, the new joy of men between whose hearts and God the barrier of ceremony is broken,—he is told a tale of scandal in high life. He is put off with the amours and hates of Darnley, Riccio, Mary, and Bothwell.

In fact, while human beings are of concern to human beings, that tragedy will be the subject of interest and dispute. There are here terrible and sorrowful facts, facts in great numbers, if not precisely recorded. But, as to the weightier matter, the development of national character, no man was minutely watching and recording the veering breezes of public "feeling" on the eve of the Reformation. Knox himself was abroad, though his letters contain valuable evidence. Two relics of the scanty popular literature born in that age of strife lend themselves to our inquiry. The first is 'The Complaynt of Scotland' (1549), a treatise of which only some four copies have survived—a proof, perhaps, of its popularity.<sup>22</sup> The authorship is uncertain; much of the work, indeed, is borrowed from the French of Alain Chartier. The political reflections, however, are original and interest us. With a great parade of learning the author laments the evils of the times. The English, though successful, are merely sent to punish Scotland's sins: they are the hangmen of Providence. The "neutrals" and the "assured Scots" are equally condemned. The clergy are advised to take up arms in defence of their country; their slaughter at Pinkie was, however,

discouraging. Though the writer is not one of "the godly," and does not desire to break with the Church, he prophesies that "schism shall never cease, for no statutes, laws, punishments, banishing, burning, nor torment, . . . till the clergy reform their own abuses." As for the nobles, the author declares that, whatever plan may be decided on in Privy Council, is known at Berwick within twenty hours, and at London in three days later. Probably most men guessed that Sir George Douglas, or some other traitor, gave the most secret intelligence to Ormiston or Brunston. In their hands, we know, it reached Berwick instantly. The rest was easy.

The sorrows and oppressions of the labourers of the ground are reckoned to the charge of the nobles, but the labourers themselves are unworthy of liberty. They frequent noisy public meetings; all shout at once; only the noisiest is heard and followed. The author (who has an odd interlude of valuable notes on popular songs and tales) is a patriot first, a deadly foe of England, a preacher of the duty of imitating Bruce. Only in the second place does he care for the religious question, and then merely as it is concerned with a good life, not with dogma and metaphysics. To free Scotland first of all, and then to care for religious and social reforms, is his desire. "You are so divided among yourselves," he cries, "that not one trusts another." He might almost have added, that not one deserved to be trusted. We shall see how lack of confidence affected the action of Knox himself.

While the 'Complaynt' utters the ideas of a patriot of culture, the 'Gude and Godlie Ballatis' reflect the emotions and aspirations of the ardent middle-class reformers. These poems, in great part hymns translated from the German; for the rest, religious parodies of popular songs, with a few satirical ballads on the Churchmen, are attributed to the Wedderburns of Dundee.<sup>23</sup> Probably the clergy reckoned the book (of which no copy in the original edition is known) among the slanderous ballads prohibited by Arran. The earliest date of the *ballatis* (in broadsheets, perhaps) may be between 1542 and 1546. Others are obviously later. But Scottish Protestantism had not yet come to regard with distrust and disapproval such a phrase as "Jesus, Son of Mary." On the other hand, we read,—

"Next Him to lufe his Mother fair,  
With steidfast hart, for ever mair,  
Scho bure the byrth, freed us from cair."

But prayer to saints was denounced.

“To pray to Peter, James, or Johne,  
Our saulis to saif, power haif they none,  
For that belangis to Christ allone,  
He deit thairfoir, he deit thairfoir.”

In these times, the struggle was between Animism and Theism. Perhaps from almost the beginning of religion this conflict has existed. Deity seems abstract and remote; the souls of the ancestral or saintly dead are familiar, kindly, and near at hand. Hence saint-worship, which the Reformers were forsaking for God, revealed and incarnated in Christ. The animistic theory of Purgatory, with prayers for the dead, and the extortions practised in that cause, was also a stumbling-block.

“Of the fals fyre of Purgatorie,  
Is nocht left in ane sponk:  
Thairfoir sayis Gedde, ‘woe is me,  
Gone is Preist, Freir and Monk.

The reik [smoke] sa wounder deir thay solde,  
For money, gold and landis:  
Quhill half the ryches on the molde  
Is seasit in thair handis.’”

These lines, written after 1560, express the practical grievance: the wealth of the clergy, based on the payments for masses for the dead. “Works,” too, were condemned.

“Thair is na dedis that can save me,  
Thocht thay be never sa greit plentie.”

Not that a good life is indifferent.

“Fyre without heit can not be,  
Faith will have warkis of suretie,  
Als fast as may convenientlie  
Be done, but moir.”

So far we have spiritual songs, and a satisfying new theology, grounded in justification by faith, with faith itself as the spontaneous and inevitable source of righteous conduct. But the “rascal multitude,” as apart from the minority of the earnestly godly, was reached and inflamed by parodies of such popular songs as

“Johne, come kis me now,  
Johne, come kis me now,  
Johne, come kis me by and by,  
And mak no moir adow.

The Lord thy God I am,  
That Johne dois thé call,  
Johne representit man  
Be grace celestiall.”

A chant of triumph runs thus,—

“Ye schaw us the heid of Sanct Johne,  
 With the arm of Sanct Geill [Giles];  
 To rottin banis ye gart us kneill,  
 And sanit us from neck to heill.  
 The nycht is neir gone.”

Such were the ideas of the middle-class reformers, lyrically expressed, and such were their allurements to the multitude, who were indignant at the long imposture, as they deemed it, and had all the joy of the rabble in destroying to-day what yesterday they had adored. Such hymns may have been sung in private conventicles, as at the house of Knox's friend Syme. Meanwhile, the pious wives and mothers were already choosing directors, putting cases of conscience, and adoring preachers who claimed gifts of prophetic inspiration. The middle classes and the populace being thus prepared, the godly nobles, as we saw, had been attending the ministrations of Knox.

It would appear that they already contemplated making a push for their ideas by force. At Stirling, on March 10, 1557, a letter was written and despatched to Knox at Geneva. It was signed by Glencairn, by Lorne, Erskine (not of Dun, but Lord Erskine, keeper of Edinburgh Castle), and Lord James Stewart. Knox was informed that the faithful not only desired his presence, but “will be ready to jeopardy lives and goods in the forward setting of the glory of God”; persecution, they said, was slack. The bearers, Knox's friends Syme and Barron, would say more.<sup>24</sup> The letter clearly indicates that Glencairn, Argyll, Erskine (later the Regent Mar), and the Lord James were designing a political movement, and were ready to take all consequences if Knox would join them. Calvin and the rest urged him to go. He promised to come “with reasonable expedition,” but did not reach Dieppe till October 24. Though Morton declared that Knox “never feared the face of man,” his long delay showed no zest for his enterprise. By the end of October things in Scotland were no longer as they had been in March. There were wars and rumours of war. Knox carefully records certain portents: one of them is of the kind noted by Livy and the heathen augurs. There were a comet, lightning, and a two-headed calf, which was presented to the Regent by one of the godly house of Ormistoun. But Mary of Guise, with horrid levity, “scripped”

(sneered), and said, "It is but a common thing." And Knox goes on: "The war began in the end of harvest." He had, two pages before, denounced the English congregation at Frankfort as "superstitious."<sup>25</sup>

Lesley mentions the other portents, but not the calf. When safely out of Scotland, in 1556, Knox had been summoned again, and burned in effigy at Edinburgh Cross. That also was a "warning."

The war that had been plainly indicated by a comet and a two-headed calf ran its feeble course in the autumn of 1557. In a strife between France and Philip of Spain, England had aided Philip by sending troops to the Low Countries. Philip and Mary Tudor, doubtless to neutralise Scotland, arranged meetings of Scots and English Commissioners for the peace of the Border. They met on the Stark water in June 1557, and the English perceived that the Scots dreaded being drawn into the war as allies of France. Westmoreland hinted this danger to Cassilis, who said, "By the mass, I am no more French than you are a Spaniard. I told you once, in my lord your father's house, in King Henry VIII. his time, that we would die, every mother's son of us, rather than be subjects unto England. Even the like shall you find us to keep with France."<sup>26</sup> The Bishop of Orkney, and Carnegie, were equally anxious for peace between Scotland and England, and Carnegie said that, "as far as we know," the Regent was of the same mind. But before July 2 English Borderers, such as the Grahams, had broken the peace, an ordinary event. The Bishop of Orkney was still full of peaceful words on July 13: on July 16 the commissioners proclaimed peace at Carlisle Cross, and prorogued their meetings till September 15.<sup>27</sup> However, the Scots made Border raids, perhaps in reprisals for that of the Grahams of Netherby, before July 29.<sup>28</sup> Home was, in revenge, defeated at Blackbreye.<sup>29</sup> Before that event d'Oysel had fortified Eyemouth, as a counterpoise to Berwick, from which he expected to be attacked. This act was in the teeth of the last treaty with England. War was now declared, but at Kelso, Châtelherault, Huntly, Cassilis, Argyll, and the rest declined to cross Tweed. They had heard of Flodden. Knox, Leslie, and Arran himself agree in making this refusal the cause of hatred between the Regent and her nobles. Lesley declares that they now began to make the reformed religion a stalking-horse for their sedition: Knox avers that "the Evangel of

Jesus Christ began wondrously to flourish.”<sup>30</sup> Henry II. now tried to tighten the bonds between France and Scotland, by marrying the Dauphin to Mary Stuart, and events in Edinburgh illustrate the progress made by the Evangel.

In 1542 and 1543 the people of Edinburgh had been notably constant to the old faith. They mobbed a Protestant Dominican, a preacher of Arran's, and, just before Arran's return to Catholicism, they protected the Black Friars Monastery from his men. But now, in September 1557, the image of the patron saint of “the Mother Kirk” of Edinburgh, St Giles', was stolen, ducked in the Nor' Loch under the castle, and finally burned. Archbishop Hamilton bade the town replace the image, and the town council appealed against the judgment.<sup>31</sup> This occurred a year before the great riot against St Giles' in September 1558; but though the affair of September 1557 was less public, it indicated the change in the popular humour. “The images were stolen away in all parts of the country,” says Knox.<sup>32</sup> To us representations of saints, in works of art, are merely works of art. But processions in which the images were carried, and the custom of kissing such relics as the arm of St Giles in its silver case, were instances of mere heathenism and idolatry to the mind of the Reformers. Thus when Knox, several months after being invited, reached Dieppe in October 24, 1557, the country was engaged, though slackly, in war with England, and was also full of tumult—sacred things being destroyed. The circumstances do not suit the scheme indicated in the invitation to Knox given on March 10. On arriving at Dieppe, he found awaiting him “two letters not very pleasing to the flesh.” One letter informed him that the plan of March 10 was being reconsidered. The other was from a gentleman who said that in none of the planners “did he find such boldness and constancy as was requisite for such an enterprise.” Some repented, some were “partly ashamed,” others “were able to deny that ever they did consent to any such purpose, if any trial or question should be taken thereof.”<sup>33</sup> In fact, as the author of the ‘Complaynt’ had said, no man could trust a neighbour. Knox wrote to the godly nobles, complaining of their usage of him. He said that the nobles were betraying the cause and the realm “to the slavery of strangers,” the French. “I am not ignorant that fearful troubles shall ensue your enterprise. . . . You ought to hazard your own lives, be it against Kings or Emperors” (Dieppe, October 27). Mr Hume Brown infers that Knox had no particular desire to hazard his own life. “At



all events, Knox certainly made the most of" the two unofficial letters. . . . In his private correspondence we have another and, doubtless, a more adequate account of the various motives that led him to turn his back on Scotland at this time. Thus, next spring (March 16, 1558), he wrote to Mrs Guthrie, "If any object I followed not the counsel which I give to others, for my fleeing the country declareth my fear; I answer, I bind no man to my example." A month later, he declares that "the cause of my stop I do not to this day clearly understand. I most suspect my own wickedness." At Dieppe ideas, perhaps, he thinks, of satanic inspiration, had occurred to him. "I began to dispute with myself as follows: Shall Christ, the author of peace, concord, and quietness, be preached where war is proclaimed, sedition engendered, and tumults appear to rise?" He would behold civil war, murder, destruction. Had he a right to cause this ruin, to rouse these passions, in the name of the Author of peace on earth and goodwill among men? These cogitations "did trouble and move my wicked heart."

He remained at Dieppe till the early spring of 1558, writing long letters to the brethren in Scotland, and composing his famous 'First Blast of the Trumpet against the Monstrous Regiment of Women,' especially the three Mariës. No moment in Knox's life is more curious. It seems that he was not always ready to die for his beliefs, and the half-consciousness of this lack of courage caused him to suspect his own doubts as to the lawfulness of raising war in the name of the Prince of Peace.<sup>34</sup> As a matter of fact, Knox would probably have done nothing by the visit to Scotland which he declined to make. As he was urging the nobles, from Dieppe, to persist in their perilous enterprise, Henry II., on October 30, was writing to the Queen-Regent and the Estates to hurry on the marriage between Mary and the Dauphin Francis. Even the Lord James, and Erskine of Dun, came into a project detested by Knox. From this point of view, he ought to have hastened to the scene of peril, stirred up opposition to the French marriage, and taken his share of danger. He was content, despite his scruples, to "bid the rest keep fighting." They took his advice, despite the current negotiations for the French marriage, and alliance with idolaters. "A common band was made," says Knox, in the interests of the truth. We have seen bands enough, instruments denounced by law, in the past history of Scotland. But the band of Argyll, Glencairn, Morton (son of Sir George Douglas), Lorne, and

Erskine of Dun (a commissioner for the marriage) is probably the first godly band. The date is Edinburgh, December 3, 1557. The banded nobles are to resist no one less than Satan, "even unto the death." Before God and the Congregation they vow to peril their very lives in establishing the most blessed Word of God and his Congregation. They will defend faithful ministers against "all wicked power that does intend tyranny." They renounce idolatry and the congregation of Satan, that is, the Church as by law established. Of the signatories, Argyll, after denouncing English godliness as a hypocritical cloak of greed, had sold himself for 1000 crowns. He died in autumn 1558. Glencairn was the Kilmaurs whom Henry VIII. had found so shifty. Morton was to show his form of godliness by murder, by being art and part in Darnley's assassination, and by robbing and insulting the reformed Kirk through his "tulchan bishops." Lorne's course was to be sufficiently ambiguous, and Erskine of Dun had begun his career by slaying a priest in the bell-tower of Montrose. Erskine's father paid the blood-price, or assythment. These were strange instruments of reform in the Church of Christ. They decided that the common prayers (the Second Prayer Book of Edward VI.) should be read weekly in churches by the curates, if read they could, if not, by some qualified person. Preaching should be quiet, without great conventicles.<sup>35</sup>

Very shortly after the letter of Henry II. to the Scots Estates was despatched, on November 29, Parliament met, and instructed Commissioners to deal with France on the basis of Henry's letter. The Protestant party was represented on the commission mainly by Erskine of Dun, and the Lord James Stewart, Prior of St Andrews. Perhaps "Protestant" is too definite a term, at least for Lord James; but he had been a hearer of Knox, and had resolved on a Protestant enterprise. The prelates of Glasgow, Ross, and Orkney represented the Church; Rothes, Cassilis, Fleming, and Seton were probably of open mind as to the religious question. The Commissioners were enjoined "of new to contract and agree" to preserve all the ancient rights, liberties, and privileges of the country. If Mary died without issue, "the righteous blood of the Crown of Scotland" was to succeed—that is, the House of Hamilton. Châtelhernaut acquiesced in these arrangements, as he told Sir Harry Percy, who approached him in the English interests.<sup>36</sup> Sir Harry's letter shows Châtelhernaut again as in 1542, zealous for "the maintenance of the Word of God."

Apparently his brother, the Archbishop, could not keep this waverer constant. As to safeguarding the freedom of Scotland, the marriage-contract (April 19, 1558) ratified the treaty of Haddington, in which these rights were secured. The Scottish Commissioners were to give their fealty to the Dauphin "*à cause de la ditte Royne sa compagne et consort.*" The Dauphin was, in his capacity as Mary's husband, to bear the name, title, and arms of the King of Scotland. But Francis was no more loyal now than Edward I. had been constant to the Treaty of Birgham. On April 4 documents to a very different effect had been signed by Mary. If she died without issue, she left Scotland in free gift to the King of France, with all her conceivable rights to the English crown. A second deed made Scotland responsible, in the case foreseen, for a million, or whatever other expense France had incurred in defending the country. Thirdly, she declared that her assent to the Scottish articles as to the succession, if she died without issue, was to be of no effect.<sup>37</sup> These dealings, due to the scheming of Mary's uncles, the Guises, were merely infamous. How far the young queen understood, or looked into, the papers which she signed, we do not know: she was intelligent enough to understand their purport. The Commissioners, ignorant of the secret clauses signed by Mary, declined to have "the Honours of Scotland," the Regalia, brought over to the Dauphin. On April 24 the royal marriage was celebrated with great pomp, masques, and dances.<sup>38</sup> Thus at last the "queen of many wooers" had found a lord: she for whose unconscious hand such rivers of blood had flowed, so many men had died. In the mythical background of the history of Helen, while yet a child, before Ilios and its leaguer were dreamed of, there are legends of murders and manslayings, sieges and invasions, for her beauty's sake. Mary was the Helen of the modern world. Discord came to her christening with the apple of strife, the one fatal gift among many gifts so goodly: beauty, charm, courage, and loyal heart. Round her cradle men and women intrigued and lied; many a time her grand-uncle had practised to carry the infant away from her guarded castle. For her sake the Border again and again was ravaged, and Beaton was slain, and corpses lay in thousands on the field of Pinkie Cleugh. Once removed to France, who shall say how early the scandals of the godly pursued her maiden name? Says Knox, "The Cardinal of Lorane gat her in his keeping, a morsel, I assure you, meet for his own mouth."<sup>39</sup>

Dr Hay Fleming remarks, "Before Mary's second marriage, he who was to be her third husband was alleged to have called her 'Cardinal's whore.'" <sup>40</sup> Bothwell is accused of having circulated the slander which, perhaps through him, reached the Reformer. Of Mary's education and early life in France not much is known. Certainly she was not always secluded in a convent: she often followed the Court, and was kindly treated by Diane de Poitiers, and was in the society of Catherine de' Medici, the queen. What manner of Court was kept by Henri II. is unknown to none. What slur or stain fell on Mary's own disposition is matter of conjecture. She was well taught in accomplishments—riding, embroidery, dancing, music: she had some Latin, less than the really learned ladies of her age. Her frank dignity of bearing, her courage, and her womanly charm and tact, are attested even by jealous diplomatists, or at least by the diplomatists of jealous Powers. That she was beautiful is more clearly proved by her history than by her portraits. "A fire comes out from her that consumes many." No woman not divinely fair could have been as a devouring flame. She was, in brief, the Helen or the Cleopatra of the modern ages. If her likenesses disappoint, we may safely ascribe the fault to artists who could not portray a beautiful woman. Marguerite of Valois fares no better at their hands. For the word of God Argyll and Morton professed themselves ready to imperil "their very lives." For Mary men poured out their lives like water. She was more to them than a woman; she was a religion and an ideal.\* But Fate, from her cradle, lay so heavy upon her that no conceivable conduct of hers could have steered her safely through the plotting crowns and creeds, the rival dissemblers, bigots, hypocrites, and ruffians who, with jealousy, and hatred, and desire, on every side surrounded her. Joyous by nature and by virtue of her youth, she was condemned to a life of tears, and destined to leave a stained and contested honour. Such was, and was to be, the bride of Francis of France, the bride of Darnley, the bride of Bothwell.

\* This rather applies to the Catholic youth of England than to Mary's friends in Scotland.

## NOTES TO CHAPTER II.

- <sup>1</sup> Lingard, v. 285, citing Strype, ii. 141.      <sup>2</sup> Calendar, i. 140-145.  
<sup>3</sup> De Selve, pp. 474, 477.      <sup>4</sup> Hamilton Papers, ii. 622.  
<sup>5</sup> Privy Council, i. 126.      <sup>6</sup> Lesley, pp. 482, 483.  
<sup>7</sup> Calendar, i. 190. September 24, 1552.      <sup>8</sup> Calendar, i. 191.  
<sup>9</sup> Act, Parl., ii. 604, 605.      <sup>10</sup> Hume Brown, Knox, i. 111.  
<sup>11</sup> Knox, iii. 277.      <sup>12</sup> Knox, iii. 122.      <sup>13</sup> Knox, iv. 43.  
<sup>14</sup> Knox, iii. 281.      <sup>15</sup> Knox, iii. 244.      <sup>16</sup> Knox, iii. 263-330.  
<sup>17</sup> Knox, iii. 309.      <sup>18</sup> Hume Brown, Knox, i. 161.  
<sup>19</sup> Knox, iv. 41-49. His account of these troubles.  
<sup>20</sup> T. G. Law, Preface to Catechism.  
<sup>21</sup> Knox, i. 245-252. The Pasquil is in Knox, iv., in two editions, 1556 and 1558.  
<sup>22</sup> Early English Text Society, 1872. Edited by Dr Murray.  
<sup>23</sup> *Gude and Godlie Ballatis*. Edited by the late Dr Mitchell for the Scottish Text Society, 1897. Whether one of the brothers, Robert, was author of the 'Complaynt' or not, is disputed, *op. cit.*, xxv, xxvi.  
<sup>24</sup> Knox, i. 267, 268.      <sup>25</sup> Knox, i. 253-255.  
<sup>26</sup> Martyn to Mary Tudor, June 11, 1557. Calendar, i. 198.  
<sup>27</sup> Calendar, i. 200, 201.  
<sup>28</sup> Council to Wharton, July 29, 1557. Tytler, v. 24. Not calendared by Thorpe or Bain.  
<sup>29</sup> Stevenson, Illustrations, p. 70.      <sup>30</sup> Knox, i. 256; Lesley, 491.  
<sup>31</sup> Laing, in 'Knox,' i. 560.      <sup>32</sup> Knox, i. 256.  
<sup>33</sup> Knox, i. 269.      <sup>34</sup> Hume Brown, Knox, i. 205-212.  
<sup>35</sup> Knox, i. 273, 275, and note 6.      <sup>36</sup> January 22, 1559. Keith, i. 364-368.  
<sup>37</sup> Labanoff, Recueil, i. 52-56.      <sup>38</sup> Teulet, i. 302-311.  
<sup>39</sup> Knox, i. 219.  
<sup>40</sup> Hay Fleming, p. 206, citing 'Foreign Calendar, Elizabeth,' 1564-65, 315, 320, 325.

## CHAPTER III.

## THE WARS OF THE CONGREGATION.

ALMOST at the very time of the royal marriage the clerical party in Scotland achieved their last, their most cruel, and most impolitic act of persecution. After the making of the band of the Congregation, in December 1557, there had arisen a controversy, courteous in terms, between Archbishop Hamilton and the aged Earl of Argyll. A preacher named Douglas was entertained by the Earl: the Archbishop remonstrated, and Argyll replied. He knew that Hamilton was unpopular with the clergy "for non-pursuing of poor simple Christians"; he knew that if the Archbishop listened to his clerical advisers, there would be burnings. Against these he warned his correspondent. The letters passed between the end of March and the first week in April 1558.<sup>1</sup> As Argyll's character has not been shown in a favourable light, it is fair to say that at this period neither he nor his associates can well have been moved by other than honest convictions. Mary Tudor was still on the English throne: nothing now was to be gained from England, unless on the expectation of Mary's death and the return of Protestantism under Elizabeth. In Mr Froude's opinion, however, "the gaunt and hungry nobles of Scotland, careless, most of them, of God or Devil, were eyeing the sleek and well-fed clergy like a pack of famished wolves." The warning of Argyll was unheard by the Archbishop. On a date variously given, but apparently between April 20 and April 28, 1558, one Walter Milne, a very aged man, and a married priest, was tried for heresy, and burned at St Andrews.<sup>2</sup>

Untrustworthy as is Pitscottie, his word may perhaps be taken for what occurred in his own day, almost in his own parish. "The said Walter Mylie [Milne] was warming him in a poor woman's house in Dysart, and teaching her the commandments of God to her and

her bairns, and learning her how she should instruct her house, to bring up her bairns in the fear of God." This duty, despite the Archbishop's Catechism, had been flagrantly neglected by the clergy in general. To arrest such a man, in such a task, as "a seducer of the people," and to burn him under forms of the most dubious justice, naturally, and righteously, caused "a new fervency among the whole people." A cairn of stones was raised on the site where Milne had suffered. The populace was now sincerely stirred, and Milne, as he had hoped, was the last who died for Protestantism in Scotland. The act was cowardly and merciless. Hamilton might have proceeded against Argyll. He preferred to burn a poor, aged, and decrepit man for teaching the Commandments, and for having, in Beaton's time, married and abjured his orders.

A strange event, occurring in September 1558, did not add to the popularity of France. On their return to Scotland, at Dieppe, the Commissioners for the marriage sickened, the Bishop of Orkney died, and by November 29 Rothes, Cassilis, and Fleming had not yet left France,<sup>3</sup> where they later succumbed. The Lord James Stewart is said never to have recovered his health completely. According to Pitscottie, he was "hanged by the heels by the mediciners, to cause the poison to drop out."<sup>4</sup> A similar tale is told about Cardan's treatment of Archbishop Hamilton. Naturally, poison was suspected; but the fatal ball at Stirling, in recent years, proves that accident and oysters may be the cause of similar calamities. The temper both of the populace and the gentry was exhibited in August and September. Paul Methven, a preacher later suspended for adultery, had been summoned to trial for heresy. But the gentry of his faction gathered to support him, as when Knox was summoned in 1556, and a riot seemed probable. The trial was postponed to the beginning of September.<sup>5</sup> Apparently not only Methven, but Willock and other preachers were included in the summons, and their armed defenders entered the Regent's presence, protesting, "Shall we suffer this any longer? No, madam; it shall not be. And therewith every man put on his steel bonnet." The Regent addressed them falteringly in her broken English, "Me knew nothing of this proclamation."<sup>6</sup> If Buchanan and Lesley are well-informed, the new summons against the preachers coincided with the Feast of St Giles (September 1). The old "idol," which had been carried off, had not been replaced, but a new idol, "Young

St Giles," was borne in procession. The Regent accompanied it, but, as she was dining in a burgess's house, while St Giles was being carried back to his shrine, a riot arose. "The hearts of the Brethren were wonderfully inflamed," and the rascal multitude now loved mischief more than they feared saints. The priests were scattered by the mob, St Giles was broken to pieces, and though Buchanan says that there was no bloodshed, the nerves of the clergy were shaken seriously. The Bishop of Galloway, a rhymer and, Knox says, a gambler, died of emotion. "The articles of his creed were: "I refer! Decart you: ha, ha, the Four Kings, and all made, the Devil go with it, it is but a knave!" That "belly-god," Panter, the learned Bishop of Ross, died in October. The Church was seriously weakened by his decease.

In England the loss of Calais was followed by the death of Mary Tudor (November 17, 1558). Elizabeth was naturally expected to bring England back to a creed which would be sympathetic to the Lords of the Congregation. They were strong in the popular favour, England would soon be their ally, they had organised their forces, had sent emissaries through the land to enrol adherents, and hoped to win their ends, if not peacefully, then by force of arms.<sup>7</sup> Their demands for right to use common prayers in English were accepted, for the time, by Mary of Guise, provisionally; they might "use themselves godly," and apparently might celebrate the sacrament in their own way if they would abstain from public meetings in Edinburgh and Leith. All this till "some uniform order might be established by a Parliament."<sup>8</sup> Parliament met on November 29, and decreed the crown matrimonial to the Dauphin.<sup>9</sup> The Lords of the Congregation put in a letter on their own affairs, but it is not recorded; Knox says that their enemies refused to let it appear in the register. The Protestants observed that, in the existing state of the penal laws, their immortal souls were endangered by submission to "the damnable idolatry and intolerable abuses of the Papistical Church." In addressing members of that Church, their tone was remote from conciliatory. They requested that the Heresy laws should be suspended till a General Council decided "all controversies in religion," a date obviously remote. Secondly, lest this should seem to "set all men at liberty to live as they list," they asked for a secular judge, with the ordinary and necessary provisions, unknown to inquisitorial proceedings, for the defence of the accused. They appealed to the



Scriptures as the sole criterion of what was, or was not, heresy. But who was to interpret the Scriptures?

The Regent, in these difficult circumstances, temporised, and the evangelical Lords put in a protest, demanding security from persecution, and proclaiming themselves blameless, if tumults arose, "and if it shall chance that abuses be violently reformed."<sup>10</sup> There are hints of open resistance in these documents; but it is clear that, unless the petitions were granted, force was the only remedy. The state of affairs justified even civil war: it was intolerable that so great a part of the commonwealth as the protesting Lords represented should be forced into hypocrisy by dread of the stake. In modern times a mere "Disruption" would have ensued. In the sixteenth century, compromise, or peaceful secession, was practically impossible. One religion must conquer, and abolish, or try to abolish, the other. Even in their petitions the Protestants denounced the religion of their fathers and of their queen as "damnable." The two hostile forms of Christianity could not live together in one country. The quarrel must be decided by the sword.

It certainly could not be decided by public disputations. That method was attempted. While the early spring of 1559 was being spent in the negotiations for the Peace of Cateau Cambresis, a Catholic scholar was using his pen to aid his cause. Quentin Kennedy, a younger son of the second Earl of Cassilis by his wife, a daughter of Archibald, Earl of Argyll, was a good representative of the Church. Kennedy had studied at St Andrews and Paris, and was vicar of Penpont. In 1558 he published his 'Compendius Tractive,' a reply to the Protestants. He argues that the Scriptures are the witnesses to the will and purpose of God, but merely the witnesses, not the judge. The witnesses must be examined and cross-examined, and the Church alone is the judge, where difficulties of interpretation arise. "The wicked opinion of some private factious men . . . sets at nought the interpretation of ancient General Councils." It is in vain to say, "Why should not every man read the Scripture to seek out his own salvation?" Every man is not competent. How can every private reader decide, for instance, as to doubted questions of text and rendering? There is no opinion but some text may be wrested into its justification. To ask (as Wallace did) to be judged by the Scriptures is to ask an impossibility.<sup>11</sup> Such, with copious rein-

forcèments from the Bible and the Fathers, is Kennedy's doctrine. In March 1559 he was challenged to dispute with the preacher Willock at Ayr. Willock, says Kennedy, had been making great play, in sermons, with Irenæus, Chrysostom, Origen, Tertullian, and other Fathers. "I perceived the craft of the knave, who, expecting no adversary, cited such doctors, believing that their works had not been in this country"; and, indeed, there can have been no great sale for Tertullian's works in Ayrshire. But Kennedy possessed these and other authors. He reduced Willock to admit that he only accepted his own Fathers, "as far as he thought they were agreeable with the Word of God." On the day of the proposed disputation, four or five hundred Ayrshire theologians assembled to back Willock. Kennedy could have brought twice as great a "tail," but he foresaw a riot. Nothing else could be expected. A theological discussion would have degenerated into a clan battle.<sup>12</sup>

Already the din of social revolution was heard. On January 1, 1559, a notice had been fastened on the gates of religious houses. "The beggars"—the poor, halt, and maimed—demanded "restitution." The alms and the wealth of the religious foundations, they said, were their own: they would claim all, and evict the religious, on Whitsunday. Of course the poor never got the "patrimony" which they claimed in "The Beggars' Warning." The example of England might have warned them that the Reformation there only deepened social oppression. The nobles kept the wealth of the clergy, though perhaps the populace helped themselves at the sacking of churches and abbeys. In Edinburgh the town council seized and sold the treasures of St Giles' (October 1560).

While these affairs show the drift and the methods of the great debate, in official religious politics we are told by Knox that the godly trusted Mary of Guise, and rebuked those who thought her promises hypocritical.<sup>13</sup> But at the moment of the general Peace of Cateau Cambresis (April 2, 1559) the Regent "began to spew forth and declare the latent venom of her double heart." The treaty provided that neither realm should assist the enemies or shelter the rebels of the other. The Regent might hope that Elizabeth would keep the treaty. At Easter "she commanded her household to use all abominations," and insisted on knowing when every one received the sacrament. After this "it is supposed that the Devil took more violent and strong possession in her," so much

so that she "caused our preachers to be summoned"; among them were Willock and Paul Methven. When remonstrated with, she blasphemed and told Glencairn and the sheriff of Ayr that princes need keep no more of their promises than they pleased. The summons to the preachers, however, was postponed.<sup>14</sup>

Here accuracy of dates is desirable. In a transcript of a MS. 'Historie of the Estate of Scotland' we do get an approach to dates, and an account of the events, unlike Knox's. It is here said that the preachers were summoned, in the end of December 1558, to appear at St Andrews on February 2, 1559, and that the summons was postponed. "We ceased not most humbly to sue her favours," writes Knox, "and by great diligence at last obtained that the summonses at that time were delayed." The anonymous writer explains the nature of the humility and the "diligence" of Knox's version: "The brethren . . . caused inform the Queen-Regent that the said preachers would appear with such multitude of men professing their doctrine, as was never seen before in suchlike cases in this country." This was the traditional Scottish way of controlling justice. Mary of Guise, fearing sedition, caused the bishops to postpone the case, and summoned a convention at Edinburgh "to advise for some reformation in religion." The date was March 7, 1559, and a helpless Provincial Council was held at the same time. Acts were passed for the reform of the lives of the clergy, and some "Articles" suggested by the moderate Catholics were considered. But nothing was done to any purpose.<sup>15</sup> The Protestants dispersed: the bishops bribed Mary, says the anonymous writer, and on March 23 a statute denounced death against unauthorised preaching and administration of the sacrament. In April the preachers were summoned, under pain of outlawry.<sup>16</sup> According to Knox, this final summons was for May 10, at Stirling. Knox himself arrived in Edinburgh on May 2. He went to Dundee, after writing on May 3 to Mrs Locke, "Assist me, sister, with your prayers, that now I shrink not when the battle approacheth." On this occasion he had a powerful band of supporters. Dundee was full of the gentlemen of Angus, who accompanied the preachers to Perth, "without armour, as peaceable men, minding only to give confession with their preachers." Lest such a crowd should frighten the Regent, Knox says that they sent Erskine of Dun to inform her of their peaceful purpose. She begged him "to stay the multitude, and the preachers also, with

promise that she would take some better order." Erskine wrote to the evangelists in Perth, some of whom acquiesced, others wished to march on Stirling, until "a discharge of the former summons should be had." Knox was now in Perth. The Queen-Regent, "perceiving that the preachers did not appear" on May 10, had them outlawed. Erskine retired from Stirling to Perth, "and did conceal nothing of the queen's craft and falsehood." Consequently the multitude, in spite of "the exhortation of the preacher and the commandment of the magistrate, . . . destroyed the places of idolatry," the religious houses in Perth.<sup>17</sup>

To the havoc wrought at Perth we shall return. The torch of civil war was lighted, a thing inevitable; for the Government could not for ever endure the contumacy of the preachers, and the Congregation, if they left their pulpitmen to the law, would be stripped of every rag of honour. The conflict, then, must have come; but was it precipitated by an act of explicit treachery on the part of Mary of Guise? This is the theory of several of our historians. Mary "promised to *withdraw* the citations," but broke her promise, says Hill Burton.<sup>18</sup> Mary "declared that if the people" (at Perth) "would disperse, the preachers should be unmolested, the summons discharged, and new proceedings taken, which should remove all ground of complaint." So Tytler:<sup>19</sup> adding that, "relying on this premise, the leaders sent home their people." Dr M'Crie avers that Mary promised that she would put a stop to the trial, and that "the greater part" of the Protestants "returned to their homes."<sup>20</sup> The doctor then blames "the wanton and dishonourable perfidy" of the Regent. Dr M'Crie often cites the MS 'Historie of the Estate of Scotland.' Here it contradicts Knox—and is not cited. Mr Froude remarks, "Protestant writers say that the Regent desired them" (the preachers) "not to appear, and then outlawed them for disobedience" (that is, for non-appearance), adding, "This is scarcely the truth."<sup>21</sup> Yet, on the next page, Mr Froude writes that Knox, on arriving at Perth, "found the summons withdrawn." Now Knox himself does not tell us in his History that the summons to the preachers was withdrawn. The Queen-Regent "promised that she would take some better order," vague enough. Some of the leaders of the Congregation, says Knox, distrusting Mary's vague promise of taking "some better order," desired that the summons should be withdrawn; but Mary, "notwithstanding any *request* made in the contrary, perceiving that the preachers did not

'compear,' gave commandment to put them to the horn"—that is, to outlaw them and their abettors. Erskine of Dun then left Stirling and explained the situation to the Reformers in Perth.<sup>22</sup> Mary's vague promise to Erskine caused the multitude at Perth to "disperse," according to Mr Hill Burton; according to Mr Tytler, "their leaders sent home the people," and thus Mary's treachery secured its end. But Knox, who was in Perth, says that "the whole multitude with their preachers stayed." To be sure, Knox, writing to Mrs Locke from St Andrews six weeks later (June 23), gives a version different from that in his History.<sup>23</sup> He says that the Queen-Regent bade the multitude to "stay" (at Perth) "and not come to Stirling, which place was appointed to the preachers to compear, and so should no extremity be used, but the summons should be continued" (postponed) "till further avisement, which being gladly granted of us, some of the brethren returned to their dwelling-places." Mary then summoned the preachers, and outlawed them on their non-appearance. Here Mary's guilt lay in persevering with a summons which she is said to have promised to "continue till further avisement."

All this is contradicted by the anonymous, but Protestant, 'Historie of the Estate of Scotland.' "Albeit the Queen-Regent was most earnestly requested and persuaded to continue" (that is, to defer the summons), "nevertheless she remained wilful and obstinate" (that is, did not "continue" or postpone the summons). . . . "Shortly, the day being come" (May 10), "because they appeared not, their sureties were outlawed" (really they were fined), "and the preachers ordered to be put to the horn."<sup>24</sup> On this (and not before), Erskine of Dun, having visited Stirling to speak to the queen, "perceiving her obstinacy, they [who?] returned from Stirling, and coming to Perth, declared to the brethren the extremitie they found in the queen." They then sacked religious houses.<sup>25</sup> Here we find no word of even a vague promise of deferring the summons: Mary is said to have refused to do so. The author "inspires confidence," says Mr Hume Brown, because "certain of his facts not recorded by other contemporary Scottish historians are corroborated by the despatches of d'Oysel and others in Teulet."<sup>26</sup> Finally, Sir James Croft, writing from Berwick on May 19, says that the preachers, with a train of 5000 or 6000 men, repaired towards Stirling, but were put to the horn, and the nobles commanded to appear before the Regent at Edinburgh. They had sent Erskine of Dun to ask the Regent to permit a public disputation. She outlawed him.<sup>27</sup>

The account which most modern historians really rest on is that of Buchanan.<sup>28</sup> He says that the Regent asked Erskine to send home the multitude, and promised that in the meanwhile she would attempt nothing against any of the faith. Many therefore went home. Nevertheless the Regent put the preachers to the horn. But, if we accept Knox's History, *the whole multitude* stayed at Perth, and did not go home at all. In his letter *some* went home. If the Regent's promise was conditional, depending on the dispersion of the crowd, she broke no promise. Such, and so confused and contradictory, is the evidence for Mary's perfidy. Probably Knox's letter of June 23 is the most trustworthy account, though it clashes with his History. Mr Tytler's charge of "treacherous precipitation" against the Queen-Regent is decidedly too absolute.

The real occasion of the outbreak was the habit of trying to overawe justice by tumultuous assemblages. The ruin and wrack wrought at Perth were such as characterise revolutions. The Christians on the fall of Paganism; the Huguenots at Orleans; the French in 1793, were equally or even more destructive to buildings, books, and works of art than the Reformers in Scotland. Knox was certainly conscious of the blame which attaches itself to wasteful and wanton destruction. He says that "neither the exhortation of the preacher nor the commandment of the magistrate could stay them from the destroying of the *places* of idolatry," as we have seen. But places are one thing, objects of art are another. The preachers, before May 11, had instructed the multitude that God commands "the destruction of the monuments of idolatry." Consequently, when the sermon of May 11, at Perth, "was vehement against idolatry," the inevitable consequences followed. After the sermon a priest did his duty, and performed mass, opening "a glorious tabernacle that stood on the high altar." "A young boy" cried out that this was intolerable. The priest struck him, and the boy, like Smollett in youth, "had a stane in his pouch." He threw it, and struck the tabernacle. The whole multitude destroyed the works of art, and while the gentry and "the earnest professors" were at dinner the rascal multitude sacked the Franciscan monastery. From the Charter-House, founded by James I., the prior is said to have been allowed to take away as much of the gold and silver as he could carry. Men "had no respect to their own particular profit, but only to abolish idolatry." Yet "the spoil was permitted to the poor." Of the religious houses only the walls were left

standing.<sup>29</sup> Priests were forbidden to do the mass under pain of death, a significant fact which our historians usually overlook.<sup>30</sup> Mr Tytler never alludes to it. The idea of Knox and his friends appears to have been that where they held a town, such as Perth, Catholics might not exercise their religion except at the price of the death of their priest. On the other hand, if the Catholic clergy elsewhere persecuted Protestants, Knox and his allies promised to treat them as murderers, as shall presently be shown.

Clearly, if either set of persecutors were murderers, both sets were; but as the Reformers were a law to themselves, and broke the law of their country, they were the less excusable. On hearing of the acts of destruction at Perth (locally said to have been done by men from Dundee), Mary of Guise summoned Argyll, Arran, and Atholl, and "all the nobility." She is said by Knox to have threatened to sow Perth with salt, especially resenting the destruction of the Charter-House, "sacred as the burial-place of the first of the Stewart kings," says Mr Froude. But James I. was not precisely the first king of his House.<sup>31</sup> Knox meanwhile was in Perth. Expecting the Regent's arrival there with French troops, he received reinforcements of the godly, who began to fortify the place. On May 22 they wrote a letter to the Regent. They assured her that they would risk a thousand deaths rather than "deny Christ Jesus and His manifest verity." They did not add that they meant to inflict death on priests whose theory of Christ's verity differed from their own. They bade the Regent leave them unharmed till they "received answer" from Mary Stuart in France, and the Dauphin.<sup>32</sup> This letter meant open rebellion to constituted authority. The writers were but "a very few and mean number of gentlemen," who described themselves, in a letter to the nobles, as "the Congregation of Christ Jesus in Scotland." They defended their conduct, as usual, out of the Bible, and pointed out that the apostles had been dissenters in their day, "did dissassent from the whole world." The difference, perhaps, was that the apostles did not sack the Temple and fortify Jerusalem against Rome and the Jews. For this behaviour no New Testament warrant was cited.

Knox avers that "we required nothing but the liberty of conscience," a strange request from men who doomed priests to death. Reformers and Covenanters alike desired "liberty of conscience" for themselves. It included refusal of such liberty to their opponents. Another

letter was addressed to the clergy, "To the Congregation of Antichrist, the pestilent prelates and their shavelings." If they persist in persecution, they "shall be apprehended as murderers." "We shall begin that same war which God commanded Israel to execute against the Canaanites." The writers had summoned their adherents, and knew that they had a strong backing.<sup>33</sup> The Protestants occupied a strong position; but Ruthven, Provost of Perth, and later a murderer of Riccio, joined the Regent. On May 25 the Regent sent Argyll, Sempill, and the Lord James to confer with the barons and lairds who headed the Congregation. Of that body Argyll had been one of the earliest members, and Lord James too was reckoned godly. In 1558, according to Lesley, Lord James, Prior of St Andrews and Macon, asked Mary, in France, to give him the earldom of Murray. Mary, however, tutored by the Regent, advised him to pursue in a holy spirit the ecclesiastical career for which he had been trained, and she held out hopes of a bishopric. Consequently Lord James hated the Regent.<sup>34</sup> In fact, in 1559, Lord James was a Protestant, and had nothing of the prior—save the revenues. He and Argyll, meeting the insurgents at Perth, were told that these gentlemen demanded nothing but liberty of conscience (for Protestants) in that town. Lord James said that, according to the Regent, "they meant no religion but a plain rebellion." They meant both. Knox told the envoys that "God's written Word being admitted for judge," he would prove the Regent's creed to be mere superstition. Of course he was to be himself the interpreter of God's written Word, and therefore could prove exactly whatever he pleased.

He added that the Regent's attempt would end in her confusion. She was already in the worst of health. The Queen-Regent's forces lay at Auchterarder, between Stirling and Perth. With d'Oysel, their leader, the faithful made an arrangement. No inhabitant of Perth was to suffer for the recent riot: "religion" was to "go forward"; the queen was not to leave French soldiers in Perth when she passed from it. D'Oysel, knowing that the brethren of the west, under Glencairn, had reached Perth by forced marches, spoke peacefully, and Argyll and Lord James began to arrange terms. Knox lectured these two lords for their desertion of the godly; however, the terms were settled on May 28, and on May 31 Argyll and Lord James, vowing to join the rebels if Mary proved false, renewed, and signed, a "band" with the



Congregation. Boyd, Glencairn, and Ochiltree also signed this league for mutual defence, and for the destruction of idolatry.<sup>35</sup> The faithful then scattered, wrecking churches on their homeward ways, "breaking down the altars and idols."<sup>36</sup> Argyll and Lord James, though sent by Mary to negotiate for her, had actually signed the band that pledged the godly to commit these outrages!

Soon after the disturbances, which dated from May 11, began, Mary wrote (May 17) to Henri II. of France. On June 1 he replied, expressing his anxiety, promising to send *une bonne force de gens de guerre* on receipt of her reply. He was determined to "exterminate traitors," and fight "in the quarrel of God." On June 11 Cardinal Guise advised the Queen Regent, if victorious, to imitate Mary Tudor, and cut off the heads and chiefs of the Protestant rebels. This was advice which the good Mary of Guise would never have taken.<sup>37</sup>

The queen entered the distracted town of Perth on May 29. She found the religious houses ruinous, the altars destroyed, and, probably, an excited populace, for all the people of Perth were not Protestants. A child was shot, perhaps by accident.<sup>38</sup> The Catholics celebrated the mass as best they might: the French were billeted on the town, and, according to Knox (who is not corroborated by documents), Ruthven was removed from the provostship and superseded by Charteris of Kinfauns. Between their families the post had long been a subject of deadly feud.<sup>39</sup> On departing, the Regent left four companies of Scots in French service, maintaining that she had only promised not to leave Frenchmen. There is a decided distinction between Frenchmen and kindly Scots under French colours, but the Regent is again accused of perfidy. Even James VI. accepted the charge, quoting Buchanan.<sup>40</sup> According to Buchanan (who here often coincides almost verbally with Knox), the queen's action brought her into public contempt. Argyll and Lord James left the queen, alleging that they could not be partakers of her perfidy (June 1). What their own loyalty had been we have noted.

At this point and onwards it is necessary to criticise with perhaps tedious minuteness the evidence for the charges of perfidy against Mary of Guise. That she could be double-faced is certain from Sadley's account of her diplomacy in 1543.<sup>41</sup> But historians have made her broken promises the occasion of all the mischief which occurred at Perth and was to follow throughout Scotland.

While these charges are dubious, or exaggerated, there is no doubt at all about the duplicity of her Protestant opponents. It must be remembered that this part of Knox's History was written, perhaps as a kind of manifesto, as early as October 1559.<sup>42</sup> The author has to conceal, and even to deny flatly, such matters as his own and his party's intrigues with England. He labours to prove that his faction was not *politically* disloyal—which it was. By way of palliation, he has to insist on the perfidy of the Regent. Indeed he did so from the pulpit, before the ink of the Arrangement of Perth was dry. He said, "I am assured that no part of this promise made shall be longer kept than till the queen and her Frenchmen have the upper hand." He was quite right; the articles were pre-adjusted with a defect which gave the means of discarding them.<sup>43</sup>

To St Andrews Argyll and Lord James, after leaving Mary, went, summoning their allies. Whether they were honestly indignant, or merely were seeking the first pretext for returning to their old allies, is debated. Was the Regent to abandon the priests of her faith in Perth to the death denounced by the Protestants?<sup>44</sup> And if her co-religionists were to be protected, as Mary had no feudal array, and had promised to trust no Frenchmen, whom could she leave except Scots in French service? This difficulty is only evaded by ignoring the Protestant death-sentence on priests. The Regent, of course, had other reasons for holding so strong a post as Perth, a walled city.

The godly now did unto St Andrews even as they had done unto Perth. They called the Perth rioters into St Andrews for June 3. They came, with Knox in their company. He preached at Crail and Anstruther: the usual destruction followed.<sup>45</sup> By this time, if not before, Knox knew what effect followed his sermons: he no longer writes, "neither could the exhortation of the preachers, nor the commandment of the magistrate, stay them from destroying of the places of idolatry." The Archbishop, riding into the town with a hundred spearmen, vainly tried to deter Knox by threats from preaching at St Andrews. The Queen-Regent with her forces was at Falkland, the temper of the town was uncertain, but Knox declined to be intimidated. On Sunday he preached on the purging of the temple.<sup>46</sup> "The Magistrates, the Provost and Bailies, as the commonalty for the most part within the town, did agree to remove all monuments of idolatry, which also they did with expedition." "Their idols were burned in their presence,"

says Knox to Mrs Locke, speaking of the clergy. Concerning the details of the destruction little is known. "In this time all churchmen's goods were spoiled and reft from them, in every place where the same could be apprehended, for every man for the most part that could get anything pertaining to any churchmen thought the same as well-won gear." So writes the 'Diurnal of Occurrents' on July 14, 1559 (p. 269). The Cathedral of St Andrews, the Mother Church of Scotland, contained, like the temples of ancient Greece, objects of priceless value and of immense antiquity. The crucifix of St Margaret; the arm-bone of the apostle in its golden case, adorned with jewels of gold by Edward I.; with other gifts of royal and noble donors, had been, and probably still were, in the cathedral. We have no catalogue of these treasures. But we have a MS. catalogue of "the geir of St Salvator's College." The same document mentions objects retained in private hands for concealment. We read of "six chalices of the best, the Holy Cross, the beryl cross, ten chandeliers, the embroidered cushions in the meikle kist in the Provost's stable." We hear of tapestry, cloth-of-gold, "the big and little tyaste of beryl, with pearls about it." There is also Bishop Kennedy's silver-gilt mace, with figures in relief, representing all orders of spirits in the universe. This mace was decidedly "idolatrous," but such maces alone, with mangled heads of the Redeemer and a saint, discovered by Lord Bute in the drain of the sub-prior's house, survive to attest the wealth and art of St Andrews. The very lead of bishops' coffins has been stolen. The shattered chapel of the Dominicans remains: the Franciscan monastery has vanished. The cathedral is the most gaunt of ruins. We need not suppose that it was destroyed in a day. When once the lead was riven from the roof, the weather, and the use of the place as a quarry, would do the rest.

During these excesses where were the Catholics of Scotland? As a force, ready to defend their sacred things, they did not exist. They could only move under the nobles, and the nobles were Reformers, or neutral, or mere intriguers. Beaton, Archbishop of Glasgow, carried to France some of the sacred things of his Church. Others, from Aberdeen, intrusted to Huntly, later fell into Mary's hands.

Châtelhernaut and the Archbishop now joined the Regent at Falkland. With d'Oysel they were to march on St Andrews, by Cupar, but Cupar was already seized by the Brethren. They out-

numbered the Regent's force, and on June 13 an arrangement had to be made. Mary was obliged to remove her French, except three sea-board garrisons, out of Fife. A pause of eight days was allowed for a discussion, but Mary sent no envoys to St Andrews.<sup>47</sup> Argyll and Murray wrote to Mary, complaining of the garrison of Scots under French colours in Perth. They say, "Suppose that it" (the clause in the Perth treaty) "was spoken of French soldiers only, yet we took it otherwise, as we still do." They then coerced the garrison in Perth, which evacuated the town (June 25). The abbey and the palace of Scone were next sacked, in spite of the strenuous efforts of Knox and the nobles. Stirling was handled in similar style. Mary retreated to Dunbar, the Congregation entered Edinburgh, found the religious houses already wrecked, and seized Holyrood and the stamps at the mint. On this Mary issued a paper, asserting that religion was a mere cloak for rebellion, and that she had offered to establish liberty of conscience till a Parliament could be held in January, or sooner,—“a manifest lie,” writes Knox. Mary declared that the Congregation was intriguing with England, and had seized the stamps at the mint and her palace of Holyrood. Writing four months later, Knox has the assurance to say, “There is never a sentence of the narrative true.” They had seized the stamps, but that was to stop the utterance of debased coin. Now the “narrative” is true. As to Mary's concessions, Kirkcaldy says to Percy (June 25) that the Regent “is like to grant the other party” (his party) “all they desire, which in part she has offered already.”<sup>48</sup> Are we to believe Knox, or Kirkcaldy? As to the dealings with England, which Mary alleged, Knox had proposed to Kirkcaldy a union with England as against France (June 23). Knox, on June 28, had asked for an interview with Cecil: he was trying, in his own way, to soothe Elizabeth's anger against him, awakened by his blast against “the Monstrous Regiment of Women.” It is thus plain that Knox's vehement giving of the lie to Mary is not justified. Indeed he lets out the fact in a later page.<sup>49</sup> He and Kirkcaldy were, as Mary said, intriguing with England. Knox avers that Mary said “they sought nothing but her life,” and quotes her proclamation, in which she does not say so. The Reformers were, apparently, aiming at nothing less than to alter the succession to the throne.

The eldest son of Châtellherault, Arran, was captain of the Scots Guard in France, and was a Protestant. Henri II. writes

that Arran has caused scandals in Poitou, and has fled to escape arrest.<sup>50</sup> He reached Geneva, and was conducted home by agents of Elizabeth. As early as June 14, Croft, from Berwick, wrote to Cecil on this subject. Arran "is very well bent to religion, and, next his father, he is the only help of the realm." If all their imaginations may take place, they intend to presume to motion a marriage, "You know where." That is, the Reformers, asking the aid of England, in contravention of the recent treaty of peace, wished Elizabeth to marry Arran. The result, if successful, must be to place the house of Hamilton on the throne.<sup>51</sup> On June 28 Throckmorton wrote that Whitlowe (an old Scots agent of England under Somerset) proposed a marriage between the queen (Elizabeth) and the Earl of Arran. Mary Stuart understood the situation. She told Mompesat (who had been hunting for Arran) that "he could not do her a greater pleasure than to use Arran as an arrant traitor."<sup>52</sup> These intrigues prove that the Reformers looked to Arran, not to the Lord James, as their future king. Lord James was suspected of aiming at the Crown, but it is probable that this remarkable statesman had no such ambition.

Meanwhile, by occupying Edinburgh, Knox's party had destroyed any shadowy chance of accommodation. Indeed none such could be: to them universal toleration was abhorrent, even had the Regent been in earnest. By July 1, Châtelherault, "with almost the whole nobility," says Kirkcaldy, had joined the Brethren. The Second Prayer-Book of Edward VI. was appointed to be read in churches. The property of the Church was to be, for the present, "bestowed upon the faithful ministers." Knox's hatred of the prayer-book soon swept it away; nor did the faithful ministers get "all the fruits of the abbeys." The Reformers would be content with nothing from the Regent but a general Reformation and the dismissal of the French, which some expected her to grant. This letter of Kirkcaldy's is of July 1, the same day as Mary's charges against the Reformers, which Kirkcaldy may not yet have seen.<sup>53</sup> She continued to negotiate: she had again won over Châtelherault, Knox says, by insisting that Argyll and Lord James were not allowed to meet her in private. A larger meeting at Preston had no effect. Mary insisted that, where she was, preachers should be silent, and she should have her mass. The Reformers had just told her that they desired "liberty of conscience."<sup>54</sup> They now added that *she* must not expect this satisfaction; "neither could we suffer that the right administration

of Christ's true sacraments should give place to manifest idolatry." <sup>55</sup> There was no possibility of dealing with men so intolerant ; and Mary temporised, trusting that the levies of the Congregation would break up, as they began to do. Thus July slipped past, the Reformers dealing with England, while in France the desire was to help the Regent.

Cecil had every wish to aid the Reformers, though Knox, at great length, had demonstrated that he richly deserved damnation. <sup>56</sup> Cecil felt that England needed Scotland in opposition to France, where Mary and the Dauphin had assumed the title of King and Queen, and had quartered the arms of England, <sup>57</sup> which implied that Elizabeth was illegitimate. Moreover, Cecil had heard from Throckmorton, in Paris, that the Guises advised death and confiscation against Argyll, Lord James, and others. <sup>58</sup> Cecil, therefore, cautiously encouraged Knox and Kirkcaldy. His difficulty was with Elizabeth. She detested Knox and all rebels against royal authority. Noailles advised Henri to send Mary and the Dauphin to Scotland, where their presence might be pacifying. Arran's flight from Poitou, the mortal wound of Henri II. in a tournament, and news of a French expedition to Scotland, coincided, early in July. On the 8th Cecil bade the Protestants do what they had to do quickly. <sup>59</sup> On the death of Henri, Throckmorton reported that the new queen, Mary Stuart, "trusts to be Queen of Scotland" (July 11). On July 19 the Lords of the Congregation appealed formally to Elizabeth for aid. <sup>60</sup> But as England delayed, and many of the Congregation were scattered, while Erskine, in the castle, threatened to fire on them, the Brethren on July 24 evacuated Leith and Edinburgh, d'Oysel occupying Leith. An arrangement of the most confused kind had been made. The terms are thus stated :—

1. All Protestants, except the inhabitants, shall leave Edinburgh on the 24th.
2. They shall give up the mint stamps and Holyrood ; offering hostages for fulfilment.
3. They shall obey the laws, except as to faith.
4. They shall not molest the clergy, or their incomes, before January 10, nor seize their rents.
5. Nor attack churches or monasteries.
6. Till January 10 Edinburgh shall have what religion it chooses.
7. The Regent shall not molest the preachers, nor allow the clergy to do so. <sup>61</sup>

Knox says that his party drew up other articles to this effect:—

1. That no member of the Congregation should in any way be molested for the late innovations, before the holding of a Parliament on January 10.
2. That idolatry should not be erected where it was, at the moment, suppressed.
3. That the preachers should have freedom to preach everywhere they chanced to come.
4. That Edinburgh should not be garrisoned.
5. That the French should be sent away, "at a reasonable day," and no more brought in, without assent of the nobles and Parliament.

Knox then writes, "But these our articles were altered, and another form disposeth, as after follows," and then cites the articles of which we have given the substance (p. 58). He goes on, "This alteration in words and order was made without counsel and consent of those whose counsel we had used in all cases before." He appears to mean that he himself, and perhaps other preachers, were not consulted. Before leaving Edinburgh, the Lords published, as the real agreement, a totally different version. It is not the real agreement, it is merely the arrangement originally proposed by the Protestants, but *without* the article that the French shall be all dismissed by a reasonable day. The Catholics remonstrating against this bad faith, the Brethren declared that these were the actual terms agreed upon, "whatsoever their scribes had after written." Yet Knox calmly admits that the fourth article of the treaty, as given above, securing the clergy from outrages, *was* suppressed, as "to proclaim anything in their favours we thought it not necessary, knowing that in that behalf they themselves should be diligent enough." This is remarkable conduct in persons so sensitive on the point of honour. Not only did the godly accept one treaty, and proclaim that they had accepted another, but they accused the Regent's scribes of fraudulently altering the very treaty which they had accepted, and then themselves had altered.<sup>62</sup> Moreover Knox, in a History written almost at the moment, proclaims this complicated iniquity with cynical candour. The charge which Knox and his party made against "the scribes" is untrue, and Knox knew it. For on July 24, Kirkcaldy, writing to Croft from Edinburgh, announced that his faction had accepted the terms of the Seven Articles as we give them.<sup>63</sup> We need no longer criticise charges of perfidy against

Mary of Guise. They are matched by the confessed perfidy of the godly.

The Brethren retired to Stirling, made a new band, and kept on asking for English aid. Knox, in his History, says that this was done because they distrusted the Regent. He does not here say that he and his party had long been practising with Cecil. In Edinburgh the Protestants held St Giles' Church, and were shocked when the Regent heard mass in the abbey. In the first days of August Knox visited Berwick. His instructions as to dealing with Croft included political and military matters. Alliance and aid, in men and money, were desired. Knox returned, with Alexander Whitelaw, an English spy, on August 3. Whitelaw was unlucky. Lord Seton, mistaking him for Knox, broke a chair on him, "without any occasion offered to him." Knox reports the fact, but does not here say that he himself had been in England.<sup>64</sup> As Laing observes, in the part of Knox's History which was written almost at the time of the events, "the application made for aid from England is scarcely alluded to."<sup>65</sup> Naturally, for Knox was denying that they dealt with England. Little was got from Cecil: with what "authority" in Scotland could he treat? He hinted that Arran, or Lord James, might be selected. However, the Congregation were not wholly neglected. Elizabeth sent Sadleyr to Berwick, and permitted him to expend £3000 in the interests of the Brethren. He was to be very secret, so as not to be found infringing the recent treaty of peace (August).<sup>66</sup>

Thus began a revival of the old English aid to the Protestant party. On the very day when Elizabeth thus enabled Sadleyr to foster rebellion in Scotland, she also wrote to Mary of Guise. She said that Francis II. had informed her that her Border officials had been dealing with "the rebels." She asked for exact information, "that we may take order for punishing the guilty."<sup>67</sup> Elizabeth continued to fable: the Congregation and the Regent issued proclamations and counter-proclamations: French troops arrived at Leith: Arran passed from France through England, and met Elizabeth. She did not lose her heart to him. He joined the Congregation at Stirling: thence the Lords passed to Châtelherault, at Hamilton, where it was determined to resist the fortification of Leith by the Regent.<sup>68</sup> Of all things the Lords wanted more money from England. They bade Mary discontinue the fortification of Leith: she declined, and on October 15



Châtelherault, Arran, Argyll, Glencairn, Lord James, and others entered Edinburgh. The Regent was at Leith. There began a war of proclamations. The Brethren, among other grievances, denounced as ruinous the introduction of French soldiers and the fortifying of Leith. Mary replied that she had not brought in Frenchmen till the Congregation dealt with England; that the attitude of the Hamiltons, next heirs to the Crown, caused suspicion; that the godly had seized and fortified Broughty Castle, commanding the Tay, Perth, and Dundee. This enterprise had been suggested by Knox to Croft at Berwick on July 31. Finally, that she had a natural right to provide herself with a city of refuge at Leith. In answer, the nobles, barons, and burghers, on October 21, deposed Mary of Guise, in the name of her daughter and son-in-law, Francis II. and Mary Stuart.<sup>69</sup>

The Regent had now against her the force of the country, the prestige of the Hamiltons, and the genius of Lethington, who had deserted her. Having been in England for much of the year on the matter of the peace, he soon succeeded Knox as secretary to the Congregation. But that body had its internal dissensions. First, scaling-ladders for the attack of Leith were being made in St Giles' Church, "so that preaching was neglected." This did not suit the preachers. "God would not suffer such contempt of His Word long to be unpunished." The Regent had good spies. Châtelherault was timid, and demoralised the other Protestants. The men of war had already mutinied for want of pay, and threatened to serve any man that would set up the mass again. These were not earnest professors, and now they mutinied afresh. "A collection was made," but few subscribed. Ormistoun was sent to bring money from Sadleyr and Croft, but Bothwell waylaid and wounded him, and took 4000 crowns. After the Dundee contingent had been defeated, with loss of its guns, on November 5, the Congregation were severely handled, and lost the Provost of Dundee. In spite of Lethington's advice, the Brethren fled to Stirling, much railed upon by the ungodly of Edinburgh.<sup>70</sup> The Catholics in Edinburgh seem to have been numerous, even at a much later date, but they were unwarlike. Lethington was now sent by the Congregation to Elizabeth (November 10).<sup>71</sup>

Hitherto the Congregation had been, they declared, innocent as doves. The cry had been "The Word!" "Suppression of Idolatry!" But at this juncture the wisdom of the serpent is more manifest. We

might attribute the change, the diplomatic action, to the counsels of Lethington, were it not conspicuous in the document suppressing the Regent (October 21). Here is no unktion, no godliness. The Regent is arraigned for secular offences, and the document ends with a bold falsehood—"the hardy affirmation," as Mr Hume Brown says, "that the step had been taken in the name and authority of their two sovereigns now in France."<sup>72</sup> A secular spirit dominates, probably before Lethington came in, the appeal of the Lords to the princes of Christendom.<sup>73</sup> That statement is a history, and aims at proving a long French conspiracy (which doubtless existed) to make Scotland a French province. Even the tolerance of the Regent is made a charge against her. Tolerance had been granted to Protestant rites, if conducted privately in certain places. The purpose, it is urged, was to induce the nobles to incur the cruel penalties of ecclesiastical law! The document is a patriotic appeal against French machinations. The old tirades against idolatry are absent. The precise date of this appeal, conciliatory to Scottish Catholics, is unknown. It is more like the work of Lethington than of Knox. Elizabeth at this time was herself no better than an idolater. She was restoring the crucifix to her altar, vestments to her chaplains (October 9-27).<sup>74</sup> Elizabeth must be propitiated, hence the caution of the Brethren. Knox himself suggested to Croft the very trick which he denounces when practised by Pedro Strozzi for France in 1548. The French expedition of that year sailed under the Red Lyon of Scotland; "as rebels unto France, such policy is no falssett in princes."<sup>75</sup> Knox now asked for an English contingent; "ye may declare them rebels to your realm."<sup>76</sup> Croft was not sorry to point out the dishonour and futility of the stratagem.<sup>77</sup> In truth, the assumption of the English arms by Mary and Francis might have been taken by Elizabeth as a breach of the peace. But this line she did not openly pursue. She did aid the Reformers, being won over by Lethington.

On November 12 Cecil sent instructions to Croft and Sadleyr. It is clear, he says, that France means to make Scotland a base against England. To avoid open breach of treaty a few English gunners and engineers, in disguise, may be lent to the Brethren, feigning to be mere soldiers of fortune. Guns may be secretly sent. The Lords should address Elizabeth, inveighing against French atrocities done under sanction of the Regent. They must say that they took up arms to defend the rightful heirs of the Crown—the Hamiltons—

while they remain loyal to Queen Mary. They must say that the French aim is to conquer England and Ireland. They must urge that their assemblage was solely designed to defend their country from conquest. Most of this was untrue. Religion was the primary cause of the Rising. Knox, however, bowed down in the house of this political Rimmon.<sup>78</sup> By December 21 Sadleyr could let Arran and Lord James know that the English fleet was coming to their aid.<sup>79</sup> In the interval the Lords had been sacking Paisley Abbey and denouncing idolaters, under the pretended authority of Francis and Mary. Their proclamations were forgeries.<sup>80</sup> Meanwhile the French had occupied Stirling, and were invading Fife, where both Arran and Lord James rebuffed them with skill and courage. Huntly was pretending that he would aid the Lords with the forces of the North: Lennox, to vex Châtelherault, was urging his own claims to the heirship of the Crown. The French schemes were defeated by the arrival of Winter, with an English fleet, in the Firth. At first the French took the vessels to be d'Elbœuf's reinforcements; on discovering the truth they retreated, in distress, to Leith.<sup>81</sup> The condition of the Queen-Regent was now all but desperate. A French force under d'Elbœuf, for the assistance of the Regent, had been destroyed, as so often was to occur, by "a Protestant wind." The Regent's remonstrances to Elizabeth were answered by cynical prevarications. Winter lied boldly when she censured his action. The Regent herself, within the walls of the castle, was slowly dying. Meanwhile the French provisioned Leith, wasting the country as far as Glasgow, and behaving, says Knox, with horrid cruelty. One poor woman, however, tipped a French soldier into her tub of salted beef, where he died ingloriously.

On February 27, 1560, at Berwick, the Duke of Norfolk and deputies from the Congregation entered into a league against Mary of Guise. Elizabeth "accepted the realm of Scotland" while the marriage of Mary and Francis should last, and for a year later; Châtelherault being recognised as next heir to the Crown, and the old freedom and liberty being safeguarded. As Protector, Elizabeth was to send forces to aid the Congregation. Hostages were to be given. But no due obedience was to be withdrawn from Mary and Francis!<sup>82</sup> (In May, later, this document was signed by the nobles, including Huntly, Morton, and the Hamiltons.)<sup>83</sup> To the castle and the protection of Lord Erskine the Regent now retired.

In March diplomacy was busy, while an English army was prepar-

ing to enter Scotland. Elizabeth's position was insecure. Philip of Spain might strike in, as he threatened; and her love of Dudley, with its many scandals and offences, weakened her at home. Châtelherault was said to have written a letter submitting to Francis and Mary: the letter was discovered, and he had to deny what was produced as his own handwriting.<sup>84</sup> But, on the other hand, France was in no posture to succour the Regent. The Huguenot conspiracy of Amboise, fostered by Elizabeth, aimed at killing the Guises and bringing up Francis II. under Protestant rulers; so the Cardinal of Lorraine informed Mary of Guise on March 12.<sup>85</sup> The French Government "knew not where to turn." The Bishop of Valence was sent to London to treat: the French would be content with but a handful of men in Scottish sea-forts. This was wisely refused. On April 4 the reforming Scots and English, now allies, met at Prestonpans. The temporary and fugitive character of Scottish feudal levies on their three weeks' service, and want of money, hampered the English operations. They had the better of a preliminary skirmish against the garrison of Leith; but days of negotiation followed, then came a successful sortie. On April 17 the English silenced, or destroyed, the French guns on the steeple of St Anthony's Hospital. The Scottish Lords assured the Regent that they were the most loyal of subjects, asking no more than the withdrawal of the French. Lord Ogilvy came in from the North, Lochinvar and Garlies from Galloway; but Morton, the son of the foxlike traitor, Sir George Douglas, still wavered, and Huntly promised, but waited on events, exactly as Lovat was to do in far later times. Soon after the Bishop of Valence arrived, and diplomacy hampered the operations. The Regent, as Norfolk wrote, could not easily make terms with subjects who had contracted themselves with, and given hostages to, a foreign prince. She had hopes from Philip of Spain, which came to nothing—a fact foreseen by Lethington. "The mark I always shoot at," wrote Lethington, "is the union of England and Scotland in perpetual friendship,"—a noble aim, but not possible while Mary Stuart was Queen of Scotland. The Lords, with their perpetual protest of loyalty, and in face of Elizabeth's ideas of right divine, could not take the one step which might have prevented the coming tragedies. They could not simply break the succession and place Châtelherault on the throne. Internal jealousies also barred the way, as far as either the House of Hamilton or Lord James (who had been legitimated) was

concerned. Francis II. was assuring the Regent that she would be reinforced by a day she never saw, in the middle of July. The dallying negotiations kept Morton and Huntly hanging off; English batteries were damaging the Leith earthworks, but the French had much the better of it in a sortie. On April 27, the Regent having refused the Lords' terms, they again put their names to a band binding themselves to final perseverance. The French must be expelled, and the offices of State must be held by "born men of the land." Huntly and Morton now at last entered on the enterprise. Huntly had stated his position thus: The nobles of the North, with the Highlanders and Islesmen, were in a pact with the French to defend "the auld manner of religion," and he dreaded an attack from them. He wished also to be confirmed in his local authority, almost that of a viceroy. The Lords reassured him, and the Catholic Cock of the North joined the Congregation!

A letter from the Regent discountenances a boasted prophecy of Knox. On April 29 she writes that "one of her legs begins to swell." "You know there are but three days for the dropsy in this country."<sup>86</sup> A fire had broken out in Leith, but on May 1 the gay defenders crowned the walls with May-poles and May garlands. On May 7 the besiegers gave the assault. They found no practical breach, and the scaling-ladders (having been impiously made to the disturbance of preaching) were six feet too short. The gallant Scottish leaguer-lassies in Leith, true to the Auld Alliance, loaded the muskets for the French, and poured all that was hot and heavy on the heads of the assailants. According to Sir George Howard (May 7), the assailants lost 1000 men, and the survivors were utterly disheartened. Moreover, "the union of hearts" of Scots and English was a failure. "We are so well esteemed here that all our poor hurt men are fain to lie in the streets, and can get no house-room for money." This fact, with the jeers of the inhabitants when the Brethren fled in November, proves that the English alliance, and perhaps Protestantism, were unpopular. The sackings and sermons must have been due to an energetic minority; the majority being "respectables," unarmed, timid, and unorganised. Norfolk now sent to England for money and reinforcements. The English were deserting: even money brought in very few Scots. Famine was the hope of the besiegers. Knox says that the Regent beheld the battle of May 7 from the castle, and laughed, and went to mass when she

saw the Lilies float victorious on the walls of Leith. The French having stripped the dead, and left the white bodies below the wall, the Regent said, "Yonder are the fairest tapestry that ever I saw," and wished that the whole interjacent fields were in like wise carpeted. In those days there were green fields between Edinburgh Castle and Leith, and no smoke. Conceivably the Regent, if long-sighted, may have seen a line of corpses. Knox replied from the pulpit, and prophesied "that God should revenge that contumely done to his image, . . . even in such as rejoiced themselves." "And the very experience declared that he was not deceived, for within few days thereafter (yea, some say that same day) began her belly and loathsome legs to swell."<sup>87</sup> But, as the Regent's letter of April 29, already quoted, shows, her dropsy began before that day, and she expected death. If Knox knew this (and the Regent's letter as to her dropsy had been intercepted by his party), he prophesied on a certainty and after the event: in any case, the premonitions on which he plumes himself were erroneous. His inspirations made part of his influence, or he tried to use them in that way, so the facts are worth noting.

On May 10 the Regent proposed a conference "to save Christian blood." Lord James, Ruthven, Lethington, and the Master of Maxwell were sent to her. She had asked for Huntly and Glencairn. Mary said that she was desirous to "remove the French." The envoys, however, found, as Lethington reports, that she could not "digest" their compact with England. She asked leave to see d'Oysel and another Frenchman (indeed how could she treat without them?), but this was refused. Probably she wept. "Her blubbering is not for nothing," Norfolk said. "Few days in the week does she otherwise," wrote Grey. The Regent died after midnight on June 10. She had seen Châtelherault, the Earl Marischal, and Lord James, with whom she spoke for an hour. These critics "found her mind well disposed to God, and willing to hear anything that is well spoken." With a supreme courtesy she listened to Willock the preacher.<sup>88</sup> Knox must have heard what passed from Willock, perhaps also from Lord James. He declares that Mary repented of her policy, and blamed Huntly and her "friends"—the Guises, as in Scots "friend" means "relation." The Lords wished her to send for "some godly learned man, for these ignorant Papists that were about her understood nothing of the mystery of our Redemption." She admitted to Willock

"that there was no salvation but in and by the death of Jesus Christ," as surely any orthodox Catholic might do. Some said that she was "anointed of the Papistical manner." It is probable that she was. The apostle least loved of Knox, St James, was her warrant.<sup>89</sup> The same author writes, "The wisdom that is from above is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy." Little, indeed, of this wisdom prevailed in either party at this period. In the Regent at her death we see this spirit, and almost in her alone. "She embraced, and with a smiling countenance kissed the nobles, one by one, and to those of inferior rank who stood by she gave her hand to kiss, as a token of her kindness and dying charity."<sup>90</sup>

Knox shows his charity, after his narrative of her death, by a sneer at the legitimacy of her child, Queen Mary. *She* has no spark of any virtue of King James V., "whose daughter she is called."<sup>91</sup> Perhaps Knox owed his life to the Regent. Throckmorton reports, on the evidence of the official of the Archbishop of St Andrews, that Mary of Guise was advised, by the Bishop of Amiens and others, to call a full Parliament and turn it into a Bartholomew massacre. D'Oysel would not permit the massacre, and the Regent's good-nature could not agree with such extremity and cruelty.<sup>92</sup> Before the Regent's death Cecil and other commissioners had been negotiating with French envoys for peace at Newcastle. On June 16 they moved to Edinburgh, and long negotiations ensued. A week's armistice permitted French and English to lunch on Leith roads: the French brought a capon, roasted rats, and horse-pie; the English contributed better provender. Randolph was struck by certain of the godly, who publicly confessed their sins after sermon, a practice more entertaining than edifying. He hoped to see the Archbishop's mistress do penance, but probably he was disappointed (June 22).<sup>93</sup>

The treaties, which were at length concluded on July 6, were a fertile source of mischief. Francis and Mary had given their representatives the fullest powers conceivable, "even though something should fall out which might appear to require a more copious instruction."<sup>94</sup> Yet, on a point concerning the usurpation of the English arms and title by Mary and Francis, the French emissaries denied that they had authority to treat or conclude "concerning these particulars."<sup>95</sup> The treaty with England confirmed that of

Cateau Cambresis (which Elizabeth had broken). It then provided for—

- (i.) The removal of French and English forces, except 120 French in Dunbar and Inchkeith.
- (ii.) All warlike preparations were to cease.
- (iii.) Eyemouth was to be dismantled, a Berwickshire sea citadel.
- (iv.) Mary and Francis were to disuse the English title and arms.
- (v.) On certain points connected with this, Philip of Spain was to arbitrate, if necessary.
- (vi.) By a vague and shuffling clause Elizabeth was recognised as having not wrongfully contracted her engagement with the Lords. That Elizabeth had any kind of right to Scottish allegiance (as under the treaty of Berwick, February 27), the French envoys had determined to deny.<sup>96</sup> The French had “special instructions which they could not disobey, . . . not to dishonour their master with noting that he was forced by the Queen of England to observe anything towards his own subjects.”<sup>97</sup>

Now, if the shuffling clause (see Keith, i. 294) admitted the right of the Lords to contract with Elizabeth, Mary and Francis had also a right to refuse to ratify a clause concluded against their precise orders. And if the clause meant mere compliment, as, on the face of it, it does, for the purposes of the Lords and Elizabeth it was valueless. The clause asserted that Mary and Francis desired to have their benignity to their subjects attributed to the good offices of Elizabeth, and *therefore* Mary and Francis shall fulfil all the concessions now granted to their subjects. If this means anything, it means that Elizabeth exercised interference between the Scots and their king and queen. Mary and Francis could not ratify that. Meanwhile, what were the terms arranged on July 6 between Mary Stuart and her rebels?—

- (i.) No foreign soldiers were henceforth to be introduced without the consent of the Estates, and only 120 French were to remain in Inchkeith and Dunbar.
- (ii.) The works at Leith were to be demolished.
- (iii.) Mary and Francis were to pay the arrears of the French troops.
- (iv.) A Parliament might be called on July 10, and adjourned till August 1, *if Francis and Mary consent*; business not



to be done till August 1. The Parliament is to be as valid as if called by command of Mary and Francis.

- (v.) War and peace shall not be made without consent of the Estates.
- (vi.) The Estates shall select twenty-four persons, out of whom Mary shall choose seven, the Estates five, to be a Council of twelve.
- (vii.) No strangers nor clergy shall occupy high offices.
- (viii.) Proclaims a general amnesty, except to persons whom the Estates deem unworthy.
- (ix.) Parliament shall be summoned according to custom, and those shall appear who have been wont to appear.
- (x.) Old scores between the Congregation and persons not of the Congregation shall be forgotten.
- (xi.) This also applies to the French.
- (xii.) All armed gatherings not by order of Council shall be held rebellious.
- (xiii.) Complaints of aggrieved clerics shall be considered by the Estates, and reasonable reparation made. The property and persons of the clergy shall not be disturbed, and disturbers shall be pursued by the nobility.
- (xiv.) The nobles are to bind themselves to keep these terms.
- (xv.) Deprived Scots, as Châtelherault, are to be restored to their French properties, and the third son of Châtelherault released from prison at Vincennes.
- (xvi.) Relates to the artillery in the country : what is to be restored to France, what left.
- (xvii.) As to matters of religion, the nobles shall send representatives to Francis and Mary ; these men shall carry the ratification of the treaty by the Estates, and receive the ratification by the king and queen.<sup>98</sup>

Peace was now proclaimed, but it was no peace.

## NOTES TO CHAPTER III.

- <sup>1</sup> Knox, i. 276-290.
- <sup>2</sup> Knox dates this on April 28, *after* the Remonstrance of the Lords of the Congregation to the Regent. But the Remonstrances were apparently made in July and in November 1558 (Knox, i. 302-309; Keith, i. 181, note 1).
- <sup>3</sup> Act. Parl., ii. 505. <sup>4</sup> Pitscottie, xxii. 23.
- <sup>5</sup> Buchanan, fol. 189; Lesley, 496. <sup>6</sup> Knox, i. 257-261.
- <sup>7</sup> Buchanan, fol. 190; Keith, i. 179, 180. <sup>8</sup> Knox, i. 307.
- <sup>9</sup> Act. Parl., ii. 502, 504. <sup>10</sup> Knox, i. 309-314.
- <sup>11</sup> Kennedy in Miscellany of Wodrow Society, i. 97-174.
- <sup>12</sup> Miscellany, Wodrow Society, i. 261-277. <sup>13</sup> Knox, i. 315.
- <sup>14</sup> Knox, i. 315, 316. Buchanan here reads like a translation of Knox.
- <sup>15</sup> Robertson, Statut. Eccles. Scot., i. clv, clxiii.
- <sup>16</sup> Wodrow Miscellany, i. 55, 56. <sup>17</sup> Knox, i. 317-319.
- <sup>18</sup> Hill Burton, iv. 65. <sup>19</sup> Tytler, vi. 98 (vi. 114, 115. 1837).
- <sup>20</sup> M'Crie, Life of Knox, i. 257. 1831.
- <sup>21</sup> Froude, vi. 227 (1898), note 1, citing Croft's letter of May 19.
- <sup>22</sup> Knox, i. 318, 319. <sup>23</sup> Knox, vi. 21-27.
- <sup>24</sup> The proceedings are published by Dr M'Crie from the Treasurer's Accounts.
- <sup>25</sup> Wodrow Miscellany, i. 57. <sup>26</sup> Hume Brown, Knox, ii. 4, note 1.
- <sup>27</sup> Calendar, i. 212, 213. Croft's actual words are less explicit than the version in the Calendar.
- <sup>28</sup> Buchanan, fol. 190. <sup>29</sup> Knox, i. 322, 323. <sup>30</sup> Knox, vi. 23.
- <sup>31</sup> Knox, i. 324; Keith, i. 193; Froude, vi. 229.
- <sup>32</sup> Knox, i. 326, 327. <sup>33</sup> Knox, i. 329-336.
- <sup>34</sup> Lesley, p. 497. <sup>35</sup> Knox, i. 339, 345.
- <sup>36</sup> Wodrow Miscellany, i. 58. The band pledging the godly to these acts, and signed by Lord James and Argyll, is in Knox, i. 344, 345.
- <sup>37</sup> Archives des Affaires Étrangères. Angleterre, xv. foll. 24, 25, 26, 27, MS.
- <sup>38</sup> Knox, i. 345; Wodrow Miscellany, i. 59. <sup>39</sup> Knox, i. 346, note 1.
- <sup>40</sup> See Hume Brown, Knox, i. 345, note 2. <sup>41</sup> Sadleyr, i. 84.
- <sup>42</sup> Knox, i. 383. <sup>43</sup> Knox, i. 343.
- <sup>44</sup> Knox is the authority for this measure, in his letter to Mrs Locke (Knox, vi. 23). Dr Hay Fleming observes that death was also denounced, by Scots law, against poachers who shot "at" wild fowls, and, by Mary of Guise, against eaters of flesh in Lent (Mary Stuart, p. 219).
- <sup>45</sup> Knox, i. 347.
- <sup>46</sup> Knox, i. 347, 349: the dates are rather confused. <sup>47</sup> Knox, i. 353, 354.
- <sup>48</sup> Knox, i. 365; For. Cal. Eliz., i. 337. <sup>49</sup> Knox, ii. 22.
- <sup>50</sup> Teulet, Documents Relatifs à l'Histoire d'Écosse, i. 312, June 21. Paris, 1862.
- <sup>51</sup> For. Cal. Eliz., i. 316. <sup>52</sup> For. Cal. Eliz., i. 340, 341.
- <sup>53</sup> For. Cal. Eliz., i. 349, 350. <sup>54</sup> Knox, i. 366. <sup>55</sup> Knox, i. 369.
- <sup>56</sup> For. Cal. Eliz., i. 208. <sup>57</sup> For. Cal. Eliz., i. 313.
- <sup>58</sup> For. Cal. Eliz., i. 357. <sup>59</sup> For. Cal. Eliz., i. 365.
- <sup>60</sup> For. Cal. Eliz., i. 389. <sup>61</sup> For. Cal. Eliz., i. 406, 407.
- <sup>62</sup> Knox, i. 376-381. <sup>63</sup> Calendar, Bain, i. 231-234.
- <sup>64</sup> Knox, i. 392, 393. Cf. ii. 32. <sup>65</sup> Knox, ii. 33, note 1.
- <sup>66</sup> For. Cal. Eliz., i. 459, 460. <sup>67</sup> Teulet, i. 340, 341.

- <sup>68</sup> Knox to Croft, St Andrews, Sept. 21. Works, vi. 79-81.  
<sup>69</sup> Knox, i. 444-449. <sup>70</sup> Knox, i. 465. <sup>71</sup> Calendar, i. 263.  
<sup>72</sup> Hume Brown, Knox, ii. 52. <sup>73</sup> Teulet, ii. 1 *et seq.*  
<sup>74</sup> De Quadra to the Bishop of Arras. Froude, vi. 268, note.  
<sup>75</sup> Knox, i. 216. <sup>76</sup> Calendar, i. 256, October 25.  
<sup>77</sup> Sadleyr, i. 524. <sup>78</sup> Sadleyr, i. 570-573.  
<sup>79</sup> Sadleyr, i. 649. <sup>80</sup> Keith, i. 246-248.  
<sup>81</sup> For. Cal., ii. 329-334. For the general affairs of the war, Knox to Railton, January 29, 1560, p. 344.  
<sup>82</sup> Keith, i. 258-260. <sup>83</sup> Knox, ii. 53.  
<sup>84</sup> March 21. Calendar, i. 335. <sup>85</sup> Calendar, i. 331.  
<sup>86</sup> Calendar, i. 389. <sup>87</sup> Knox, ii. 68.  
<sup>88</sup> Randolph, June 8. Calendar, i. 422. <sup>89</sup> James v. 14. <sup>90</sup> Keith, i. 279.  
<sup>91</sup> Knox, ii. 72. The account of the siege of Leith, and of the Regent's death, is mainly from Mr Bain's Calendar, vol. i., and from Knox. Mr Froude gives a full and lucid account of the diplomatic embroilments with France and Spain at this moment, but these are parts of English rather than of Scottish history. There is a MS. diary of the siege in the French Foreign Office archives, which I have consulted; and there are letters on the Regent's death from Captain Cullen (*Affaires Étrangères*. Angleterre, xv. foll. 113-119).  
<sup>92</sup> For. Cal. Eliz., iii. 344. October 10, 1560. <sup>93</sup> Calendar, i. 430.  
<sup>94</sup> Keith, i. 308. <sup>95</sup> Keith, i. 293.  
<sup>96</sup> Froude, vi. 377. De Quadra to Philip, June 7.  
<sup>97</sup> Froude, vi. 394. Cecil to Elizabeth, July 2. <sup>98</sup> Keith, i. 298-306.

## NOTE.

The archives of the French Foreign Office contain a hitherto unpublished report from d'Oysel to Francis and Mary. They had asked in November 1559 for full information, and d'Oysel had consulted "black Mr John Spens," later accused of a share in Darnley's murder. Spens then examined a cloud of witnesses as to the rebellion of Châtelherault and Arran, and their deposition of the Regent. We learn that they compelled James Cortry, or Cokky, to engrave a counterfeit seal of Mary and Francis, which they used on their various proclamations and public letters. The same artist was employed to make new dies for fresh coinage. Of the letters an example is given (January 24, 1560), an appeal to Errol to join the Congregation. The writers announce that they have sought English aid: solely in the interest of Liberty and pure Religion. The first name among those who sign is "James" (a royal signature), indicating Lord James Stewart, Mary's natural brother.

There follows the record of a curious kind of trial of the rebels, held at Holyrood (?) in February 1560. The first witness is James Beaton, Archbishop of Glasgow. Another witness is Lord Robert Stewart, Mary's natural brother. A third is James, Earl of Bothwell, "aged twenty-four years, or thereabout," so that Bothwell was a man of thirty or thirty-one when he married the queen. The seal-maker appeared, and told how he was compelled to make a counterfeit seal, which Arran at once used to seal two letters in his presence.

For the rest, the record rather corroborates than adds to our information. (*Affaires Étrangères*. Angleterre, xv. 131-153, MS.)

## CHAPTER IV.

## THE REFORMATION CONSUMMATED.

1560-1561.

THE Peace of Edinburgh brought no peace but a sword. The reason is that the treaty was never ratified by Francis and Mary. In their refusal, implying the persistence of Mary's claim to the English throne, began the deadly feud with Elizabeth which only closed when the axe fell at Fotheringay. It has been said, perhaps with truth, that the ratification was denied on account of the clause requiring the utter renunciation of the style and arms of England. "Yet it was necessary that this reason should not be uttered by Mary, and that procrastinations, devices, and casual excuses should be found for withholding the ratification which had been emphatically promised to whatever terms the representatives of France would conclude."<sup>1</sup> We have already seen that their powers were absolute, but that the French envoys had instructions *not* to submit to any claim, on Elizabeth's part, to interfere with Mary's rebels. But such claim had been passed, or been insinuated into clause vi. (p. 68) of the treaty with England.<sup>2</sup> How far this contravention of private instructions invalidated the public commission to the envoys, diplomatists must decide. But, that question apart, the ratification of the concessions to the Lords depended on their fulfilment of certain clauses in the arrangement with them. These conditions they broke—"impudently violated," says M. Philippson, the biographer of Mary, who does not think that this affected the *English* treaty.<sup>3</sup> Francis and Mary had thus a right not to ratify the Scottish agreement, with which, however, the English treaty, by clause vi. (*supra*), seemed to them to be linked. Mr Hume Brown remarks that, while "there has been much discussion as to the legality of the meeting of

the Scottish Estates,"—which followed the treaty,—“the question is set at rest by certain letters of Francis II. himself. From these letters it distinctly appears that Francis regarded the treaty of Edinburgh as perfectly valid.”<sup>4</sup> He did,—until the conditions of the treaty were broken by the Estates, before it was submitted to him for ratification. His letter to the Bishop of Limoges, his ambassador in Spain, is of July 28. Despite the injustice of the terms, he says, he puts up with them, *je me suis accomodé*. But when even the hard conditions were infringed, the whole case was altered. Mr Tytler says, “We cannot blame either Mary or the Guises for their steady refusal to ratify the treaty.”<sup>5</sup> In what manner the Estates broke the conditions will appear in the course of the narrative.

The first important step of the Lords was taken on July 19. A public thanksgiving was held, Knox officiating, at St Giles'. Thereafter the Commissioners of the Burghs, with certain nobles and barons, appointed districts to preachers. All such religious matters, it may be argued, had been explicitly omitted by the negotiators of the arrangement (clause xvii.) It was there provided that the “Convention of Estates” shall send “some persons of quality” to Francis and Mary, “and remonstrate to them the state of their affairs,” especially as to religion. Religion, said the treaty, is of such importance that these and other questions are judged proper “to be remitted to the king and queen.” But no “persons of quality” were ever sent, either to “remonstrate” or to carry the ratification. One man only was sent, much later, Sandilands, second son of Sandilands of Calder, and he of quality deemed not “sufficient.”<sup>6</sup>

In the distribution of districts, Knox took St Giles' in Edinburgh; Methven, “to whom was no iniquity then known,” got Jedburgh. Aberdeen, Perth, Leith, Dundee, and Dunfermline were also provided for. As “Superintendents,” Lothian received John Spottiswoode, of an old house, later Cavalier; Willock took Glasgow; Erskine of Dun (a layman) Angus and the Mearns; Carswall saw to Argyll and the Isles; and Fife was committed to the versatile Wynram, sub-prior of St Andrews, who had sat at the trial of George Wishart. Many of the clergy of St Andrews were, like him, brands plucked from the burning. The Reformation was, in great part, the work of the “advanced” clergy, but Wynram came in late.

The Parliament, opened on July 10, met and began business on August 1. The treaty was infringed at once, in a point of great

constitutional interest. It had been provided (clause ix.) that "it shall be lawful for all those to be present at that meeting *who are in use to be present: tous ceux qui ont accoustumés de s'y trouver.*"<sup>7</sup> But crowds of persons *not* "accustomed to be there" appeared and claimed seats. This was "an unusual element," says Mr Hume Brown, and, as being unusual, it was forbidden by the treaty. The treaty did not say, "All may appear who by an ancient and disused custom or Act have a right to appear." The right was strictly limited by customary usage. "In a space of seventy-three years scarcely had *one* of the inferior gentry appeared in Parliament. And therefore I know not but it may be deemed somewhat unusual for a hundred of them to jump all at once into Parliament," says Bishop Keith, perhaps especially as the treaty had prohibited the "jump."<sup>8</sup> "It had to be pointed out to the House that their claim went so far back as the reign of James I." (in 1427). The Act of James I.<sup>9</sup> said that the "small barons need not come to Parliament," and that consequently representatives were to be chosen on the English system. This never held, and the claim of small barons rested on an ancient and an unrepealed but disused Act, or on obsolete custom. It was an infringement of centuries of usage, unless the barons were duly elected on James's plan. Their plea was referred to the Lords of the Articles, and they seem to have sat and voted.<sup>10</sup> Six were added to the Lords of the Articles; if the practice worked well it was to be ratified as a perpetual law.<sup>11</sup>

Another point arose. Between July 10 and August 1 the treaty provided that "the Lords Deputies" shall send envoys to Francis and Mary, reporting the permission to hold a Parliament (or Convention), "and supplicate them most humbly that they would be pleased to agree."<sup>12</sup> Was any such deputation ever sent? Had Francis and Mary been "pleased to agree"? Certainly not before August 10, as we learn from Randolph, writing to Cecil on that date. "Their first sitting will be on Thursday," the 15th. "They intend shortly to send Dingwall, the Herald, to France with the names they choose" (for the Council), "*and for the king's and queen's consent to this Parliament.*"<sup>13</sup> Between the 10th and the 17th August, when the Confession of Faith was passed *en bloc*, Dingwall could not go to France and return with the royal consent. Mr Hume Brown writes: "The treaty had been signed on July 6, and since that date there had been time for a royal commissioner to arrive in Scotland." Yes, but nobody had been sent by the Lords, as under treaty, to ask for a royal commissioner. "But by

the very fixing of the meeting of Estates at so early a date it had been implied that no commissioner was needed to constitute the meeting a legal assembly."<sup>14</sup> Three weeks had been granted by the treaty for the very purpose of enabling the Estates to legalise their meeting. They did not adopt the necessary means.

The Arrangement of Edinburgh was torn to rags by the Estates. The Convention which established the new Creed was absolutely illegal. This, however, is a matter of mere academic interest. The Convention was revolutionary, and revolutions are laws to themselves. The assemblage of the "small barons" to consult on the public affairs would have marked, if continued in practice, a beneficent advance in the national and political education of Scotland. In older Parliaments from ten to twenty greater barons would gather. In 1560 we count one hundred and six small barons, all of noble names, including Sandilands of Calder, whose quality was insufficient. It is curious to observe how many of the names are still attached to the old lands.<sup>15</sup> There are only five Celtic names, and these from the low countries, with one Campbell of Glenurquhard. There is not a single "Mac." In the Regent Moray's Parliament of 1567 the crowd of small barons is conspicuously absent: so far from the "custom" insisted on by the treaty was this revolutionary assembly. Meanwhile "the bishops dare not come out of the castle for hatred of the common people," wrote Cecil on June 21.<sup>16</sup> Apparently it was the crowd of new-comers, with the burgesses, who now put in a petition to the Estates. They asked for condemnation of the "pestiferous errors" of the Church. The clergy "live in whoredom and adultery, deflowering virgins and corrupting matrons." Remedy is invited. As the Pope "takes upon him the distribution and possession of the whole patrimony of the Church" (which, really, had in Scotland long been seized by the nobles for their cadets), the Word is neglected, learning despised, schools not provided for, and the poor "not only defrauded of their portion, but scandalously oppressed." This must be remedied. The Pope, in fact, was not evicting poor cottars, and the remedy, in some ways, proved no better than the disease. The petitioners offer to prove that "there is not one lawful minister in all the rabble of the clergy." They are all "thieves, murderers, rebels, and traitors." Let them answer to the charge, or be rendered incapable of a voice in Parliament.<sup>17</sup>

After a harangue by the Speaker, Lethington, and preliminaries, the petition was read, and certain ministers were asked to draw up

a Confession of the Faith of Scotland for the future. This was done in four days. The Lords of the Articles had been chosen, the Spiritual by the Temporal, the burgesses by themselves. "The two old bishops are none of the [Lords of the] Articles."<sup>18</sup> In fact, the "Spiritual" Lords now included laymen, like Lord James and others, holders of Church lands and titles. The Confession seems to have been ready about August 15, and the Archbishop of St Andrews was permitted to have a copy. The document had been first submitted to Lethington and Wynram, men of this world. Randolph says that they "mitigated the austerity of many words and sentences, which sounded to proceed rather of some evil-conceived opinion than of any sound judgment. The *author*" (observe the singular) "of this work had also put in this treaty a title or chapter of the obedience that subjects owe unto their magistrates." Lethington and Wynram "gave their advice to leave it out."<sup>19</sup> Knox prints this chapter (xxiv.) While acknowledging the civil rulers as of divine institution, it is announced to be their duty to put down the old Church, "suppressing of idolatry and superstition." To resist the Supreme Power ("when doing that which appertains to his charge") is to resist God's ordinance. It follows, apparently, that to resist a ruler who does *not* put down idolatry, is legitimate enough. The consequence, for Mary Stuart, is obvious.<sup>20</sup>

Randolph's remark on this important point is perplexing. By Knox's account, Wynram was one of the makers of the Confession; why, then, should he help Lethington to amend it?<sup>21</sup> Again, the chapter on the Magistrate still stands in Knox's published Confession. Dr Mitchell suggested that the draft of the chapter may have contained something as to the *limits* of obedience; as, practically, it still does. In a Genevan formula we are not to obey the ruler if he commands what God forbids—that is, of course, whatever we please to say that God forbids. "God is to be obeyed rather than men." In practice this meant that the preachers were to be obeyed rather than the magistrate. Now, though Dr Mitchell does not remark it, this theory of his tallies with Randolph's words as to the peccant chapter: it "contained little less matter in few words than hath been otherwise written more at large."<sup>22</sup> Randolph may here refer to one of the Genevan books. Knox, of course, acted later, in opposition to Mary, on the Genevan maxim. The articles on Baptism and the Sacrament, as Mr Tytler



remarks, closely follow the Articles of Edward VI. The general complexion, as Dr Mitchell shows, is of the purest Geneva. Into the theology we cannot enter deeply. "We utterly abhor the blasphemy of those that affirm that men who live according to equity and justice shall be saved, what religion so ever they have professed," is one sweeping statement. The old Church is "that horrible harlot, the Kirk Malignant."

As to the interpretation of Scripture, the article is a reasoning in a circle. "We dare not receive and admit any interpretation which directly repugneth to any principal point of our faith," for *our* faith is based on our own interpretation of the Scripture. Interpretation "appertaineth to the Spirit of God," who, we presume, has officially guided Knox and Calvin and other framers of *our* faith,—a fact which, of course, needed to be proved. On this point hinged the later troubles of James VI. with the preachers, who claimed to interpret by direct inspiration. As to ceremonies; such as men have devised "are but temporal, so may and ought they to be changed, when they rather foster superstition than that they edify the Kirk using the same." On the article as to the Holy Sacrament it were unbecoming to enter, but it certainly bears the impress of a lofty mysticism. The sacrament is no mere commemoration. "The bread which we break is the communion of Christ's body, and the cup which we bless is the communion of his blood." The Confession, according to the learned Dr Mitchell of St Andrews, an admirable and amiable example of the Kirk of the last generation, displays "a liberal and manly, yet reverent and cautious spirit." The liberalism, to a liberal age, seems dubious; and, if the Scots are really a logical people, they may think the logic of chapter xviii. rather womanly than "manly." The authors, indeed, protested that if any man noted anything "contrary to the Scriptures," they were ready to offer him "satisfaction fra the mouth of God, that is, from His Holy Scriptures," or else emendation. But the Parliament swallowed the whole Confession—only some five laymen and three bishops dissenting. With an irony too fine for the occasion, which Lethington reported, and no doubt appreciated, the prelates of St Andrews, Dunkeld, and Dunblane, with *two* peers, said that they "were not ready to speak their judgment, for that they were not sufficiently acquainted with the book."<sup>23</sup> Indeed, if Hamilton, still an "idolater," had read the book to the end, he

would have learned that such as he were to be "tormented for ever, as well in their bodies as in their souls." But perhaps he had not reached this appalling passage. According to Knox, who varies from Randolph, among laymen only Atholl, Somerville, and Borthwick dissented from the expeditious compendium of the counsels of Eternity. They "produced no better reason but 'we will believe as our fathers believed': not a bad reason for laymen. "The bishops, papistical we mean, spoke nothing." Does this imply that there were other than papistical bishops, or are converted bishops the subject?

The attitude of the prelates and priors was imbecile. If the Convention was legal, they should have attended in force and voted. If it was illegal, they should have protested and withdrawn. It is said that Châtelherault menaced his brother, the Archbishop, with death if he spoke out. The tale is improbable. Nobody could be afraid of Châtelherault, and Randolph represents the brothers as on the most convivial of terms.

On August 24 three Acts were passed. One abolished the Pope's authority, and all jurisdiction by Catholic prelates; another repealed the old statutes in favour of the old Church; the third denounced against celebrants or attendants of the mass, for the first offence, confiscation and corporal punishment; for the second, exile; for the third—death. All magistrates, in town or country, were to be inquisitors of this wicked heresy.<sup>24</sup> The tables were turned. Persecution was nominally direr than it had commonly been in the days of the Regent. But in practice things moved otherwise. The Catholic rites were but rarely practised, and then secretly, as a rule. The preachers, Lesley says, urged the enforcement of the penal statutes later; but "the humanity of the nobles must not be passed over in silence, for at this time few Catholics were banished, fewer were imprisoned, none was executed."<sup>25</sup> Secular sense and mercy resisted the furious theocrats. From at least one contemporary monarch Knox and his faction might have learned Christian justice and mercy. That monarch was the Sultan. In a paper of foreign intelligence of November 1561 we read "the Grand Turk commanded" a Christian prisoner "to be let alone, not wishing to bring any from his religion by force."<sup>26</sup>

Apparently more Acts were passed in August 1560 than are set down. Bishop Keith, who died in 1756, a prelate of the suffering Church Episcopal in Scotland in Hanoverian days, was naturally a

Jacobite. From another Jacobite, Father Thomas Innes, of the Scots College in Paris, he received transcripts of certain documents of this period. They were preserved by James Beaton, Archbishop of Glasgow, who left Scotland with the French forces in July, and, later, was Ambassador at Paris for Mary and James VI. An article of the Arrangement of July 6 (xiii.) had ordered that the complaints of injured ecclesiastics were to be heard by Parliament, and that none should disturb them in the enjoyment of their property. Now, from a paper of Beaton's it appears that the churchmen "gave in their bills" for redress, but did not appear to defend and urge their cases. Meanwhile the leases let off collusively by the Archbishop of St Andrews, the Bishops of Dunkeld and Dunblane, the Priors of Whithern and Pluscarden, and the Abbot of Crossraguel were to be nullified, with all such leases granted since March 6, 1558.<sup>27</sup> As to clerical property, we have other evidence. Archbishop Hamilton, writing on August 18 to Beaton in Paris, says, "All the bills they keep them as yet, and no man's livings or houses restored, and yours and mine in special. I cannot say what they will do after this." He adds, "All their new preachers persuade openly the nobility, in the pulpit, to . . . slay all kirkmen that will not concur and take their opinion." They especially urge Châtelherault to slay his brother or imprison him for life. In the same spirit did Goodman, an English preacher in Scotland, urge Cecil "not to suffer the bloody bishops in England to live."<sup>28</sup> Fortunately the State was not utterly in the hands of the preachers.

As to the non-appearance of the Scottish bishops to urge before Parliament their claims to their property, on August 28 the Archbishop's factor, Archibald, wrote to say that, on the last day of the Parliament, the Lords of the Articles called on the bishops, who had all gone away "because they would not subscribe with the Lords of the Articles, and therefore they were called because of their departure." Keith remarks that Knox and Buchanan leave this vague because they had not the skill "to varnish over this dirty job with any appearance of equity."<sup>29</sup> Francis II. regarded the "dirty job" as another infringement of the compact of July 6.

Here we may approach the famous Book of Discipline, though it does not seem yet to have been presented to the Estates. This book, drawn up by Knox and other preachers, must have been finished by August 25, 1560, when Randolph says that it was being translated for Calvin, Beza, Bullinger, and others in Geneva and

Zurich. Randolph saw that the authors would not accept the Anglican prayer-book, which had for a while been used in Scottish churches, though they did not refuse to consult the English doctors.<sup>30</sup> Randolph's opinion was correct. We are now to consider the new model of the Church, or Kirk, in Scotland. The nature of the Kirk is but little understood in England, yet an organisation which still endures, whether in the Established or the other Churches, successors of that of Knox, deserves attention. We have seen that for a while the Prayer-Book of Edward VI. was used, possibly with modifications, in Scotland. But Knox's revised opinion of that work is expressed in a letter of April 6, 1559, to Mrs Locke. He says that he will never counsel any man to use the English Prayer-Book. It is vitiated by "diabolical inventions," such as crossing at baptism, kneeling at the communion, "mummelling," or singing the Litany, and a relative neglect of preaching. Mr Parson patters his "constrained prayers," and Mr Vicar, "with his wicked companions," is a "mass-monger."<sup>31</sup> In place of the prayer-book, the Book of Discipline of 1560-61 preferred what is often called 'The Book of Common Order,' which was used by Knox's congregation at Geneva, was based, apparently, on the 'Liturgia Sacra' of Pollanus (itself founded on Calvin's service), and was accepted by the General Assembly of 1564.<sup>32</sup> The Order lasted till 1637, when the effort was made to introduce Laud's Liturgy.

As to what has been called "Knox's Liturgy," the Book of Common Order, it is confessedly not a set of "constrained prayers" to be used without deviation, but merely a model or guide. The minister may repeat the prayers, but he may vary at will, saying something "like in effect." Before the sermon he "prayeth for the assistance of God's Holy Spirit, as the same shall move his heart."<sup>33</sup> The doctrine appears to have been that the minister was directly inspired. We read of ministers with "a great gale on them," like the disciples at Pentecost. The writer is informed, by a modern Cameronian, that he has been present when an aged Cameronian preacher seemed to be under this "gale,"—in the psychological phrase his was "automatic speaking."

If I correctly understand Knox's doctrine, the enormous influence in politics which he claimed for the preachers was based on their direct inspiration by the Spirit. A Scottish service then proceeded thus: First, the minister read aloud one of two Confessions, or spoke words "like in effect." No directions are

given as to the posture of the people, but probably they stood up at prayer. The Confessions are backed by a long array of marginal texts, and the first refers to the “shame” of “our miserable country of England,” for it was used at Geneva by an English congregation. A psalm is then sung, “in a plain tune”; then the minister prays as the Spirit moves him; then follows the sermon, usually political or doctrinal, and of great length. Then followed, with such variations as the minister preferred, a prayer for “the whole estate of Christ’s Church,” directed against “the furious uproar of that Romish idol,” but including a petition “for such as yet be ignorant.” Next came the Lord’s Prayer, then the Creed, then a psalm, and last, one of two benedictions. But “it is not necessary for the minister daily to repeat all these things, but, beginning with some matter of confession, to proceed to the sermon” (always the main business), “which ended, he either useth the prayer for all estates before mentioned, or else prayeth as the Spirit of God shall move his heart.” As a matter of practice, the Creed and the Lord’s Prayer came to be omitted. Wodrow (about 1714) has a touching story of a very old minister, who astonished his congregation by using the Lord’s Prayer. He explained that, for once, he wished to do what all Christians were doing.

There is a form for baptism, and for the communion, where the minister may use words “like in effect.” As a rule, long and many sermons preceded the communion. In burial there are “no ceremonies,” but the minister goes, after the interment, to the church, “if it be not far off,” and preaches on death and the resurrection. Such was “Knox’s Liturgy.” It is intended as a mere guide, and there is intentional licence for variation. “Free prayer” came to be preferred. Hence James VI., on his accession to the English throne, could say that “it was a shame to all religion to have the majesty of God so barbarously spoken unto, sometimes so seditiously that their prayers were plain libels, girding at sovereignty and authority; or lies, being stuffed with all the false reports in the kingdom.” The prayers, in fact, were political discourses, chiefly against James.<sup>34</sup> The prayers, as many of us know, have become not extemporary, but, in great part, a collection of formulæ, derived from oral tradition. When extemporary, they are occasionally “barbarous,” as when a probationer said, “O Lord, keep one eye on the minister of this congregation,” whereat broad smiles beamed from the minister’s pew.

Such were, and such became, the services of “the Trew Kirk.”

They were constructed so as to give the Spirit of God free play, and the bare burials were arranged on purpose to check the superstitious opinion that the departed soul might receive any benefit. As for the organisation of the Kirk, it was based on the Book of Discipline, which, again, rested on the Book of Common Order. All who preach or minister the Sacraments must first be "orderly called." Knox's own call, in St Andrews Castle, has been described. The processes were election, examination, and admission. "It appertaineth to the people, and to every several congregation, to elect their minister," though, as we shall see, a different theory was later put forward. If this be neglected for forty days, the superintendent's church presents a man. Examination was conducted in one of the chief towns, "before men of soundest judgment, . . . and before the congregation." The candidate had to interpret an appointed passage of the Bible. He was then examined in the chief points at issue with the enemies of Christian religion, such as Rome, Anabaptists, and Arians. He then confessed his faith "in diverse public sermons." If the Kirk presented one candidate and the people another, the man of the people's choice, if learned enough, was preferred. No man was to be violently "intruded." The morals of a candidate were carefully examined, in his own district. No ceremony was used on admission. The apostles, indeed, practised "the laying on of hands, yet, seeing the miracle is ceased, the using of the ceremony we judge not necessary." Not that miracles had really ceased; the Spirit still moved men, but did not necessarily move, or inspire, or consecrate them, as a result of human imposition of hands. In no long time the "imposition of hands" became the rule. In addition to ministers, there were readers, in cases where no qualified minister could be found.

Gouda, the Papal Nuncio, says, "The ministers are either apostate monks or laymen of low rank, and are quite unlearned, being cobblers, shoemakers, tanners, or the like." Yet he admits that the few Catholic preachers "seldom venture to attack controverted points, being indeed unequal to the task of handling them with effect."<sup>35</sup> The fifth head of the Book of Discipline introduces us to a third order, that of superintendents. They were not bishops, and were a purely provisional rank in the Kirk. "Differences between preachers" (the superintendents receiving higher stipends) were only made "for this time."<sup>36</sup> Ten or twelve men were appointed to each of the provinces, to journey

throughout it, preaching as they went, seeing to the sacraments and church discipline, presiding at meetings of the provincial synod, and at examinations of ministers and readers.<sup>37</sup> There was no consecration of the superintendent by other superintendents. In fact, the superintendent, for various reasons, was nothing less than a bishop. There were to be, for these and other officers of the Kirk, due stipends, with pensions, education, and dowries for widows, sons, and daughters. The superintendent, having expensive duties, was to have a higher salary. Provision for the poor and for education was insisted upon. "Fearful and horrible it is that the poor . . . are universally so contemned and despised." This had not been so in the better days of the Church. "In times past," says Latimer, speaking of his youth, before the Reformation, "men were full of pity and compassion, but now there is no pity. . . . When any man died, they would bequeath great sums of money towards the relief of the poor. . . . Charity is waxen cold; none helpeth the scholar, nor yet the poor; now that the knowledge of God's Word is brought to light, . . . now almost no man helpeth to maintain them."<sup>38</sup> The Romish doctrines of Purgatory and of Works had been overthrown, and in Latimer's remarks we see the temporary results.

As for schools, each church ought to have a schoolmaster, capable of teaching Latin and grammar at least. All children must be educated, rich and poor, the poor being supported "on the charge of the Church." Those adapted for the higher education (including Greek) must persevere therein till the age of twenty-four. Into the regulations for the universities space does not permit us to enter; for some years the universities suffered from the confusions of the age.

The sixth head of the book is an appeal to the Lords "that ye have respect to your poor brethren, the labourers of the ground, who, by these cruel beasts, the Papists, have been so oppressed." They should only pay "reasonable teinds," "that they may feel some benefit of Christ Jesus, now preached unto them. With the grief of our hearts we hear that some gentlemen are now as cruel to their tenants as ever were the Papists"; the tyranny is now that of "the lord or laird." Gentlemen must live "on their just rents." The "teinds" are inherited from "thieves and murderers." The whole revenue of all cathedral churches should be given to the universities and superintendents. The Kirk and the poor were to be the heirs of the Church. This could not be carried.

In January 1561 a number of nobles signed the Book of Discipline, but "others, in their mockage,"—namely, Lethington,—“termed it ‘devout imaginations.’”<sup>39</sup> “There was none within the realm more unmerciful to the poor ministers than were they which had greatest rents off the churches.” Even the signers of the book guarded “vested interests,” only providing that “the bishops, abbots, priors, and other prelates and beneficed men who have adjoined themselves to us, keep the revenues of their benefices during their lifetime, they sustaining the ministry and ministers.” “This promise was eluded from time to time.”<sup>40</sup>

The chapter on Ecclesiastical Discipline was even politically important. The Kirk corrected the faults not reached by civil justice, but she also, in the last result, corrected them by secular means. The State should punish adultery by death: the Kirk kept her eye, very sedulously, on simple fornication. An offender was first spied out, and admonished privately, apparently by the elders: if impenitent, the minister admonished him: if still recalcitrant, he was, after sufficient delays and exhortations, excommunicated—that is, universally boycotted, perhaps for profane swearing or drunkenness. All Estates are subject to this discipline; so that the Kirk could cut off from all human intercourse, except that of the family, the queen if she swore, or the Chancellor if he broke the Seventh Commandment.<sup>41</sup> To carry her ideas into action, the Kirk needed a police. This she found in the elders, who had to observe the morals even of the ministers. Finance was the province of the deacons. “Prophesying”—that is, discussion of the Scriptures—was to be done weekly in towns. The organisation of Church government was not yet complete. The General Assembly came to have jurisdiction over the whole Kirk: each province had its synod, and the kirk-session served for “one or more neighbouring congregations.” The germ of the presbytery was in the weekly meetings of ministers and elders for “exercise,” or “prophesying.” The whole scheme was more completely evolved later, but the First Book of Discipline contains the seeds of the organisation. Naturally it included the usual denunciations of idolatry. It involved a system of *espionnage*, and interference with private life, which (if we may judge from the cases recorded in kirk-session reports) produced little or no effect on sexual morality, always the main subject (with witchcraft and Sabbath-breaking) of inquisition.

The Reformation, now organised, gave the Scots a theology in



which the Brethren could believe. Its austere ethics, more than its "discipline," fostered righteousness of life. Its clergy, far unlike the old churchmen, set admirable examples of private conduct. In the worst ages the Kirk cherished education. But the spirit of gentleness, the detestation of cruel punishments, and the humaner virtues did not rapidly arise under the armed and iron sway of the Kirk. Her ministers arrogated to themselves a kind of infallibility in matters political. No longer members of a miraculous caste, some of them prophesied, and were credited with the power of healing diseases and other supernormal gifts. A long struggle between Kirk and State, king and preacher, lay before Scotland.

After sketching the organisation of the new Kirk, we may glance at a more speculative theme. What was the genesis, what the nature, of the new theology and religion of Scotland? These have exercised strange powers of attraction and repulsion among people of later times. Among believing men, Wesley and Samuel Johnson were at one in regarding Knox and Knox's creed with extreme aversion. On the other hand, men like Mr Froude and Mr Carlyle, whose Calvinism was purely platonic, are constant in praise of the Reformer and his doctrine. Why did Scotland choose Calvinism, and so dig a new and scarcely passable gulf between herself and England, with which the Protestants desired union? It is an easy, and not a wholly untrue, reply that Knox had lived in Geneva, and brought Genevan ideas home. Another opinion is that Calvinism had a kind of elective affinity for the Scottish national genius. "In the theology of the Calvinistic system the Scottish intellect found scope for that dialectic which has always been its natural function." So writes Knox's latest biographer.<sup>42</sup> But was "abstract dialectic" the "natural function" of the Scottish intellect? Since very early ages of scholasticism, it is not easy to remember the names of any Scots who were abstract thinkers. Poets they had, diplomatists, scholars, soldiers, and lawyers. But *au fond* the Scottish mind is practical. The Scottish speculations on man's destiny, and relations to the Supreme Being, soon came to be expressed, with grotesque precision, in the formulæ of the Scottish law of contract. That is the very reverse of abstract dialectic.

After Wishart's day, and after the day of the English Prayer-Book of Edward VI., the Scottish preference for the Calvinistic system was caused by two motives. First, of all eligible

systems Calvinism was most remote from Rome. Secondly, Calvinism was the cheapest system, entailing no expense on archbishops, bishops, deans, canons, cathedrals, and other luxuries. For these the new lay holders of Church lands were determined not to pay: they could scarcely be compelled to afford the starveling stipends of the ministers. The influence of Knox's Genevan associations must also be admitted. If Calvinism "met the highest needs of the national mind," it also harmonised with the national instinct of "hauding a gude grip of the gear," and with the desire of the godly to escape as far from everything Roman as possible. Despite the supposed national genius for abstract thought, it is plain, as Mr Hume Brown not very consistently, but very frankly, enables us to observe, that Calvinism meant a strenuous economy in thinking. "When Knox had extracted his theological system from the Bible" (which he did "by the ingenious combination of texts divorced from their natural and historical meaning"), "and held it in his hand embodied in an elaborate Confession of Faith, his labour as a thinking agent was at an end." "To add to this compendium or take from it was alike an impiety which deserved due penalties in this world, and would certainly ensure them in the next." Yet Knox's system "to a large extent would have been unrecognisable by any writer either in the Old or New Testament."<sup>43</sup>

Perhaps the dangers of varying from Knox's "compendium" are here exaggerated. Of course if the critic is right, if everything safely thinkable had been thought out by Knox and could be read in his book, a people with a genius for abstract dialectic would have rejected the book, or would have intellectually starved. Their thinking was presented to them ready-made, with the imprint *ne varietur*. Practically, some people, and some preachers, must think. We know certainly that the later children of "the second Reformation," of the Covenant, had their speculative perplexities. The Memoirs of Halliburton, a famous St Andrews preacher of the early eighteenth century, show, in a very touching style, how his youth was a long battle with doubt. Evidence even as to the existence of a Deity was to him, as he says in oddly modern phrase, "a felt want." He fell back on subjective experiences. Ideas arose from his sub-consciousness which he could only explain as suggestions of the devil. Grant a devil, and there is no difficulty in granting the existence of a Deity. We know from

the memoirs of poor uneducated Presbyterians that every modern problem as to Revelation was familiar to their minds. They saw that there were many creeds: what evidence existed to prove that theirs was the genuine belief? They had to fight for the life of their souls, like men of later days. The system of Knox obviously reposes on a circular argument. The Bible is absolutely inspired, though Knox thought that the apostles had moments of defective inspiration when their words did not harmonise with his conclusions. Apparently he, John Knox, was always inspired. But he could not bring all the world into this belief. When the question arose as to the interpretation of Scripture, Knox had got rid of the infallible Church, and the only substitute was the infallibility of popularly elected preachers, or of preachers elected by the extant preachers of the day. On this point he did not like to be catechised. There was his "compendium"; it must be swallowed, like the little book in the Apocalypse. Thus Knox's system really owed its charm to its thriftiness of thought and money,—its concrete, practical character.

While theology stood thus, the religion, for its ethics, went back to early Christian morality, without the "sweet reasonableness" of the founder of the creed. Compare Knox in his conversations with Mary, and St Paul in his dialogues with Festus and Felix, or in his speech at Athens. The morality of the Kirk was austere and primitive where sexual sins were concerned. It was not in the spirit of the Master's words to the woman of Samaria, or to the woman taken in adultery, or to her out of whom seven devils were cast. Even in denouncing avarice and oppression, Knox speaks more like Amos than with the persuasiveness of St James or St John. The persecuting violence of Knox is confessedly modelled on Samuel, Joshua, and Jehu,—on these strange prophets and politicians of a law given "for the hardness of men's hearts." "For Knox, as for Calvin and Luther," says Mr Hume Brown, "Jesus was not the emasculated figure of certain types of Christianity, but as much 'a son of thunder' as any of the ancient prophets."<sup>44</sup> That was Knox's fatal error. It is not "an emasculated figure" who tells the "sons of thunder" that they know not what spirit they are of. Knox was for punishing differences in theological opinion with death. "But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; that ye may be the children of your

Father which is in heaven." Not to this text did Knox give ear, but to such words as, "Ye serpents, ye generation of vipers, how can ye escape the damnation of hell?" Knox's gospel had its admirable elements, in its insistence on personal purity in private life, and on duty towards the poor. These precepts were in noble and salutary contrast with the practice of most churchmen during the last four or five generations. Again, the new evangel insisted on veracity, "at least as far as we are able." Men were not to profess belief where they disbelieved, but, alas! Catholics must forswear *their* belief, or at least must abstain from its rites; must profess to believe what they did not believe. The whole theory of the duty of destroying idolaters was congenial to a nation of long-cherished revenges, violent crimes, and deadly feuds. But it was eminently unchristian, as was that "spiritual" hatred which betrayed Knox into scandalous insinuations; and that bullying truculence of tone, which was rebuked by the urbanity of Ninian Winzet. There was, in short, a great deal of "the old man" in Knox's character and gospel. This was natural, and pardonable; but that his gospel and example were ideally excellent, and an unmixed boon to his country, few of his countrymen, who know Knox and his Reformation at first hand, are likely to contend.

How did the Catholics take their new fortunes? Unhappily we know very little on the subject. The country must have seemed strangely desolate to souls of the old faith. The familiar shrines were vacant of their saints. "The blessed mutter of the mass" was silent: the candles were extinguished, the vestments were cut up for doublets, the last incense-smoke had rolled away. In lonely green cleughs of Ettrickdale the chapels were desecrated; the crosses by the wayside had perished; the Angelus no longer called to prayer; the tombs were stripped and spoiled. If all these things had exercised their ministry in stimulating, and consoling, and regulating the religious emotions; if the extreme rites of the Church had fortified men in the hour of death,—the souls that desired them starved.

How much misery this caused we know not, and cannot know. Religious ardour is seldom very common in the world, and perhaps the majority of both sexes who possessed the religious temperament were earnest Protestants. Of the fervent Catholics, lay or clerical, many emigrated, and not a few became distinguished in foreign colleges. The populace most resented the abolition of ecclesiastical holidays: that, probably, was what chiefly galled. Of the

clergy, most abjured, and one monk of seventy seized the occasion to marry. The other priests dressed as laymen: the few religious who were left wandered about in secular costume. "A large number of the common people are still Catholics, but they are so trampled in the dust by the tyranny of their opponents that they can only sigh and groan, waiting for the deliverance of Israel." In any court of law, suitors were first asked "if they were Papists? Should they be, they can get very little attention, if any, paid to their cause." "The monasteries were nearly all in ruins, some completely destroyed; churches, altars, sanctuaries, are overthrown and profaned, the images of Christ and the saints broken and lying in the dust." Official accounts present us with the same picture. In September 1563 the Privy Council considered the case of the Abbey Church of Dunfermline, which still exists, though much depraved by "restoration." The walls were "riven," there was no glass in the windows; it is great peril and danger to bide within the kirk, either in time of prayers, teaching, or preaching of the Word of God. The lay holders of the property, Pitcairn being Commendator, were ordered to keep the abbey in repair, and glaze the windows. This kind of ruin was everywhere.<sup>45</sup> The superintendents, on their rounds, drove out Catholic incumbents. So, two years later, Nicholas de Gouda, S.J., wrote to the General of the Society of Jesus.<sup>46</sup> His narrative makes it clear that the Catholics had neither cohesion nor leaders. Some nobles secretly practised the rites of the Church, but the bishops were, as a rule, timid worldlings, and the few Catholic preachers (with rare exceptions, to be later noted) had scanty knowledge and no skill in controversy.

One exception to the rule has been mentioned, and we must not forget another. Historians of Scotland say little or nothing about Ninian Winzet, a Catholic schoolmaster expelled from his school at Linlithgow. But in Winzet we find a man of courage and of courtesy, who dared to face Knox himself, putting questions which the Reformer did not answer. On February 15, 1562 (to anticipate the course of political events), Winzet, the expelled dominie, asked Mary's leave to propound certain articles to the preachers. Presently, in February, Winzet conveyed to Knox a tractate, 'Is John Knox a lawful Minister?' What Winzet says must be translated, for he prided himself on writing Scots, not English like his adversary. Lawful ministers are (1) those called by God only, and their call is vouched for "by power of the Spirit, or by miracles."

"Where," asks Winzet, "Mr Knox, are *your* miracles wrought by the Spirit?" Knox might have referred to his prophecies, like that about Mary of Guise. He is so fond of dwelling on his successes as a prophet that probably he did regard them as proof that he was called by God. They were not of a nature to satisfy hostile criticism. Next, if Knox was called by men, "had they lawful power thereto, like the ministers called by the apostles?" This was an awkward question, for we know the nature of Knox's call. Other unpleasant questions were asked.<sup>47</sup> On March 3, 1562, Winzet complained that Knox had not noticed him "in writing privately," as he desired, but had only preached on the subject. He directed his letter "*Raræ eruditionis facundiæque viro, Joanni Knox*"—"To John Knox, a man of singular learning and eloquence." He had ended his note, "Farewell in Christ, and endeavour to let truth prevail, not the individual man." Knox probably answered, for on March 10 Winzet responded. Knox had objected that John the Baptist was called by God, yet wrought no miracles. Winzet replied that his prophecies about Christ were fulfilled. Amos was another example cited by Knox in support of his own call. But Winzet replied that Scripture vouched that Amos was sent by God, and that visible signs were shown to him by God. Even so, Amos did not assume to hold the authority of High Bishop of Jerusalem, "as ye do as present of the Primate of Scotland, in Edinburgh."

On March 12 Winzet returned to the charge. He wanted a written answer, not a sermon. Knox has renounced his orders, as given by a Popish bishop. Why does he not, by parity of reasoning, renounce his baptism? On March 31 Winzet addressed the Edinburgh magistrates. The occasion he states himself. On Easter Monday the doors of Catholics had been marked with chalk by order of the bailies, probably for some reason of religious police. Next day the doors of Calvinists were found marked in the same way. These occasions of disturbance put Winzet on thinking "how happy a thing it were if every man might live according to his vocation *at ane tranquillity in godliness*." His thoughts then turned to his profession, and he marvelled that, in many towns, there was not so much as a schoolhouse, while, in the general cry for reformation, so few children were even taught grammar. Here was a point on which Knox and Winzet were at one. Winzet now remembered the themes for Latin prose which in his happy days as a dominie he had set to boys

“more able to learn than I was to teach.” “Sedition,” he thought, would have been a capital subject for his pupils, and on this, to beguile his melancholy, he composed an essay. This manuscript was copied, and handed about among Catholics, and at last Winzet had it printed (May 24, 1562). Winzet’s appeal to the magistrates, however, was earlier than the printing of his treatise, being of March 31. He reminded the bailies how Solon denounced all neutrals in civil strife. On this matter of the Easter hubbub *he* must not be neutral. Therefore, after praying for “peace among all professing our Lord Jesus,” he looked into the history of the prohibited Easter festival. He found St Augustine testifying to the antiquity of the practice even in his own day, and since our Saviour’s day. So he “began to marvel at the arrogant temerity of your holy prophet, John Knox, who commands to abolish these solemnities as Popery”—that is, “idolatry.” Easter rests on the tradition of the Church. Knox denounces it. But on what does Sunday rest? Merely on the same tradition. Why, then, does Knox pick and choose, retaining Sunday and abolishing Easter and Christmas? The magistrates are invited to induce Knox to answer these arguments *in writing*.

For all reply Knox gives only “waste wind,” sermons. The magistrates did not induce Knox to answer. Winzet therefore began to print a treatise of some eighty-three controversial questions. The magistrates seized the book before it was printed, imprisoned and fined John Scott, the printer, and nearly caught Winzet, who slipped out of the printer’s house and escaped.<sup>48</sup> Winzet published his book at Antwerp in October 1573. It remains unanswered until this day. The author denounces the secular abuses of the Church as vigorously as Knox himself. The treatment which he received, the refusal or indefinite postponement of any reply, except “waste wind,” and the seizure of the book, and persecution of the printer, are highly characteristic. Presbyter, as Milton says, was but priest “writ large.” Catholic books were forbidden to enter Scotland, just as Lutheran books had been prohibited. In 1578 Winzet became Abbot of the Scots monastery at Ratisbon. There Mr Laing found his monument, in his canonical dress. “It represents a placid, round, and intelligent countenance, such as we might imagine of a person who had for years enjoyed the ease and retirement of a monastic life.”<sup>49</sup> If we believe a MS. Memoir by the son of Lethington, Winzet wrote most of

Bishop Lesley's 'History of Scotland.' The affair of the brave, gentle, usually courteous, and pacific schoolmaster has been dwelt on at length, because it is hardly noticed by Knox's biographers. Even Mr Hume Brown gives it only a footnote of three lines.<sup>50</sup> Nowhere do we find clearer information as to that interesting topic, the position of intelligent and learned Catholics, who wished to reform the Church from within, and without "the mervellis of woltering of Realmes to ungodly seditioun and discorde." In Winzet, then, we find one sympathetic figure, and truly Christian man. For the rest, we know but little about the persecuted Catholics, deserted as they were by the time-serving bishops. Winzet was "shot out of" his ill-paid office and "dear home" because he would not conform. The bishops did conform enough to save most of their wealth. For the rest, we are left to the guidance of fancy.

Scott, in 'The Abbot,' has tried to imagine the condition of the Catholics at this moment. It appears that, like his hero Glendinning, Scotland had never been very devoted to Rome, and readily turned to "more reasonable views of religion." There was no Pilgrimage of Grace. There was as yet no spirit of martyrdom; and there were practically no martyrs. Of all European countries touched by the Reformation, Scotland accepted the new faith at least expense of bloodshed. The very vices and weakness of the Church in Scotland had prepared the way for the least contested of religious revolutions. Again, the thorough-going Puritanism of the Kirk left no grounds for internal quarrels over surplices and altars, vestments, crucifixes, and candles. Had not James VI. succeeded to the English throne; had not he and his son tried to bring in the English or a similar prayer-book and the Order of Bishops, it would have been hard for Scottish theologians to find anything to quarrel about—except so far as their rights to dictate on secular affairs were concerned, for the heresies of the early eighteenth century were still remote. The success of the moment was due to Knox, above all men. At Perth, at St Andrews, at Stirling, he had raised the temper of his followers almost to his own level. He screwed their courage to the sticking-point; he insisted on extreme measures; and he only failed when he tried to carry out his social reforms, to persecute Catholics to the death, and to save the wealth of the Church for the poor, for the new clergy, and the cause of education. To Knox's efforts in these directions we return later.



Meanwhile politics and diplomacy resumed their reign. The Estates had two things to do: first, to secure Elizabeth's consent to a marriage with Arran. They had confirmed the treaty of Berwick, but they would feel more certain of the English alliance when a descendant of Bruce shared the throne of the Plantagenets. Secondly, they had to legalise their proceedings by sending "persons of quality" to visit France, and secure the approval of Francis and Mary, and the ratification of the treaty. As to the second point they cared very little. Lethington declined to visit France, and, against his desire (for he had tact and sense), accompanied the envoys with the proposal of Arran's hand to Elizabeth. Having resided much in England, Lethington knew the open scandals of the Court, and the flagrant conduct of Elizabeth while the Scots were claiming her as the bride of the heir-presumptive to their crown. Elizabeth's favourite, Dudley, was involved, and was involving his mistress, in the disgrace of his wife's murder. Elizabeth's flirtation with Dudley had long been a cause of anxiety. On September 3 (or August 3, according as we follow the interpretation of Mr Froude or of Mr Gairdner) Elizabeth told de Quadra, the Spanish Ambassador, that she would marry the Archduke. On or about September 7, 8 (the dates are matter of dispute), Cecil told de Quadra that there was a conspiracy to kill Dudley's wife, Amy Robsart, who seemed to stand between her husband and Elizabeth. "On the day following this conversation" Elizabeth told de Quadra "that Lord Robert's wife was dead, or nearly so," and, in fact, Amy Robsart was found dead, at the foot of a staircase in Cumnor Hall, on the night of September 8.

Much has been written on this affair, and on the question as to whether Elizabeth had any guilty foreknowledge of Amy's death. Mr Froude says, "That there should be an universal impression that a particular person was to be done away with, that this person should die in a mysterious violent manner, and yet that there should have been no foul play after all, would have been a combination of coincidences which would not easily find credence in a well-constituted court of justice."<sup>51</sup> Whatever the actual truth,<sup>52</sup> these events occurred while the Scottish ambassadors were on their way to ask for Elizabeth's hand. Arran, despite his defects, was a very brave man. Knox was his most intimate adviser on his love-affairs. Neither seems to have blenched at the idea of wedding a lady whose favourite had just

lost his wife in the most suspicious circumstances. Not even Elizabeth's "idolatry" stood in the way. But Lethington did not like the embassy. Morton and Glencairn were his companions. To France only the second son of Sandilands of Calder was sent, a married man, yet Prior or Preceptor of the celibate order of Knights of St John. This messenger was not "persons of sufficient quality" (as stipulated in the compact of July 6), and his mission was a failure. Neither to Sandilands, for Scotland, would Francis ratify the Edinburgh compact; nor to Throckmorton, for England, the treaty of July 6. The reasons for refusal have been indicated already.<sup>53</sup> The manner even of the Scottish ratification was also informal and not duly attested. The bishops were "dispossessed or fugitive." The Scottish embassy to Elizabeth was unauthorised and illegal. Again, the promises of Francis to Elizabeth, in the English treaty, were taken to be dependent on the performance of the stipulated conditions by the Scots. The conditions had been broken. Francis could not, then, at present ratify the English treaty.<sup>54</sup> Elizabeth was very angry, but consented to await the results of the mission of Sandilands (September 24).<sup>55</sup> Throckmorton flatly denied Elizabeth's part in the conspiracy of Amboise, yet "Throckmorton had been the very focus of the plot."<sup>56</sup> Mary received Throckmorton seated, and gave him a low stool. She said that she could as ill bear injury as her cousin Elizabeth, "and therefore I pray her to judge me by herself, for I am sure she could ill bear the usage and disobedience of her subjects which she knows mine have showed unto me." Then she made friendly protestations, promised her portrait, and asked for that of a lady so fair as Elizabeth. At the age of eighteen Mary was already obliged to dissemble; for, of course, Elizabeth had given her cause of deadly feud, and Throckmorton and Elizabeth knew it well. Sandilands sped no better than Throckmorton. He was told (November 14) that the Scots were setting up a republic; and that to send *him*, "by post," to his queen, and a great embassy with seventy horses to Elizabeth, was discourteous. By November 16, Francis, at Orleans, declared his displeasure with the Scots, but promised forgiveness on better behaviour. He would send commissioners to open Parliament legally.<sup>57</sup> Throckmorton now marked French preparations for war, and was told that Francis would quarter the arms of England (as Elizabeth quartered those of France) till the treaty was ratified. To Throckmorton Mary denounced with passion the

behaviour of her subjects. He warned Cecil (November 17) that France would take advantage of English weakness and of the discontents about Dudley. Condé was in prison as a Huguenot conspirator; the King of Navarre was held *tanquam captivus*; the stormy petrel, Bothwell, was off to Scotland, boasting he would live there in spite of all men. "He is a glorious, rash, and hazardous young man," said Throckmorton, and needs watching.

To secure Scotland, in case of a French war backed by the Pope, it seemed that Elizabeth must marry Arran. In Scotland were many dangerous neutrals: Huntly was upholding the mass in the North; Bothwell might trouble the Border. France was destroying her Protestants, and would be unhampered. But on November 28 Throckmorton reported the illness of Francis.<sup>58</sup> Already men spoke of a new marriage for Mary! Francis died at Orleans on December 5, "leaving as heavy and dolorous a wife, as of right she had good cause to be," for Mary had watched by his bed to the danger of her health. Thus "the potent hand of God from above sent unto us a wonderful and most joyful deliverance; for unhappy Francis, husband to our Sovereign, suddenly perisheth of a rotten ear, . . . that deaf ear that never would hear the truth of God." So writes Knox.<sup>59</sup> The dread of the Guises was thus appeased; but Elizabeth now, out of fear, declined to marry Arran (December 8). "What motive she had in this refusal we omit," says Knox, probably with Dudley in his mind. The Scots were ill content, and Parliament was summoned for January 15, 1561. Meanwhile "divers conceits have troubled Arran's mind," writes Randolph. In earlier despatches and letters are hints of Arran's ill-health, probably cerebral. People spoke to him of a marriage with Mary Stuart. "Of all these matters there is no man privy except Knox, and he whom he trusteth with the whole" (January 3, 1561).<sup>60</sup> Arran, says Knox, "was not altogether without hope that the Queen of Scotland bore unto him some favour." This was fatuous. Mary deemed him "an arrant traitor." However, he sent the new-made widow a letter and a ring. The reply "he bare heavily in his heart, and more heavily than many would have wotted." Knox as the recipient of love-lorn confidences appears in a new attitude.<sup>61</sup>

The Parliament of January 1561 did very little. The Lord James was appointed to go to France and see Mary, but he did

not leave Edinburgh till the middle of March. He was "forewarned of the Queen's craft," says Knox, "not that we then suspected her nature, but that we understood the malice of her friends"—that is, kindred—"the Guises." Lord James "was plainly premonished that if ever he condescended that she should have the mass privately or publicly within the realm of Scotland, that then betrayed he the cause of God." He said that he saw not who could stop her, if she had the mass "secretly in her chamber." Knox and the Kirk could have stopped her in due course of law, first by confiscation and corporal punishment, next by exile, lastly by death; or an opportune Jehu might have been raised up. These were not Lord James's ideas. From Edinburgh Lethington, returned from the futile embassy to Elizabeth, kept Cecil well informed. The Estates on February 6 had been sitting for a fortnight. The "Polecie of the Kirk," the Book of Discipline, was being passed, a policy "something more vehement than at another time he would have allowed." Lord James's embassy to Mary was tentative: the Scots did not wish her to return escorted by a French force. Lord James would tell Elizabeth "what he minds to do." Nothing will be settled by Scotland, as regards Mary, till Lord James "has fully groped her mind." There was talk of renewing the French league, but Maitland had staved off the question. Mary's name and cause are beginning to awake devotion in her subjects. On February 6 Maitland announced the arrival from France of commissioners from Mary to assemble the Estates, and induce them to send some peers to advise Mary "anent her home-coming" and the renewal of the French league. Maitland himself was in danger on account of his "familiarity with England."<sup>62</sup> On February 16 Mary, at Fontainebleau, received Elizabeth's envoys, Bedford and Throckmorton. As to the treaty of Edinburgh, Mary said that she might answer, after seeing envoys from Scotland, Lord James and others. She spoke amiably of Elizabeth, and desired to see her. In fact she was minded to send over De Noailles for the renewal of the old league with France: this was attempted later, but failed.

Mary, her mourning relaxed, soon began to move about the country, to Paris, Rheims, and Nancy. While she was in Lorraine her hand was being sought by as many princes as ever wooed a princess in a fairy tale. By the treaty of Haddington, made before she left France as a child, Mary could only marry, if Francis died,

by the advice of the Estates. The King of Denmark, the King of Sweden (who later, like Arran, went mad), a son of the Emperor, and Don Carlos, who also, by a strange coincidence, followed the way of Arran and the Swedish king, were all suitors, or spoken of as suitors. Fate brooded blackly over every pretender to the fairest of queens. The Guises preferred, Elizabeth of course opposed, the Spanish marriage. Already Lennox, who had a son, Darnley, worth entering for the prize of Mary's hand, had been begging leave to visit Scotland, and to sue Mary for restoration of his lands, forfeited for treachery long ago. Elizabeth tartly answered that this was "colour for a higher feather," and that Lennox and his wife were practising as her enemies.<sup>63</sup> Lennox had been arguing that Châtelherault was illegitimate; whence it followed that he himself was next heir to the Scottish throne. His wife, again, was a niece of Henry VIII. Their young son, Darnley, was thus near to both thrones, and "the higher feather" was the desire to marry Darnley to Mary. As in the fairy tales, the humblest wooer was to win, with worse results than if any of the princes damaged in their wits had succeeded. Catherine de' Medici opposed the cause of Don Carlos: Elizabeth opposed any foreign marriage.

Any Scottish marriage would have seen the bridegroom a corpse in a few weeks, such was the jealousy of the nobles. Mary was a doomed woman. While she was near Nancy, envoys from the two Scottish parties met her. Huntly, Atholl, Crawford, the Bishops of Murray and Ross, and others had sent John Lesley, the historian, to warn Mary against her brother. Lord James, they said, only wanted the Crown. He ought to be detained in France, or Mary ought to land at Aberdeen, and move south with the loyal and Catholic levies of the North, under the banner of the shifting and faithless Huntly. This policy might have been better than trusting the Protestants, and appearing as a queen among men who daily insulted and persecuted her faith. But Mary doubtless knew that no man could rely on Huntly.<sup>64</sup> She therefore leaned to Lord James, coming, as he did, straight from interviews with Cecil and Elizabeth. Unhappy queen: betwixt the faithless friends of her own creed and the allies of her natural enemy and cousin! Mr Tytler explains that Lord James met Throckmorton secretly in Paris, and "betrayed to him everything that had passed between his sister and himself."<sup>65</sup> On this crucial point, Was Mary's brother a deliberate traitor to Mary? there is a dispute among

the learned, which may be discussed in a note.\* In any case, Throckmorton keeps insisting that Lord James should be well "entertained" and "contented." He thought that £20,000 would not be too much to spend on buying the Scots.<sup>66</sup> On May 4 Lord James set out for London, whither Mary had tried to persuade him not to go.<sup>67</sup> In England (if we may believe Camden, who is not the best of authorities), Lord James tried to induce Elizabeth to capture Mary on her way to Scotland. On May 29 he was again in his native land. On June 26 Throckmorton congratulated him on having "stayed many things that might have been to the unquiet of the country."<sup>68</sup> Parliament was meeting, and the Catholics appeared in some force. The Brethren presented a petition to the Council, urging more destruction of "idols" and the enforcement of the persecuting laws. By the "Brethren" are meant the General Assembly.<sup>69</sup> The Lords dismissed Noailles without renewing the old league with France, and he left Edinburgh (June 7). The Brethren next ravaged a number of monasteries in the west and north; at Paisley the Archbishop of St Andrews "narrowly escaped," says Knox. They meant to kill or capture him, it appears.<sup>70</sup>

Meanwhile Mary, in France, had been in bad health, and had been evading Throckmorton's demands for the ratification of the treaty of Edinburgh. He reasoned with her at Paris, about June 23, to no avail. She was sending d'Oysel to ask Elizabeth for her safe-conduct. Elizabeth, in public, and in passionate terms, refused, and (July 1) wrote to the Estates insisting on the ratification. Later, she spoke more placidly: if Mary would ratify, she would be ready to meet her in a friendly way.<sup>71</sup> Mary threw away this admirable chance of settling the feud. Many a time, later, was she to pray for a meeting that was never granted. Elizabeth was now clearly in the right. If the obstacle to the ratification was the conduct of the Scots, that had been practically condoned. Mary could not fairly expect to be allowed to travel through England, rousing Catholic hopes, while she did not formally recognise Elizabeth as England's rightful queen. At this moment (July 14) a compromise was invented. Cecil tells Throckmorton that there is "a matter secretly thought of." Mary might acknowledge Elizabeth as Queen of England, might recognise the right of Elizabeth's issue, if she had any, and might herself be recognised

\* See "The Lord James," at end of chapter, p. 102.

as heir, failing her own issue, by Elizabeth. "The queen knoweth of it." But Elizabeth declined this arrangement, urged on August 6 by Lord James. The day she acknowledged Mary as heir might be a day near her own death by assassination.<sup>72</sup> Elizabeth may have calculated rightly. She would not make her own recognition as Queen of England a matter of bargain. Perhaps she dared not recognise Mary as her successor for fear of being murdered. Hence arose the endless feud of the two queens.

Throckmorton (July 26) wrote a long account of his interview with Mary, after she heard of Elizabeth's refusal.<sup>73</sup> The diplomatist was married, and was a hardened example of "an honest man sent to lie abroad for the good of his country," to use Sir Henry Wotton's definition of an ambassador. But it is clear that the girlish and queenly charm and courage of Mary, so young, so fair, so well acquainted with sorrow, standing in the perilous path, and in the clash of contending forces, moved his admiration. She dismissed the courtiers: "she liked not to have so many witnesses of her passion, as his mistress had when she talked with Monsieur d'Oysel." She was sorry that she had asked Elizabeth for a favour, passage to Scotland, that she needed not to beg. "The late king 'your master' had vainly tried to stop her on her way to France."<sup>74</sup> She declined to be brow-beaten, as if she were too young for affairs. In the past she had acted as her husband desired (of course it must have been herself who swayed the boy-king); now she had no French counsel, and must consult her lords at home. In brief, with feminine ingenuity, Mary threw the blame on Elizabeth. Mary knew very well that the Estates approved of the ratification of the Edinburgh treaty; there was no need to consult them, but, once among them, she might make them change their minds. She insisted that, since her husband's death, she had disused the English arms. Throckmorton laid the strength of his case before Catherine de Medicis, who approved of Mary's reply. Later, Mary told Throckmorton that, her preparations being advanced, she meant to sail; had she not been in readiness, Elizabeth's unkindness might have delayed her voyage. If Elizabeth captured her and made sacrifice of her, so be it. "Peradventure that casualty might be better for her than to live." Better, indeed, it would have been.

Elizabeth and Cecil knew Mary's purposes. On June 29 she had written to Lethington, who was trying to make himself secure with her. She said that it would be better for him to drop his

correspondence with England, and bade him try to have the Scots hostages for the treaty of Berwick withdrawn. "Busy yourself in undoing what you have brought about"—that is, the league between England and the Congregation.<sup>75</sup> Lethington predicted "strange tragedies" if Mary returned to Scotland (August 10).<sup>76</sup> Perhaps he wished to insinuate that Mary should be trapped at sea, like James I. On July 25 she left St Germain, later to be the unhappy palace of her exiled race. The port from which she should sail was kept secret. On August 11 Throckmorton wrote to Cecil and to Elizabeth. Mary had wished to see him again, and he had presented himself before her at Abbeville (August 7 and 8). She was sending the lay Prior of St Colm (Stewart of Doune) and her loyal friend Arthur Erskine to Elizabeth with a friendly letter. Elizabeth (August 16) replied. She accepts Mary's assurances that on her arrival in Scotland she means to be guided by her Council. She "suspends her conceit of all unkindness." It is untrue that her fleet is at sea to intercept Mary; she has only two or three barques out to watch Scottish pirates.<sup>77</sup> As late as August 12, Cecil had written that these barques "will be sorry to see Mary pass."<sup>78</sup> If Mary had succeeded in disarming Elizabeth's anger, she did not know it; she had sailed before Elizabeth's answer was received. Mary had sent a message to Scotland, averring that she would start later than she really meant to do. This news would reach England, and throw dust in English eyes. From a letter of Lethington to Cecil, of August 15, it is plain that the wily secretary was at once perplexed and irritated by Mary's manoeuvres, and by the English negligence in not kidnapping his sovereign. "Why declare yourself enemies to those you cannot offend?"<sup>79</sup>

On August 14 Mary said an eternal farewell to the Cardinal and the Duc de Guise. She set sail with her four Maries (Mary Seton, Mary Beaton, Mary Livingstone, and Mary Fleming—there was no Mary Hamilton), and an escort of French and Scottish gentlemen. For long she had been "weeping, night and day."<sup>80</sup> Never had woman better cause to weep than Mary Stuart as she set forth on that path where her sorrows were to be. A girl of nineteen, she left the fair land of France, her kindly nurse, and the gentlemen of her blood who had loved and cherished her youth. She passed to a bleak shore where scarce three men were to be true to her; where her faith was daily and brutally insulted; where her advisers were the hirelings of her rival; where her every step would be commented on by the eloquent and charitable Knox. Over her devoted head



were to break the thunders of a ruining world ; her weapons were but a fair face, and a subtle tongue, and an indomitable courage. No conduct could have saved Mary from some "strange tragedy," but the passions that slept within her were to add dishonour to her predestined fall. The details of the voyage are dim as the sea-mist which, earlier or later, fell on Mary's galleons,—the protection of heaven, said her friends ; the warning of an angry God, said Knox. On August 19 she arrived at Leith, accompanied by Brantôme, d'Elbœuf, d'Aumale, and the Grand Prior : Mr Froude adds, "a passionate Châtelar sighing at her feet." He says that the English fleet was on her track, and "if the admiral" (what admiral?) had sunk her ship, Elizabeth "would have found it afterwards well done."<sup>81</sup> M. Philippson makes it clear that, by Cecil's orders of August 5 and 8, Mary was to be detained if she touched at an English port.<sup>82</sup> But, on the whole, and though a vessel of the *cortège* was detained, it seems that no effort was made to stop the queen. That she did not write the pretty lines, "Adieu, plaisant pays de France," but that they were the mystification of a journalist, Meusnier de Querlon, 1765, is averred by that destroyer of tradition, M. Edouard Fournier.<sup>83</sup>

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NOTES TO CHAPTER IV.

<sup>1</sup> Hill Burton, iii. 377 ; *Fœdera*, vol. xv., May 12, 1560. M. Philippson, in his 'Marie Stuart,' equally condemns the refusal of Mary to acknowledge Elizabeth.

<sup>2</sup> Keith, i. 294.

<sup>3</sup> Philippson, i. 190.

<sup>4</sup> Hume Brown, Knox, ii. 87, note ; Teulet, i. 606, 607.

<sup>5</sup> Tytler, vi. 195 ; vi. 227 (1837).

<sup>6</sup> Keith, i. 306.

<sup>7</sup> Keith, i. 303.

<sup>8</sup> Keith, i. 317.

<sup>9</sup> Act. Parl., ii. 15.

<sup>10</sup> Hume Brown, Knox, ii. 86 ; Calendar, i. 455, 456 ; Tytler, vi. 176 ; vi. 206 (1837).

<sup>11</sup> Calendar, i. 458.

<sup>12</sup> Keith, i. 300.

<sup>13</sup> Calendar, i. 456.

<sup>14</sup> Hume Brown, Knox, ii. 87.

<sup>15</sup> Act. Parl., ii. 525, 526.

<sup>16</sup> For. Cal. Eliz., iii. 152 note.

<sup>17</sup> Knox, ii. 89-92.

<sup>18</sup> Randolph, August 10. Calendar, i. 458.

<sup>19</sup> September 7. Calendar, i. 477, 478.

<sup>20</sup> Knox, ii. 118, 119.

<sup>21</sup> Knox, ii. 128. Spottiswoode, Willock, Douglas, and Row were the other authors.

<sup>22</sup> Mitchell, *The Scottish Reformation*, 100-102.

<sup>23</sup> Maitland to Cecil, August 18. Calendar, i. 465.

<sup>24</sup> Act. Parl., ii. 534, 535.

<sup>25</sup> Lesley, p. 537.

<sup>26</sup> For. Cal. Eliz., iv. 387.

<sup>27</sup> Keith, i. 323-325.

<sup>28</sup> Keith, iii. 4-7, and iii. 128, note.

- <sup>29</sup> Keith, iii. 4-12. Maitland to Cecil, September 6, For. Cal. Eliz., iii. 278.
- <sup>30</sup> For. Cal. Eliz., iii. 259. This is how I understand Randolph.
- <sup>31</sup> Knox, vi. 13. <sup>32</sup> Mitchell, The Scottish Reformation, p. 127 and note.
- <sup>33</sup> Knox, iv. 179, 182. <sup>34</sup> Mitchell, p. 143, note 1.
- <sup>35</sup> Narratives of Scottish Catholics, pp. 73, 75. <sup>36</sup> Knox, ii. 202.
- <sup>37</sup> Mitchell, p. 155. <sup>38</sup> Latimer's Sermon of the Plough, Froude, iv. 355.
- <sup>39</sup> Knox, ii. 128. <sup>40</sup> Knox, ii. 130. <sup>41</sup> Knox, ii. 233.
- <sup>42</sup> Hume Brown, Knox, ii. 115.
- <sup>43</sup> Hume Brown, Life of Knox, ii. 116, 117.
- <sup>44</sup> Hume Brown, Life of Knox, ii. 121, note.
- <sup>45</sup> Privy Council Register, i. 246, 247.
- <sup>46</sup> Forbes Keith, Narratives of Scottish Catholics, 63-79.
- <sup>47</sup> Keith, iii. 424, 425. <sup>48</sup> Leslie, pp. 538-540.
- <sup>49</sup> Laing's Knox, vi. 153. Winzet's works are most easily accessible in the Appendix to Keith, vol. iii.: they also exist in the Maitland Club book of 1835, and in an edition by the Scottish Text Society.
- <sup>50</sup> Life of Knox, ii. 178, note 2. <sup>51</sup> On the affair, see Froude, vi. 414-433.
- <sup>52</sup> See Mr Gairdner, Historical Review, i. 235 *et seq.*
- <sup>53</sup> Teulet, i. 623-629. <sup>54</sup> September 18, 1560.
- <sup>55</sup> Teulet, i. 635; Throckmorton's account of the negotiations, For. Cal. Eliz., iii. 246.
- <sup>56</sup> Froude, vi. 336. <sup>57</sup> Teulet, i. 638, 639.
- <sup>58</sup> For. Cal. Eliz., iii. 410. <sup>59</sup> ii. 134.
- <sup>60</sup> For. Cal. Eliz., iii. 486. <sup>61</sup> Knox, ii. 137.
- <sup>62</sup> For. Cal. Eliz., iii. 531-534; Teulet, ii. 160. January 23—De l'Isle's Instructions. See Mary's Lettres Patentes of January. She especially wanted advice as to finance and the appointment of a treasurer. Her envoys were "small barons"—Preston of Craigmillar, Ogilvy of Findlater, Lumsden of Blanern, and Lesley of Auchtermuchty. Labanoff, i. 80-88.
- <sup>63</sup> For. Cal. Eliz., iii. 415, 416. <sup>64</sup> Lesley, p. 532.
- <sup>65</sup> Tytler, vi. 221; vi. 257 (1837). Philippson, Marie Stuart, i. 297-299.
- <sup>66</sup> For. Cal. Eliz., iv. 87. <sup>67</sup> For. Cal. Eliz., iv. 76.
- <sup>68</sup> For. Cal. Eliz., iv. 158. <sup>69</sup> Knox, ii. 161-163, note 2.
- <sup>70</sup> Knox, ii. 167. <sup>71</sup> For. Cal. Eliz., iv. 187.
- <sup>72</sup> For. Cal. Eliz., iv. 187, note. <sup>73</sup> For. Cal. Eliz., iv. 199.
- <sup>74</sup> "King Henry" is an error of the summary of Throckmorton's letter in the Calendar. See Hay Fleming, p. 246.
- <sup>75</sup> Calendar, i. 536. <sup>76</sup> Calendar, i. 543; Philippson, i. 318.
- <sup>77</sup> For. Cal. Eliz., iv. 250. <sup>78</sup> Tytler, vi. 230, note 2; vi. 269 (1837).
- <sup>79</sup> Tytler, vi. 400, 401.
- <sup>80</sup> Languet, July 13, 1561. Schiern's Bothwell, p. 24, note.
- <sup>81</sup> Froude, vi. 511.
- <sup>82</sup> Hist. MSS. Commission, xii.; Appendix iv., i. 73. Philippson, i. 337.
- <sup>83</sup> L'Esprit dans l'Histoire, pp. 181-187; Schiern, Bothwell, p. 411; Hay Fleming, pp. 250-252.

## THE LORD JAMES.

Tytler accuses Lord James of having "betrayed" to Throckmorton, in Paris, what was said by Mary to himself. Dr Hay Fleming ('Mary, Queen of Scots,' p. 235) combats this view, which is also that of M. Philippson. Lord James, though he went "secretly" to Throckmorton, told Mary that he had paid the

visit (Philippon, iii. 438). But did he tell Mary what passed between him and Throckmorton? Throckmorton's letter is of April 29 ('For. Cal. Eliz.,' iv. 84). Whatever Lord James did or did not say to Throckmorton, according to M. Philippon, he lied. Lord James said that Mary "would not suffer him to accompany her to Nancy, in Lorraine, whereby he gathers that there is something there in hand that she would be loath he should be privy to." But Keith (iii. 210) prints, in English and French, a letter of Mary's to Throckmorton of April 22, 1562, which she dates from Nancy, where she says that Lord James is "with her," *il y est venue*. Why did Mary say he was with her, if he was not? Why, if he was with her at Nancy, did Lord James deny the fact to Throckmorton, and throw suspicion on his sister? It is on questions like this that we expect light from the minute researches of Dr Hay Fleming. "To make Tytler's charges good," he says (he does not mention Philippon's charges), "one of two things must be established—either that Mary had revealed her secret intentions to her brother, or that he believed she had. Tytler and Hosack prove neither." What do facts prove, as far as facts can be obtained from what Throckmorton said that Lord James said? He "declared *all* that passed" between himself and Mary. What passed?

1. Mary would not let him go to Nancy with her. Mary tells Throckmorton that he did go to her to Nancy, and was with her as she was writing.
2. That she would not ratify the treaty of June 6 till she was in Scotland, and had the advice of her Estates.

So Mary herself later told Elizabeth.

3. That she desired to dissolve the league between England and the Scots.

Can any one deny that this *was* her "secret intention," and public intention, for that matter?

4. Lord James gave the gossip of Guise's Master of the Horse, to the effect that Mary had said that she would never marry Arran.

A brother reports, to an English ambassador, a "horse-master's" talk about his own sister!

5. That she will try to get the consent of the Estates to her marriage with a foreign prince.

Either Mary said so, truly or falsely, or Lord James, falsely or truly, said that she did.

6. She cares as little for the friendship of France as of England, and has ordered that the Estates shall not meet, or any matter of importance be settled, till her return.

This contradicts Buchanan's tale, that Lord James brought a commission for the sitting of Parliament. As to the friendship of France, the question is not, Did Mary express her "secret intentions"? but, Did Lord James tell Throckmorton all that he could gather from her about them? He could do no more, and he did *that*, or he fabled.

7. That she meant to return by sea.

Nobody can be sure what she then intended; but that was what she did.

8. That she pays little attention to the suit of the King of Denmark.

9. Murray revealed the talk of Mary and Cardinal Guise about Elizabeth's own religion, crucifix, and candles.

*Enfin*, Lord James either told all that he could tell about Mary's intentions, or he concealed or falsified them. If Lord James did not believe that what he revealed were Mary's "secret intentions" he ought to have warned Throckmorton to that effect. Did he?

## CHAPTER V.

## MARY IN SCOTLAND.

1561-1563.

THE history of Scotland after Mary's landing is so rich in political events, and in social and personal interest, that a concise treatment must leave much untouched. Before leaving France, Mary had defined her attitude towards theology. "For my part," she had told Throckmorton, "you may perceive that I am none of these that will change my religion every year; and . . . I mean to constrain none of my subjects, but would wish that they were all as I am, and I trust they should have no support to constrain me."<sup>1</sup> In this provisional attitude she remained. Her desire, doubtless, was to make Scotland a stepping-stone to higher things. She might marry Don Carlos, she might make good her claim to the English throne, she might recover both countries for the Church. Meanwhile if she could secure freedom of conscience for herself, and attend her mass in private, that was the minimum to which she had a human right, and that was the fine edge of the wedge. She might, and she did, win her lords to insist on her recognition as heiress of the English crown, failing Elizabeth and her issue. Her lords were thus no longer mere adherents of Elizabeth. For a beginning this was enough.

Mary's arrival was darkened by the morose climate, and by preparations incomplete, because she was unexpected. "Was never seen a more dolorous face of the heaven. . . . That forewarning God gave unto us," says Knox. The queen remained in Leith till some rooms were made ready in Holyrood. On her way thither the artisans met her. They were under excommunication for a May-day riot and celebration of Robin Hood. "Because she was sufficiently instructed that all they did was done in despite

of religion, they were easily pardoned."<sup>2</sup> Religion had little to do with Robin Hood. He and his merry men, and May revels, had been put down before the Reformation, probably because it was usual to ask for money, perhaps with violence. If the craftsmen deliberately acted "in despite of religion," the new creed had not sunk very deep, and we see many symptoms that the Edinburgh populace was not steadily Protestant.

All night bonfires blazed, and there was music, probably both sacred and secular. All went well, the lords flocking to salute the queen, till Sunday (Knox is too consistent to say "Sabbath"), August 24. Preparations were made for the mass in the chapel royal attached to the palace, not in the Abbey Church, now a picturesque and dreary ruin.<sup>3</sup> For this private mass Lord James had stipulated. The Master of Lindsay, with the fanatics of Fife, bawled against the "idol," crying "the idolatrous priest should die the death," contrary even to the penal statutes. Lord James, who never lacked courage, held the chapel door, and, after service, his brothers, Robert and John, conveyed the priest to his chambers, "and so the godly departed with great grief of heart," thirsting for clerical blood. On the following day the Privy Council decreed that none should molest her servants or French companions. Mary announced her hope to "take a final order," as to religion, by advice of the Estates. Arran publicly protested that idolaters must be put to death, and he retired from Court, but the other lords fell under "some enchantment whereby men are bewitched."<sup>4</sup> Next Sunday Knox, of course, denounced the mass from the pulpit. One mass was more terrible to him than an invading army of 10,000 men. Mary sent for Knox, probably expecting her enchantments to act.

But, though fond of a pretty young face, Knox was of adamant now. Mr Carlyle says "he is never in the least ill-tempered with her Majesty," but Mr Carlyle's ideas of temper were peculiar. Knox reports his own remarks in several hundred lines; Mary's part in the drama has but thirty lines. Mary objected that Knox raised rebellion against her mother. She alluded to his tract, 'The Monstrous Regiment of Women.' She said that he had caused slaughter in England, and was reported to be a necromancer. Mary appears, from a later charge against Ruthven, to have been a believer in black magic. She asked if he admitted her "just authority." He then lectured on the Republic of Plato, and said that, if the country found no harm in feminine

rule, he could be as content under it "as Paul was to live under Nero." The logic was curious: Nero was not a woman, and the fault of Mary was that her sex was *not* that of the Roman despot. As to causing trouble in England, he disproved that, and he could prove that he actually preached against magic and magicians. This is interesting, as before the Reformation we have found so very little about witch-burnings. They soon became common, as they had long been in Catholic Europe. Mary then put it to Knox that he taught subjects to receive a religion not permitted by their princes. Now God commands subjects to obey their princes. Knox replied that if the Israelites had been of the Pharaohs' faith, where would religion be? The apostles and Daniel did not worship with Nero and Nebuchadnezzar—nay, Daniel refused to do so. "But none of them," said Mary, "raised the sword against their princes."

"God, madam, had not given them the power and the means."

God had, in fact, given Peter the means, but his conduct with his sword did not secure the approval of his Master. Knox then likened the position of subjects with a Catholic prince to that of children whose father is suffering from homicidal mania. This was a commonplace of the opponents of Government: it constantly occurs in their arguments. Mary was silent for more than fifteen minutes. Lord James asked what ailed her.

"I perceive," she said to Knox, "that my subjects shall obey you and not me."

Knox said that both should be subjects "to God and his troubled Church."

"Yea, but you are not the Kirk that I will nourish. I will defend the Kirk of Rome, for I think it is the true Kirk of God."

"Your will, madam, is no reason," said Knox, adding that her Kirk was a harlot: a good-tempered observation.

Mary did not reply that *his* Kirk was a harridan, but said, "My conscience is not so."

Knox remarked that conscience requires knowledge, and he feared that right knowledge she had none.

So the discussion went on, Mary observing that Scripture was variously interpreted. Knox then adopted the logic of the Confession of Faith, chapter xviii., which is reasoning in a vicious circle.

"You are too hard for me," said the fair theologian of eighteen; "but if they were here that I have heard, they would answer you."

But Ninian Winzet was not there. Knox said that Papists could only answer by fire and sword. That was not the way of the unanswered Winzet. Mary was now called to dinner, and Knox said farewell with courtesy.

"I pray God, madam, that you may be as blessed within the commonwealth of Scotland, if it be the pleasure of God, as ever Deborah was in the commonwealth of Israel."<sup>5</sup>

He, unlike some of the godly, as he tells us, was without hope of Mary's conversion. "She is patient to hear, and bears much," wrote Randolph to Cecil. Lethington "wishes Mr Knox would deal more gently with her, being a young princess unpersuaded."<sup>6</sup> "In her comporting with him, she doth declare a wisdom far exceeding her age." On the other hand, "Mr Knox's prayer is, that God will turn her heart, obstinate against God and His truth, or, if the Holy Will be otherwise, to strengthen the hands of His holy and elect stoutly to withstand the rage of all tyrants." Mary had neither tyrannised nor raged; it was Knox who called her Church a harlot. It is usual to defend Knox's conduct towards his young queen. Randolph and Lethington did not approve of it: it was calculated to exasperate the humblest spirit, and Mary's spirit was high.

On Tuesday, September 2, she entered Edinburgh in state and among pageants. The town made her a present of a very heavy Bible, and of a beautiful piece of plate. The children in the cart "made some speech concerning the putting away of the mass."<sup>7</sup> Even the children must lecture the queen! Some say that a priest in effigy was burned, others that Korah, Dathan, and Abiram were burned, as a protest against idolatry.<sup>8</sup> Other insults were heaped on the queen's religion. She went to Perth, St Andrews, and Dundee; riots and insults were mingled with pageants and presents.<sup>9</sup> Meanwhile Lethington had been at the Court of Elizabeth. He was instructed to say that any discourtesy of Elizabeth's to Mary would be resented by Mary's subjects.<sup>10</sup> It is also plain that Lethington was to propose that Elizabeth should recognise Mary as her heir, failing herself and her issue.<sup>11</sup> Elizabeth did not consent, but she found that Mary had put a new spirit into the Scots. She sent Sir Peter Mewtas as an ambassador, and Mary and she made friendly professions.

In Edinburgh was trouble. The newly elected magistrates re-issued an insulting proclamation, expelling "monks, friars, priests,

nuns, adulterers, and all sic filthy persons." The queen imprisoned the provost and bailies, and ordered a new election. In this municipal *coup d'état* Knox says that she was backed by Lethington and Lord James.<sup>12</sup> The autumn and winter after Mary's return from her progress were spent in the weaving of diplomatic cobwebs, and in the pleasures of a young and lively Court. "In farces, in masking, and other prodigalities, fain would fools have counterfeited France." D'Elbœuf had not yet returned home, and he was a wanton reveller, not ill-mated with Bothwell. The Court was much subject to the passion of love. Lord James had practised a "lang courting," as the Scots say, of the Earl Marischal's daughter. A previous adventure of his displeased the ungodly; he had jilted a lady, but retained her lands. His brother, Lord John, lay prior of Coldingham, "is like to marry Lord Bothwell's sister." Unlike Hippocleides in Herodotus, Lord John was dancing himself into, not "out of, a marriage." He "has not least favour with his leaping and dancing." "Lord Robert," of Holyrood, another brother, "consumes with love of the Earl of Cassilis's sister." Arran held aloof, first as a stern Protestant; next, because Bothwell, who had vainly challenged him during the Regency, was likely to renew the quarrel,<sup>13</sup> which arose out of Bothwell's stopping Ormistoun with English gold for the rebels against Mary of Guise.

Pastimes were boldly pursued on Sundays, indeed on a Sunday the town of Edinburgh feasted the queen. It appears that the primitive Reformers of the first generation had no idea of making Sunday a day of penitential gloom. Knox did not even, like his descendants, call Sunday "Sabbath," as we have already noted. Still, they could not approve of a Sunday "running at the rings," with six competitors disguised as women; six "in strange masking garments."<sup>14</sup> Such were Court pleasures: perhaps the eyes of Mary Fleming were already softening the heart of Lethington. Certainly he and Lord James took the queen's part as far as they dared. Mary held the usual services of her Church on Hallowmas or All Saints' Day. The Reformation never succeeded in obliterating Hallowe'en and its rustic survivals, but the celebration of All Saints was bitterly resented. The ministers beat the pulpit cushions in denunciation. The nobles were induced to meet, but "affection" caused some to doubt "whether subjects might put out their hand to suppress the idolatry of their prince." Lord James, Lethington,



Morton, and the Earl Marischal were of a Turkish tolerance, the principal preachers were on the other side. It was decided to consult Calvin, that oracle. Knox offered to write, but Lethington observed that "there stood much in the information"—that is, in the way of stating the case. Thus Lethington put the question by, but Knox, "though he does not say so in his History," remarks Dr Hay Fleming, "did write to Calvin on this very point," and he had written a week at least before the meeting (October 24). He informed Calvin that at Court Lord James alone opposed "impiety," but, like the rest, "is afraid to overthrow that idol by violence." It is not easy to see why Knox offered to write, when he had written already.<sup>15</sup>

Meanwhile diplomatists, studying for peace with England, dwelt on a hope that Elizabeth would meet Mary, and, as Knox might have said, would convert her from the errors of the Church of Rome to those of the Church of England. Elizabeth had declared herself a Catholic to de Quadra, the Spanish Ambassador: Knox said that she was neither Protestant nor Papist. Her creed was negative: she was an anti-Puritan. But Lethington thought that Elizabeth "would be able to do much with Mary in religion," if they met in a friendly way.<sup>16</sup> Their theological dialogue would have been curious to hear. In Paris, Throckmorton thought that, if the French could not detach Mary from Elizabeth, they would purchase Arran and Châtelherault, working on their claim to the throne, with such Catholics as Huntly and Home.<sup>17</sup> A nocturnal panic at Court may have been caused by suspicion of Arran. Lord James had gone to the Border, to hang some score of Teviotdale reivers. Simultaneously the Archbishop of St Andrews, with other prelates and Catholics, entered Edinburgh. On a Sunday night in November a terror fell among the courtiers. Next day Arran was said to have arrived with a force, to carry off the queen. The report is said by Randolph to have been untrue, but it led to the formation of a kind of amateur bodyguard for Mary. Never did woman need protection more than she. \*The Catholics themselves were greatly dissatisfied: the prelates were trying to be assured in their estates.<sup>18</sup>

Another brawl was caused by an insulting visit of d'Elbœuf and Bothwell to a pretty girl who was thought to be Arran's mistress. Slogans rose and swords clashed in street and wynd, and Mary, reading, or at needlework, or talking with her ladies, heard danger

in every echoing sound of horses' hoofs. A General Assembly was held in December, but the rift between the lords and the preachers was widening. Lord James and Lethington led *les politiques*, as against the severe sectaries, the bitterly godly. "Some began to deny that they even knew such a thing as the Book of Discipline," and even disparaged General Assemblies. Mr John Wood, later to be notable among Mary's enemies, deserted the cause. Lethington raised the question, afterwards so formidable, of the lawfulness of conventions of the Kirk. The godly asked for the ratification of the Book of Discipline. Lethington successfully opposed it: meanwhile there was no provision for the preachers. Finally the bishops and others were allowed to keep two-thirds of their benefices; the other third was divided between the queen and the ministers. The properties were assessed and valued; Knox leaves a blank for the amount.<sup>19</sup> In a sermon he declared, "I see two parts freely given to the devil, and the third part must be divided betwixt God and the devil." God was the preachers, the devil was the queen! Lethington remarked that, "the ministers being sustained, the queen will not get, at the year's end, enough to buy her a pair of new shoes." The ministers in general received only 100 marks annually. On the other hand, by this procedure Mary recognised the right of the preachers to endowment. Lord James was now made Earl of Mar, and could afford to marry his true love, a very careful lady.

While Mar wedded, and Bothwell brawled, and the ministers starved, and Knox likened the queen to the devil, the shuttle of diplomacy flew backwards and forwards. The object was to establish friendly relations between Mary and Elizabeth, and to secure Mary's recognition as Elizabeth's successor. The patriotism in Lethington always worked for this end—the union of the Crowns. Elizabeth, as regarded the deferred ratification of the Treaty of Edinburgh, was ready to receive a private letter from Mary. Lethington strove to bring Cecil into the arrangement for recognising Mary as heir: he strove in vain. At last Mary wrote, or rather Lethington wrote for her, from Seton, on January 5, 1562.<sup>20</sup> The Treaty of Edinburgh, she said, was prejudicial to her legal interest. She is near descended of the royal English blood; and there have been attempts to make her a stranger from it. She insisted on the compromise; she must be acknowledged heir, failing Elizabeth and her lawful issue. She asks for an interview. There the matter

stood, all kinds of rumours and secret plans being in the air, till May, when Lethington visited Elizabeth, and all seemed to go smoothly. But, as we shall see, the interview of the queens was then postponed, owing to the state of French politics.

In Scotland events of mysterious interest occupied men's minds during the spring. We have seen that Bothwell, the staunch though Protestant ally of the Regent and of Mary, had been at feud with Arran and Ormistoun ever since, in 1559, he intercepted Ormistoun and relieved him of the money sent by Elizabeth to the godly. Now Arran had been behaving in an eccentric way during February 1562. Randolph had "marked something strange in him" as early as February 21. He was nervous, afraid of something (perhaps of Bothwell), he wished to return to France, and he found security, for eight days, in bed! Randolph heard, however, that his feud with Bothwell was to be "accorded." On February 28 Randolph surmised that Arran "would play some mad part."<sup>21</sup> On March 25, 1562, Bothwell went to Knox and asked to be reconciled to Arran, whose confidant Knox was. Bothwell professed repentance for his "former inordinate life," his attack on Ormistoun, and his usage of Arran. He could not go to Court, he said, for fear of Arran, without a crowd of armed retainers, and this was expensive; so he wished the feud ended. Knox assured Bothwell of his goodwill, based on old feudal allegiance to his house. He advised him first to be reconciled to God. Though Bothwell, about this very time, chased his old foe Ormistoun, and took his son prisoner, the reconciliation with Arran was brought about, to the joy of the faithful. The foes met at the Hamilton château, near the fatal Kirk-of-Field, Knox being present. After a private conversation they parted, and next day met "at the sermon," and hunted together.

Knox had done a good stroke for his party. Arran was a Protestant. United with a Protestant Bothwell he might achieve much for Knox's cause. Hitherto Bothwell, though Protestant, had been true to the Regent and to Mary. Four days later (March 29) Arran came to Knox and declared that Bothwell had announced to him his design to seize Mary and hand her over to Arran, to keep her in Dumbarton Castle. Mar and Lethington he would slay, "and so shall Bothwell and I rule all." In Arran's opinion, this was a mere device to trap him into treason. He meant to write at once to Mary and Mar (whom Knox now calls

Murray). Knox advised him to be silent. He was innocent, and to accuse Bothwell, just after reconciliation, would look ill. He would not be concealing treason, for treason implies "*consent and determination*, which I hear upon neither of your parts." Yet Bothwell had "shown" Arran "that he shall take the queen." Morton was later executed for concealing Bothwell's purpose, revealed by Bothwell to him, of killing Darnley. Possibly, on the question of law, Knox may have been in error.<sup>22</sup> If Knox perceived, when Arran consulted him, that the nobleman was insane and his tale an illusion, he probably did well in counselling him to say no more about the matter. But Arran was not to be advised: he did write to Mary and Mar, from his father's house of Kineil, adding that his father, Châtelherault, was "overmuch bent upon Bothwell's persuasions." Immediately afterwards, Arran escaped from a lofty window in his father's house of Kineil, hurried on foot to Grange's house in Fife, and was brought by Mar to the queen at Falkland, whither Bothwell also came, "which augmented the former suspicion." Knox wrote to Mar, "did plainly forewarn him that he perceived the Earl of Arran to be stricken of frenzy." In a few days Arran was, or affected to be, distraught, averring that he was Mary's husband. In a Council at St Andrews (April 15) Châtelherault was obliged to give up Dumbarton Castle to the queen. Arran had been examined, and though he now acquitted his father, he steadily maintained the charge against Bothwell.<sup>23</sup> "The queen both honestly and stoutly behaves herself," wrote Randolph. She was moved by the tears of Châtelherault when accused, truly or falsely, by his son. Bothwell was warded in Edinburgh Castle, whence he did not escape till the end of August 1562.

What was the truth in this mysterious affair? Mr Froude says that Arran "began to talk wildly of carrying Mary off from Holyrood by force. In the Earl of Bothwell he had a dangerous companion in discontent. In common with the other Catholic noblemen, Bothwell had found his services to Mary of Guise rewarded with apparent neglect." But, of course, Bothwell was not a Catholic nobleman.<sup>24</sup> Buchanan's story is that Bothwell had spent all on publicans and harlots. His only hope was in some bold stroke. He therefore invited Mar to aid him in cutting off the Hamiltons, and, when Mar refused, approached the Hamiltons with the scheme for cutting off Mar and seizing Mary. The rest

of the Hamiltons approved (Buchanan can believe anything bad about a Hamilton), but Arran detested and revealed the conspiracy. He wrote to Mar, Mar answered, Châtelherault opened the letter, and shut Arran up in a room high above the ground. He escaped and went with his tale to Falkland. Apparently Arran *did* leave Kineil by letting himself down from a high window, and this looks as if he were under arrest.<sup>25</sup> It seems that Knox's advice to Arran, that he should conceal Bothwell's intentions, was injudicious; but Arran was certainly mad, and there was no way of dealing with him.

At the very time of Arran's escapade (March 31) Randolph was writing that nobody at the Scottish Court resented the imprisonment of Lennox by Elizabeth. Earlier he had reported his belief that Mary would never again wed so young a lad as Lennox's son, Darnley. Elizabeth had discovered the Lennox scheme for this marriage, and had placed husband and wife in the Tower. Mary did not resent it; her politics ran entirely on her hoped-for interview with Elizabeth. On May 23 Lethington was sent to negotiate this interview. It was opposed by the Catholics, and, though the Protestants desired it, Knox thundered from the pulpit against the Anglican religion. The idea that Mary might embrace it "makes them run almost wild," says Randolph. "Last Sunday Knox gave the cross and candle such a wipe that as wise and learned as himself wished him to have held his peace." Knox was "vehement" in favour of "hearty love with England," but did not increase Elizabeth's good-humour by "wipes" at her ritual.<sup>26</sup> Mary as an Anglican would have been as odious to him as a Catholic Mary.

Mary was now engaged in a double current of affairs. First, Lethington went from her to Elizabeth (May 23-31); next, a papal nuncio visited her secretly. Since December 1561 the Pope had been encouraging Mary to work for the Church. He knew, he said, that she was secretly doing her best, and would send an envoy and bishops to the Council of Trent.<sup>27</sup> The Pope was mistaken. The Legate, Nicholas Gouda, left Antwerp in June, arriving in Scotland on the 18th. After skulking for a month in Errol, he saw Mary while the courtiers were at sermon on July 24. She thought it impracticable to send the bishops to the Council of Trent, but would rather die than change her creed. She could not grant a safe-conduct, nor punish any one who murdered the Legate. That was all. Gouda wrote the report on the Catholics already cited,

and returned to the Continent with a few lads who became Jesuits.<sup>28</sup> To the Council of Trent, Cardinal Guise, and the Pope, Mary wrote in the same terms as she had spoken to Gouda.<sup>29</sup> She would be happy to improve the wretched religious condition of her kingdom by all possible "studies, thought, labour, and effort," even at the cost of her life. These phrases are not confessions of a secret conspiracy against Protestantism. It is curious that her adversaries do not remark one simple fact. What Mary said to Gouda, and to the Pope, she had already said to Knox: "Ye are not the Kirk that I will nourish. I will defend the Kirk of Rome, for, I think, it is the true Kirk of God."<sup>30</sup> Mary made no secret about the matter. She would live and die a Catholic; as far as her influence went she would defend and nourish the Church. This is not the language of a woman engaged in a "conspiracy," as Mr Froude says, "prepared to hide her purpose till the moment came to strike, yet with a purpose resolutely formed to trample down the Reformation."<sup>31</sup> A queen who confesses her "purpose" to the hostile Knox cannot, in fairness, be said to "hide her purpose."<sup>32</sup> That Mary could not "defend," still less "nourish," her Church and her co-religionists was presently to be made manifest.

Almost simultaneous with the Legate's arrival in Scotland, where his life was not worth a pin's fee, were Lethington's negotiations in London. To arrange an interview between Elizabeth and Mary was difficult, and finally proved to be impossible. The diplomacy of the hour is interesting to the student of character, but too complex for an exposition in detail. In France during 1561 the House of Lorraine had been in the shade, and Catherine de' Medici had been in favour with Condé and the Huguenots, so lately within an inch of destruction. The Duc de Guise, however, had gained to his cause the Constable (Montmorency), the Marshal de St André, and the King of Navarre. The Grand Prior and de Damville, returning from their escort of Mary Stuart, had tried to make friends of the English Court, and in Paris the Duc de Guise endeavoured to conciliate Throckmorton. So far the influence of the Guises was in favour of the reconciliation between Mary and Elizabeth: it strengthened them, as against Catherine de' Medici. Mary herself, in the winter of 1561, had pleaded the Guises' cause with Elizabeth. To Throckmorton Elizabeth gave orders to favour the Guises, as he wrote to Mary himself (February 16, 1562).<sup>33</sup> Thus everything

had seemed propitious for the royal interview. But in March 1562 the religious hatreds of France broke into flame. In Scotland the Calvinists could safely insult their queen's religion and beat her priests. In France the Guises would tolerate no such indignities from the Huguenots. The massacre of Vassy, provoked by Huguenot offences to the Duke or not, was the beginning of tumults and cruelties wrought by each faction. From Paris Throckmorton announced a general Popish plot, even in Scotland.<sup>34</sup> As to Scotland, we know no proof of any such design.

Elizabeth cannot have been more amicably inclined towards Mary, while her uncles were threatening the Protestant cause in France, nevertheless Lethington was well received in June. Elizabeth consented to the interview. Feline amenities and expressions of affection passed between the rival queens. But (June 13) the French Ambassador in London, de Foix, reported that Elizabeth's council was hostile.<sup>35</sup> On July 1 he announced that the interview was expected to be near York on September 8, but that Lethington had no written assurance. He did not like the scheme. Mary would probably marry Don Carlos, and an Anglo-Spanish combination, if Mary came to the English throne, would be dangerous to France.<sup>36</sup> But despite the opposition of the Council, all seemed well till the middle of July. Various places and dates were spoken of, under the condition that the state of affairs in France proved favourable. But they did not. In July Elizabeth sent Sir Henry Sidney to tell Mary that the interview might not be. Guise had broken faith with Condé, the common people had licence to attack church-wreckers. General persecution without form of law was initiated by the Guises. Elizabeth could not leave the Court at such a juncture, but would meet Mary next summer. The Privy Council of Scotland on August 15 notified the arrival of this offer, but "would nowise give Mary counsel to commit her body in England; and therefore referred the place of meeting, and the security of her own person, to herself."<sup>37</sup> On August 14, at Perth, Mary accepted Elizabeth's new proposal.<sup>38</sup> Sidney reached Edinburgh on July 21, and saw Mary on the 23rd. She received his message "with watery eyes."<sup>39</sup> It seems probable that Elizabeth would not have met Mary in any case. She always, in the end, preferred abstention to action, as her many wooers knew. During Lethington's absence in London, Lord James had chastised the Borderers. He entered Hawick on market-day, and many a wife,

"up the water," waited vainly to hear her husband's horse's hoofs returning. Lord James caught and drowned a score or two of honest Scotts and Elliots—drowned them for lack of ropes to hang, and trees to hang them on.<sup>40</sup>

At Edinburgh, while Mary still hoped for the original tryst with Elizabeth, events not without sequence occurred. The General Assembly met on June 29. They sent a document to Mary, warning her against "perishing in her own iniquity," and asking that adulterers should be punished. The death-penalty was what the Kirk desired. They pleaded the cause of the poor, from whom the purveyors of the Kirk's and queen's third extorted their last penny. "It is a wonder that the sun giveth light and heat to the earth, where God's name is so frequently called upon and no mercy (according to His commandment) shown to His creatures." So much the poor had gained by the Revolution. Public relief, from the teinds and other sources, was demanded—in fact, a kind of Poor Law. A threat was uttered against Catholics who, where they had power, "troubled the ministers." The enforcement of the penal statutes was called for, but Lethington denounced the belief that Mary "would raise up Papists and Papistry again." The threat that the godly would again take the law into their own hands was resented. Lethington presented an expurgated version of the Assembly's petition, and nothing came of it all. (Knox, ii. 337-344.)

Two days before the Assembly, on June 27, a curious affray occurred. Long ago Ogilvie of Findlater had taken a Gordon lady for his second wife, and had disinherited James Ogilvie, his son by his first wife. His lands at this time were in the possession of John Gordon, a younger son of the fickle Earl of Huntly. Findlater's reasons for disinheriting his own son are stated thus by Randolph: The son "had solicited his father's wife to dishonesty, both with himself and with other men." Again, he plotted to lock his father up in a dark house [room], and keep him waking (as witches were used to be) till he went stark mad. On the old gentleman's death his wife married the heir, John Gordon, who "locked her up in a close room, where she remains."<sup>41</sup> From these family jars came a fight in Edinburgh streets on June 27, when Lord Ogilvie was wounded, and Gordon was imprisoned. He fled to his father, Huntly, on July 25. Mary had meditated a progress to the North before Easter.<sup>42</sup> Probably it was only



deferred during the negotiations with England. On August 10 Randolph, who was obliged to accompany her, ruefully reported her design to go to Inverness.<sup>43</sup> Mary at this moment was insulted by Captain Hepburn, who sent her obscene verses and drawings, and fled. This was probably a revenge for Bothwell, still a prisoner in Edinburgh Castle. On August 31 Randolph announced Mary's presence at Aberdeen. Huntly was out of favour, and she would not visit him, though his house was but three miles distant. He had been adverse to the meeting with Elizabeth, he was notoriously perfidious, his extortions were great, and he was suspected of advising his son John not to enter himself prisoner after his escape from prison. Lastly, when the queen reached Inverness, on September 9, she asked for the castle, which was held for Huntly as sheriff. The castle declined to admit her, but surrendered next day, when the captain was hanged. Mary stayed for five days at Inverness, and then went to Spynie in Moray, the house of the bishop. Huntly was expected to resist her at the passing of the Spey. Mary regretted that she was not a man, "to know what life it was to lie all night in the fields, or to walk on the causeway with a jack and knapschalle [steel cap], a Glasgow buckler, and a broadsword" (September 18).

Huntly, indeed, did send a force under his son John, but they retreated before the queen's army. Bothwell, who had escaped from prison, sent in his submission, but "her purpose is to put him out of the country." Knox thought that Bothwell escaped by Mary's connivance. On returning to Aberdeen, Mary gave to Mar the long-coveted earldom of Murray (September 18). To Huntly she sent, demanding surrender of a cannon which he possessed (September 25). Huntly protested his loyalty to her messenger with tears, and Lady Huntly implored her grace in the name of their common religion. Mary laughed at their entreaties. On October 9, Mary being still at Aberdeen, Huntly fled from his house of Strathbogie. On the 15th he was threatened with outlawry if he did not instantly surrender. Meanwhile Huntly's eldest son went to Châtelherault, and there was talk of his leaguering himself with Bothwell. Finally, on October 28, Randolph reports that Huntly, with a small force, has been defeated (at Corrichie), and has died suddenly, as a prisoner,—“without blow or stroke suddenly he fell from his horse, stark dead.” John Gordon was executed on November 2, Huntly's body was brought to Edinburgh, young Adam Gordon was spared.

In May 1563 the dead man was tried, and forfeited, with his descendants. His eldest son was condemned, but was released after Mary's marriage.

This uprooting of her chief Catholic noble, by a Catholic queen, has been diversely interpreted by historians. We have followed the account by Randolph, an eyewitness and a man not easily deceived. Knox, on the other hand, was in Ayrshire, disputing with Quentin Kennedy and collecting rumours. "Mr Knox," says Randolph, "has many times given him warning of practisers, but this is the first that he, or any man, could assure him of." Randolph leaves no doubt that Mary was intent on her expedition, and became hostile to Huntly. It was she who refused to visit him at Strathbogie, "her Council find" the refusal to go "expedient" (August 31). She has just cause for disliking Huntly of long time "for manifest tokens of disobedience no longer to be borne" (September 18). "The queen is highly offended." "She will do something that will be a terror to the others." "I never saw her merrier, never dismayed, nor never thought so much to be in her as I find." "She trusts to put the country in good quietness" (September 23). "She believed not a word" (of Huntly's or Lady Huntly's apologies), "and so declared the same herself unto her Council" (September 30). "She is determined to proceed against them" (the Gordons) "with all extremity" (October 12). She refused the keys of two castles which Huntly sent in by a groom. "She said that she had provided other means to open those doors." "The queen is determined to bring Huntly to utter confusion." She declined to see Lady Huntly (October 23). On the trial of the prisoners of Corrichie, she "declared how detestable a part Huntly thought to have used against her, as to have married her where he would, to have slain her brother" (November 2).<sup>44</sup> Such are the comments of an eyewitness.

Turn to Knox. Says Randolph, "He is so full of distrust in all her [Mary's] doings, as though he were either of God's privy council that knew how he had determined of her from the beginning, or that he knew the secrets of her heart so well that neither she did or could have, for ever, one good thought of God, or of His true religion."<sup>45</sup> In Knox's theory, "one thing is certain, to wit, the queen was little offended at Bothwell's escaping." Yet Knox himself, he tells us, induced the Master of Maxwell to write to Bothwell, bidding him be a good subject, that his crime of break-

ing jail might be pardoned. Randolph says she was determined to exile Bothwell. Knox holds that when Huntly's eldest son went to Châtelherault, it was to bid him rebel in the South as *he* would in the North, despite "Knox's crying nor preaching."<sup>46</sup> He admits that Mary was really in anger with Huntly when she refused to visit Strathbogie. She was "inflamed" when John Gordon cut off a patrol of hers; but he doubts if she acted lawfully in thereon putting Huntly "to the horn." He says that Huntly expected many of Mary's forces to side with him. The van of Mary's men fought ill (this seems to be certain), and Knox attributes it to treachery. Mary "gloomed" on hearing of her victory at Corrichie. Murray's success "was very venom to her boldened heart against him for his godliness. . . . Of many days she bore no better countenance, . . . albeit she caused execute John Gordon and divers others, *yet it was the destruction of others that she sought.*"

The real plan was "that Murray should with certain others have been taken at Strathbogie; the queen should have been taken and kept at the devotion of the said Earl of Huntly." So Mary herself told Randolph; but Knox, in contradiction of his own story, avers that "it was the destruction of others that she sought," as if she had been Huntly's accomplice. Knox's method of writing history is astonishing. He avers that Mary received Huntly well, during her journey, at Buchan and Rothiemay; that she was "offended" when John Gordon broke promise to render himself prisoner; that she was later "inflamed" more and more,—by Huntly's refusal to yield two castles (which he *did* yield), and by John Gordon's treacherous attack on her patrol. All this is wholly inconsistent with a plot between Mary and Huntly. Yet he writes, "Whether there was any secret practice and confederacy . . . betwixt the queen herself and Huntly, we cannot certainly say."<sup>47</sup> The whole circumstances which Knox has related, Mary's original attitude to Huntly, and the repeated offences which "inflamed" her against him, confirm Randolph's account, and confute the suspicions of the Reformer. Mr Froude charitably supposes that Mary had a double policy. If Huntly could defeat Murray, and "set her at liberty,"—well. If Murray defeated Huntly, and so dropped his suspicions of herself,—well.<sup>48</sup> "Her brother read her a cruel lesson by compelling her to be present at the execution." The authority is not given.

These subtleties are futile. Mary was angered by Huntly's offences, and confirmed in her opinion of him by the confessions of his son John, and of a retainer of his, Thomas Ker. Murray, of course, gained by Huntly's fall, and so did the Protestant cause. We have seen an example of the gratitude of a preacher. Mary was true to her Church, but she was a queen, and true, so far, to her duties as a sovereign. George Buchanan tells an interesting historical romance on the whole subject. The Guises saw that they could not restore the Church while Murray lived. They trusted in Huntly. They therefore advised Mary to allure his son, John Gordon (a married man), with hopes of her hand: he might be useful in a massacre of Protestants. The Pope and a cardinal urged on Mary the same advice. Mary showed their letters to Murray, such was her artfulness.<sup>49</sup> The plot being laid, Mary went to Aberdeen: Lady Huntly, knowing that Mary hated Huntly and Murray equally, tried to fathom her designs. But Huntly secured Mary by promising to restore the Church. Mary came into the plot to murder Murray, only stipulating that John Gordon should first surrender. But John got together 1000 men and hung about round Aberdeen. Murray knew his own danger. The murder was to be done when Mary and Murray visited Strathbogie. But Huntly would not concede the point of his son's surrender, and to Strathbogie Mary would not go. Then came the refusal to hand over Inverness Castle, which turned all Mary's wrath on the head of Huntly, who still thought that his best plan was to murder Murray. He failed, and died at Corrichie. The queen wept at John Gordon's execution, which was cruelly prolonged; wept, doubtless because she hated Murray as much as Huntly.<sup>50</sup> The reader may now understand the value of Buchanan's evidence. A tolerant construction of Mary's conduct makes it clear that she was equally ready to win Huntly to murder her brother, or to purchase the English crown, as Mr Froude says, "by Huntly's blood"!<sup>51</sup> For it is, of course, impossible that she merely designed the overthrow of a perfidious and rebellious kinglest of the North. If Mary "stooped to folly" and worse, we must remember that she was for years goaded by Protestant virulence, which turned her every act and word into evil.

The truth about the affair of Huntly seems to be this: Mary, under Lethington and Mar (Murray), was "running the English course." The great House of Hamilton, ever ready to change its creed, was hostile to her, and Huntly, a Catholic, was suspicious,

and probably was intriguing with the Hamiltons. Murray and Lethington may have exaggerated all this, and, under their advice, Mary swept Huntly from her path of reconciliation with England. Mary knew how her Catholic friends abroad would look on her conduct. She bade her uncle, the Cardinal of Lorraine, "make any excuses if I have failed in any part of my duty towards religion."<sup>52</sup> Her letter to the Duc de Guise on the whole affair (January 31, 1563) was burned in a fire at the premises of the binder to the British Museum.

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NOTES TO CHAPTER V.

- <sup>1</sup> For. Cal. Eliz., iv. 151, 152. <sup>2</sup> Knox, ii. 157-270.  
<sup>3</sup> Hay Fleming, p. 257. <sup>4</sup> Knox, ii. 270, 276. <sup>5</sup> Knox, ii. 277-286.  
<sup>6</sup> For. Cal. Eliz., iv. 376-379, note; October 24, 25. Bain, Calendar, i. 563.  
<sup>7</sup> Diurnal, p. 68.  
<sup>8</sup> Randolph to Cecil, September 7, For. Cal. Eliz., iv. 287, note.  
<sup>9</sup> Randolph to Cecil, September 24, Keith, ii. 85, 86. <sup>10</sup> Keith, ii. 74.  
<sup>11</sup> Throckmorton to Cecil, October 9, For. Cal. Eliz., iv. 362; Froude, vi. 525-527.  
<sup>12</sup> Knox, ii. 289-290, and Laing's notes, and For. Cal. Eliz., iv. 352, note.  
<sup>13</sup> For. Cal. Eliz., iv. 377, note, October 24, Randolph to Cecil.  
<sup>14</sup> For. Cal. Eliz., iv. 428, December, Randolph to Cecil; Bain, i. 573-580.  
<sup>15</sup> Knox, vi. 133-135; cf. Hay Fleming, ii. 262, 263, where the matter is fully discussed.  
<sup>16</sup> For. Cal. Eliz., iv. 379, 426-429, December 7, 1561.  
<sup>17</sup> For. Cal. Eliz., iv. 438.  
<sup>18</sup> Knox, ii. 293, 294; For. Cal. Eliz., iv. 426-428. <sup>19</sup> Knox, ii. 294-310.  
<sup>20</sup> Labanoff, i. 123-127. The letter is in Scots.  
<sup>21</sup> For. Cal. Eliz., iv. 532, 537-539.  
<sup>22</sup> Knox, ii. 322-327; Randolph to Cecil, March 31, 1562, For. Cal. Eliz., iv. 575, 576.  
<sup>23</sup> Compare Knox, with Randolph to Cecil, For. Cal. Eliz., iv. 584-586, 628, 629.  
<sup>24</sup> Froude, vi. 563. <sup>25</sup> Buchanan, fol. 204 (1582).  
<sup>26</sup> For. Cal. Eliz., iv. 523, February 12, 1562.
- It is at this period, when Mary had returned from St Andrews, that Knox seems to date his sermon against her dancing. On March 1 the Huguenots had insulted the Duc de Guise at Vassy while at his prayers, and had pelted him with stones. His men cut down a number of people indiscriminately before they could be restrained. Mr Froude says that Mary gave a ball on the day when the news of the affair of Vassy arrived. Knox says that she "danced excessively . . . because she had received letters that persecution had begun again in France." But the massacre was on March 1, and Mary does not seem to have returned from Fife to Edinburgh before the 19th of April, or even the beginning of May (Hay Flem-

ing, p. 518; Knox, ii. 330, note 7). Consequently the news of Vassy must have reached her long before, and she did not dance *because* or just after that affair, as Mr Froude thinks (Froude, vi. 547, 565). Indeed it was not till December that Knox preached against Mary's amusements, unless he did so twice or more, which is probable enough. His dates are often wrong.

<sup>27</sup> Raynaldi, January 12, 1562, No. clxxxii.; Philippon, ii. 39.

<sup>28</sup> Gouda to Laynez, Narratives of Scottish Catholics, pp. 63-79, September 30; Pollen, Papal Negotiations with Queen Mary, pp. 113-139.

There are some curious points in Gouda's report. He says that the queen, addressing Father Edmund Hay, who interpreted, spoke in Scots. He observes that even her confessor had left her: there is a persistent rumour that Riccio, later, was her confessor, though dressed as a layman. He fully confirms the Protestant account of the profligacy of the bishops. "I will not describe the way in which those prelates live, the example they set, or the sort of men they choose as their successors." Knox heard of Gouda's coming, and raged against him. Father Crichton adds that the preachers said "it would be a noble sacrifice to God to wash their hands in Gouda's blood." Ninian Winzet went to Mayence with Gouda, or perhaps rather earlier.

<sup>29</sup> Labanoff, i. 175-180.

<sup>30</sup> Knox, ii. 283.

<sup>31</sup> Froude, vi. 510, 511.

<sup>32</sup> Compare Hay Fleming, p. 269, for other views.

<sup>33</sup> For. Cal. Eliz., iv. 529.

<sup>34</sup> For. Cal. Eliz., iv. 608, April 17.

<sup>35</sup> Teulet, Papiers d'État, ii. 22.

<sup>36</sup> Teulet, ii. 29.

<sup>37</sup> Keith, ii. 148-153.

<sup>38</sup> Labanoff, i. 150-160.

<sup>39</sup> For. Cal. Eliz., v. 182.

<sup>40</sup> Randolph to Cecil, July 8, For. Cal. Eliz., v. 149. "Market-day" seems to be a picturesque traditional accretion.

<sup>41</sup> For. Cal. Eliz., v. 330, September 30.

<sup>42</sup> Hay Fleming, p. 301.

<sup>43</sup> For. Cal. Eliz., v. 232.

<sup>44</sup> For. Cal. Eliz., v. 273, 303, 304, 319, 329, 360, 361, 386, 399, 421.

<sup>45</sup> For. Cal. Eliz., v. 560.

<sup>46</sup> Knox, ii. 347.

<sup>47</sup> Knox, ii. 346-359.

<sup>48</sup> Froude, vi. 606.

<sup>49</sup> Perhaps, as Father Pollen suggests, Buchanan is mixing up these events with a much later affair—the Papal subsidy of 1566, to be paid if Mary slew her chief Privy Council men, which she resolutely refused to do (Papal Negotiations, p. lx.)

<sup>50</sup> Buchanan, foll. 205-209.

<sup>51</sup> Froude, vi. 614.

<sup>52</sup> Pollen, Negotiations, lviii. 163.

## CHAPTER VI.

## MARY'S MARRIAGE.

1563-1565.

DURING Mary's expedition to the North Elizabeth had been ill of smallpox. She had written to Mary explaining that the Guise persecutions in France had caused her, if not to make war, to undertake "military operations" in that direction. But she believed Mary's heart to be so true to her that rivers would remount their sources ere her Mary changed. On November 14 Maitland explained to Cecil the "perplexed case" of Mary. She loved Elizabeth, she loved her uncles. They would ask her to resume the old league "against your invasion." If she refuses, she loses their support; if she consents, what does she gain from England, above all, if Elizabeth dies? Maitland hears rumours of an intention to cut Mary off from the English succession. He asks Cecil's advice. Randolph (November 18) wrote that Chastelard had arrived, a gentleman of Damville's suite, with a long letter from his master. "He is well entertained," and he gave Mary a book of his own verses.<sup>1</sup> Now it was, in December, and not in spring, that Knox preached against Mary for dancing, on some news, he says, of a Guisian success in France. It cannot have been, as Mr Froude avers, the massacre of Vassy, an affair of nine months old. Randolph mentions the dancing, the sermon, and a meeting of Mary and Knox on December 16. When they met, Mary asked him to remonstrate with her in private, if he disliked her doings, not to attack her in public. Now, what she asked was her bare right. The Book of Discipline enjoins that "the offender ought to be privately admonished to abstain from all appearance of evil." Knox said that he "was not appointed to come to every man in particular to show him his offence." Then

he might have sent an elder:<sup>2</sup> in any case he broke the rules of his own Book of Discipline.

Presently rhymes and dances led Chastelard to his notorious end. Randolph thought that Mary was too familiar "with so abject a varlet" as a French gentleman and poet. Knox says that "sometimes privily she would steal a kiss from his neck,"—an indefensible licence, certainly, like Elizabeth's tickling the neck of her Dudley before the eyes of Melville. On the night of February 12, 1563, Lethington was setting forth on an embassy to Elizabeth. He, Murray, and two others sat with Mary in her boudoir till past midnight. Mary's maidens fell asleep in her bedroom, and Chastelard crept in, and hid where burglars are usually looked for by ladies. Two grooms of the chamber did look, and found Chastelard. Mary ordered him away: he followed her to Fife, and entered her bed-chamber. This he had done once too often: he was executed at St Andrews, near the Whyte-Melville fountain of to-day, on February 22. Of his behaviour on the scaffold contending accounts are given. Lethington told de Quadra that French people of rank had sent Chastelard to try to compromise Mary.<sup>3</sup> The name of his instigator Lethington gave as Madame de Curosot; the other names Mary would not allow to be written. Madame de Guise gave the name to the Venetian Ambassador as "Madame de Cursolles."<sup>4</sup> Chantonny gave it to Philip II. as "Madame de Curosot."<sup>5</sup> Curosot is the Spanish cipher name for Chatillon, and the wife of the Admiral Coligny is intended, or the real name is de Cursol or Crusolles, later Duchesse d'Uzès. Chastelard was, doubtless, a Huguenot, if we believe Knox's story that he lamented his "declining from the truth of God"—that is, Calvinism. Knox says that he was executed "that his tongue should not utter the secrets of our queen."<sup>6</sup> Mr Froude says that Maitland's story is "an incredible lie."<sup>7</sup> Knox's is a charitable theory.<sup>8</sup> If we believe Randolph, Mary had herself to blame for the fatuity of a minor poet. But, from Knox's point of view, so experienced a Messalina should have managed her intrigues more adroitly.

While Mary was being compromised by Chastelard, Lethington was on his way to London. Knox was not consulted, as of old, about his mission, and did not know its nature, as he tells us. Lethington was to negotiate as to Mary's succession, in London: in France also he was to negotiate, but we have not his instructions for his French mission. In England he was to find out the result



of the recent parliamentary discussion as to Elizabeth's heir. She had refused to name her successor, but the House was clearly opposed to a Catholic claimant. In fact, had Elizabeth gratified the Scots by naming their queen, Mary would have needed strong Catholic backing. That she could only receive from Spain, hence arose the plan managed by Lethington for wedding her, not to the Archduke, but to Don Carlos. This would be equally unwelcome to Elizabeth, to Catherine de' Medici, and to Knox. The preachers, letting politics ooze from their sermons into their prayers, implored the Deity, before Lethington had reached London, "to keep us from the bondage of strangers; and, for Mary, as much in effect as that God will either turn her heart or send her short life. Of what charity or spirit this proceedeth, I leave to be discussed unto the great divines," says Randolph.<sup>9</sup>

From London (March 18) de Quadra, the Spanish Ambassador, reported Lethington's ideas to Philip. Lethington said that he had made arrangement with Cecil, the old arrangement: Mary was to drop her claim to the English title: Elizabeth was to acknowledge Mary. But then had come Poltrot's pistol-shot, and the death of the Duc de Guise. With the fall of Mary's most powerful friend, and the deaths or disasters of her other Lorraine uncles, the agreement was ended. As to Mary's marriage, she would never wed a Protestant, nor, under any conditions, marry at the will of Elizabeth. She did not esteem the Archduke Charles of Austria, and, in short, aimed at the hand of Don Carlos. Her nobles would permit it, in the national interests, and the English Catholics were a strong party. Five days later, Lethington told de Quadra that Elizabeth proposed Lord Robert Dudley, her minion, for Mary's hand. This was a deliberate insult. Dudley was the worst man Cecil knew: he was ready to adopt any creed for his own advancement: a political traitor, with a pedigree recent and disgraced, and with a private character stained by his wife's death, he was no husband for a Stuart queen. Moreover, it is to the last degree improbable that Elizabeth would have parted from the object of her enigmatic passion. Such a proposal could only have come from an irreconcilable woman. De Quadra said that even Mary's own subjects preferred Lennox's son, Henry Darnley. Philip of Spain lent himself to Lethington's plan, Lethington having persuaded de Quadra that Mary might marry the King of France, and then, in the nick of time, de Quadra died. By August 20, Elizabeth, in her instructions to Randolph, laid her interdict on the marriage

with the Archduke Charles of Austria, or with any Catholic Prince.<sup>10</sup>

The whole of these negotiations for Mary's marriage were an inextricable tangle of duplicities. The Emperor was being deceived as to Mary's readiness to marry the Archduke. Mary was to be deceived by Elizabeth's offer of Leicester. De Quadra and Philip were gulled by Lethington as to the prospect of a marriage between Mary and Charles IX. of France. Finally, Kirkcaldy of Grange, on April 30, 1564, wrote to Randolph that there was no sincerity even in Lethington's attempt to arrange the Spanish marriage for Mary, a thing so detestable to Protestants. "The queen-mother hath written to our queen, that Lethington said to her, that all that was spoken of the marriage with Spain was done to cause England grant to our desires,"—namely, to recognise Mary as Elizabeth's successor.<sup>11</sup> Now Lethington may have said this to deceive Catherine, or, conceivably, what he said was true, and he was gulling Philip and de Quadra by two separate and simultaneous impostures. Lethington was "very capable of having it happen to him," and was an edifying Minister of a young queen.

In criticising Mary's conduct henceforth, it must be remembered that her high spirit was being fretted by rebuke, menace, and interference from every side. The loves of monarchs are always thwarted and controlled: it is a sore price that they pay for their thorny crowns. No doubt they should pay it dutifully. But a beautiful high-born girl of twenty-one is apt to resent an eternity of threats and lectures. At Easter the Archbishop and others had celebrated the rites of her faith, and the Brethren avowed their intention to take the law into their own hands. Some priests were seized. They had been ministering to their flocks, "some in secret houses, some in barns, others in woods and hills." They were imprisoned.<sup>12</sup> Some priests, as Quentin Kennedy, were threatened with lynch law. Mary sent for Knox, who met her at Lochleven. He quoted Samuel and Agag: Agag was the Archbishop, Knox was Samuel. "Phyneas was no magistrat, and yet feared he not to stryck Cosby and Zimbrye in the verray act of fylthie fornicatioun." Knox himself had just sat on the preacher Paul Methven, who had an ancient woman to wife, and a young maid-servant. Paul was excommunicated but not put to death. Mary left Knox, somewhat offended, but next morning talked to him of other matters. She said that Ruthven was "known to use enchantment," and had given her a ring, which she thought

ominous. Lethington had placed Ruthven on the Privy Council: Mary resented this, and Randolph tells Cecil that Murray dreaded Ruthven's sorcery.<sup>13</sup> Mary next warned Knox against allowing Gordon, later Bishop of Galloway, to be elected superintendent. Knox said that God would not suffer His Church to be deceived. But, in fact, Gordon had bribed several of the electors, as Knox later found out. Gordon, none the less, continued to "plant and visit the churches of that diocese."<sup>14</sup> So early was the primitive simplicity of the Kirk invaded by "horrid facts," as Knox calls Methven's offence. Lastly, Mary asked Knox to reconcile Argyll and his wife, and promised to do some justice on the prelates of her own Church. They parted peaceably, and tradition says that the queen gave Knox a beautiful watch.

On May 26 Parliament met. The corpse of Huntly and the living Sutherland, as involved in his treason, were condemned. Mary, of course, wore her robes, other ladies were in their best, and the preachers spoke boldly against "the targeting of their tails," "the stinking pride of women." The people, however, cried, "God save that sweet face!" Alas, for the sweet face, and for the girl who, weekly and daily, was thwarted and denounced from the infallible pulpit! From the rites of her creed to the dances of her drawing-room; from the trimming of her skirt to the bestowal of her hand, Mary was eternally checked and scolded. Recklessness was the necessary result, and when recklessness met passion, we may and do condemn, but we cannot affect not to understand the results. Before Parliament met, on May 26, measures were taken against the Catholics. The Archbishop and others were imprisoned for doing what it was their duty, and their point of honour, to have done. During the session the preaching party won some legislative triumphs. The penalty of death was decreed against breakers of the Seventh Commandment. Christ's leniency to the sinful woman did not commend itself to the Reformers. The penalty of death was also decreed against witches, and this abominable law was carried into effect frequently, for four generations, both under Presbyterianism and Episcopacy. Manses and glebes were to be restored to the ministers, and a reforming commission was to inspect the University of St Andrews. Parish kirks were to be repaired, and cruives or coops, and other traps for salmon, were condemned.<sup>15</sup>

Knox preached against the backsliding lords. Had not God's Spirit in Knox promised them victory. Had he not prophesied

their success when he stood by them in their "most extreme dangers," at Perth, at Cupar Moor (where they were in overwhelming numbers), and on "the dark and dolorous night, wherein ye all, my Lords, with shame and fear, fled from this town." It was all true; Knox had been the heart of the wars of the Congregation. But for him they would have quailed and scattered before the Regent. And now, again, they were "fleeing from Christ's banner." Their very religion, some said, was not established by a lawful Parliament (as it emphatically was *not*). This was the opinion of Sinclair, Dean of Restalrig, and as he afterwards rose to the highest judicial rank as Lord President, his opinion is worth noting. "To end all" of his harangue, Knox turned to the queen's marriage. He knew, or guessed, as Randolph had done months before, that Don Carlos was to be the man. "Duckis, brethren to Emperouris and Kingis, strive for all the best game; but this, my Lordis, will I say (note the day and beare witness after), whensoever the Nobilitie of Scotland, professing the Lord Jesus, consentis that ane infidell (and all papistis are infidellis) shalbe head to your Soverane, ye do so far as in ye lyeth to banishe Christe Jesus from this Realme." "These words, and this manner of speaking, were deemed intolerable" by all parties, says Knox, and, for a year and a-half, he and Murray were not on speaking terms. The sermon, says Mr Froude, "contained but a plain political truth of which Knox happened to be the exponent." The political truth is that recognised in our present constitution. A Protestant realm must have a Protestant on the throne. But was it necessary to say that "*all* Papists are infidels"? And is not the danger to liberty from "inspired" pulpiteers as great as that from a Catholic prince? Mary was informed of Knox's sermon. She sent for him; he was accompanied by Lord Ochiltrie, whose daughter he was courting. In January Randolph had written that "Mr Knox shall marry a very near kinswoman of the Duke's (Châtelherault), "a lord's daughter, a young lass not above sixteen years of age." "Ochiltrie," says Mr Hume Brown, "was a person of little standing or consequence." He was of the royal blood and name, near akin to Châtelherault, and sat in the Privy Council. The disparity of rank between the lovers was as great as the disparity of age, Knox being about fifty-nine. Catholic pasquils accused him of winning the girl's heart by sorcery. This may imply that she was not constrained in her choice, but was honestly in love with the Reformer. After his death she

married one of the leading ruffians of the age, Andrew Ker of Faldonside on Tweed.

Secure in his passion for a still younger beauty than his queen, Knox was doubly safe from the enchantments of Mary. In their interview the "owling" of the queen ("howling" is meant) produced no effect on Knox. Mary asked, as before, why, if he must admonish her, he could not do so in private, the rule of the Book of Discipline. As to her "owling," Knox said, "I never delighted in the weeping of any of God's creatures; yea, I can scarcely well abide the tears of my own boys, whom my own hand corrects, much less can I rejoice in your majesty's weeping." His right to interfere was that of "a subject born" within the commonwealth. As there was then no newspaper press, and no "platform," the pulpit alone was the place where ordinary subjects could vent their ideas. Unhappily they claimed to be inspired, and hence arose the later war of Kirk and State. As to Don Carlos, if we believe Knox, Lethington, returning in June, denied that Mary had ever dreamed of him for a husband. In England, Knox tells us, Lethington worked to release Bothwell, who, some time after his flight in 1562, had been caught at sea and held a prisoner. According to Randolph, Bothwell had several times tried to murder Lethington: even now Randolph thought Mary too lenient to Bothwell. But his imprisonment, however deserved, had been unjust: there was no evidence against him except Arran's word, and Arran was more or less insane. Elizabeth had even less right to detain him. At Mary's request he was released early in 1564, and joined the Scots Guard in France. Knox adds that Lethington had been labouring for the return of Lennox. He had certainly opposed Lennox's claims to rank before Châtelherault, and his theory of the illegitimacy of the head of the Hamiltons.

Whatever part Lethington played, on June 16 Elizabeth requested Mary to consider the pleas of Lennox and his wife for restoration to their legal status in Scotland.<sup>16</sup> Lady Lennox was daughter and heiress of Angus; Lennox, before he turned Englishman and was forfeited in 1543, held the Castle of Dumbarton. The Hamiltons had entered on a great share of the Lennox properties. The return of Lennox to Scotland boded no peace, and Elizabeth had once before told him that his pleas were but "colour for a higher feather," the marriage of his son, Darnley,

to Mary. In July Randolph, instead of accompanying Mary to the Highlands in a kilt, as he had intended to do, was recalled to the English Court. On August 20 he received, as we have already said, the instructions of Elizabeth. He was to threaten breach of amity if an imperial marriage was designed, and to hint, as from himself, that Elizabeth would resign to her Dudley, — "*such an one as she would hardly think we could agree unto,*" wrote Elizabeth with her own hand. This marriage would "further Mary's interest, if so she should appear that she be our next heir."<sup>17</sup> For many months Mary was held in the toils of this absurd, insulting, evasive proposal. Elizabeth merely wished to gain time, and to pose to herself as the heroine of a novel of self-sacrifice. Thus she fretted Mary into her fatal step, the ruinous marriage with Darnley. Even Murray faintly resented the interferences of Elizabeth.<sup>18</sup> Knox wrote to Cecil in distress. Nine out of twelve of the Council would accept Mary's desires. If Murray remained staunch, then there was hope; Mary was "born to be a plague to the realm," she and her "inordinate desires." On the same day Knox wrote to Dudley (October 6). Either Knox was a man of wonderful simplicity, or he took the most roseate view of Dudley's character by design. He suggested a hope that this wretched minion might "walk in that straight path that leadeth to life." He hoped that Dudley, who was ready to sell himself to Spain, would "advance purity of religion."<sup>19</sup>

At the same time (October 9) Knox took a step which was bold, but proved safe. In these evil days he had little to comfort him except the burning of two witches.<sup>20</sup> But, in Mary's absence at Stirling, the mass was attended by Catholics at Holyrood, in contravention of the arrangement permitting it only where she was at the time. Some of the godly were deputed to spy on the Catholics and note their names. There was brawling in the chapel. Armstrong and Cranstoun, the offenders, were committed for trial. Knox, therefore, was commissioned by the local Brethren to write for aid to the godly everywhere. Masses, he said, were openly maintained. "The blood of some of our dearest ministers has been shed without fear of punishment or correction craved by us," apparently in private feud. And now Cranstoun and Armstrong are under charge of intended murder and invading the palace. He convoked the godly to Edinburgh for the day of the trial.<sup>21</sup> Murray and Lethington in

vain pointed out to Knox the nature of his act. He was resolute: he appeared before the Court attended by a vast crowd. Mary laughed, Knox says, and promised to repay him for making her weep. She was foiled, and "the rigid minister prevailed." Knox browbeat the Council and judges, who, of course, had preceded him in convoking unlawful assemblies. He was unanimously acquitted, though if it was illegal to assemble a multitude to overawe justice, he ought to have been condemned. Mary asked whether "to make convocation of her lieges was not treason?" Ruthven, whom "all men hated," says Randolph, observed, "Nay, for he makes convocation of the people to hear prayer and sermon almost daily, . . . we think it no treason." Mary brushed the slender sophistry away. Knox maintained that what he had done "I have done at the commandment of the general Kirk of this realm." As Mr Hume Brown writes, Knox acted "with the consent of the faithful in Edinburgh, though probably on his own initiative."<sup>22</sup> Knox himself tells us that he had a general charge "to make advertisement whenever danger should appear."<sup>23</sup> The "general Kirk" had no more legal right than the members of any other "band" to convocate the lieges and overawe justice. It was against this practice of theirs that Mary's son, James VI., had to fight so long and sore a battle. But the Council had been, and again might be, in the same case as Knox. Thus the Kirk won a great triumph over the State, and appeared as *imperium in imperio*. To modern minds it seems that the Council should have committed Knox, while the judges of Cranstoun and Armstrong might have acquitted them, as they had merely disturbed an assembly not lawful in the eye of the law which prohibited the mass. A General Assembly supported Knox and ratified his behaviour. The antagonism of Kirk and State and the right of the Kirk to call men to arms were thus proclaimed: nor was the condition of things much improved, in essentials, till the Revolution of 1688.

At this date (December 21) Randolph mentions a domestic incident which yet lives in poetry. The queen's French apothecary had an intrigue with a French maid of the queen's, and administered drugs to obviate the results. Both of the guilty pair were hanged. This is the basis of the famous ballad of "The Queen's Maries," or "Mary Hamilton." No Mary was of the Hamilton House: no Mary, of course, fell into this disgrace and doom.<sup>24</sup> Knox gives

a version different from that of Randolph, and alludes to "the ballads of that age." He also avers that "shame hastened marriage between John Sempill and Mary Livingstone," one of the queen's Maries. Dates appear to confute this allegation. Randolph, on January 9, 1564, mentions the wedding as to be celebrated between this and Shrovetide 1564, and on February 19 expects the nuptials in about a week. On January 9 Bedford was being invited to the bridal,<sup>25</sup> which was celebrated on March 4, 1565.<sup>26</sup> Obviously there was no violent hurry, and it is necessary to be watchful in accepting Knox's anecdotes. Mary granted lands to the bride and bridegroom on March 9, 1564.<sup>27</sup> The irritation of the Deity declared itself in "wet in great abundance," which fell on January 20, and froze. There were also "seen in the firmament battles arrayed, spears and other weapons. . . . But the queen and our Court made merry," says Knox, though rain and an aurora borealis occurred in mid-winter. And yet the preachers were doing their duty. For a lapse from chastity "the Lord Treasurer, on Sunday next, must do penance before the whole congregation, and Mr Knox make the sermon."<sup>28</sup>

Of far more real historical importance than the intrigues as to Mary's marriage was the tyranny of the pulpiteers. The rift between them and the Council grew daily wider as the General Assembly of June drew near. "The threitnyngis of the prechouris wer feirfull," writes Knox in an orthography which takes nothing from the terror. The daily menaces, bellowed in sermon or breathed in prayer, hampered a Government which had to deal with statesmen of this world. In England Elizabeth, from her seat, bade a preacher be silent when his remarks displeased her. In Scotland statesmen dared not face the preachers openly, and fight out once for all the battle of secular freedom. Lethington ventured to say that "men know not what they speak when they call the mass idolatry." Knox in the pulpit prophesied evil for Lethington, and lived to see his ruin. Meanwhile Lethington smiled; "we must recant, and burn our bill, for the preachers are angry." At the General Assembly Argyll, Murray, Morton, Glencairn, the Earl Marischal, and Rothes held aloof from the Brethren, as did even the faithful laird of Pitarro, Wishart. A debate was held, in which Lethington ironically advised Knox to "moderate himself" in his political prayers, which, as Randolph



has shown us, were rather in the nature of curses. "Others may imitate the like liberty, albeit not with the same modesty and foresight." An argument followed, which Knox reports in thirty-six pages, the last pages of the History which he certainly wrote himself. (The Fifth Book, Laing thought, "has been chiefly derived from Knox's papers by some unknown hand.") It is needless to dwell on a controversy in which Lethington had to fight for modern freedom from clerical dictation on a field composed of texts chosen from the sacred books of an ancient oriental "peculiar people." Lethington thought that no contemporary of his own had a right to imitate Jehu, and kill people whom Knox called "idolaters." Knox, of course, was of the opposite opinion. Lethington forgot to counter Knox with Hosea's denunciation of Jehu and his crime. In the long discussion, of course, neither party converted the other. "In all that time the Earl of Moray was so estranged from John Knox that neither by word or letter was there any communication between them."

Meanwhile, as regarded Mary's marriage, Randolph found abundant goodwill, but no advance in business. His difficulties were caused by Elizabeth. First, she wanted Mary to marry infinitely below her rank; next, to marry a man known to be in love with herself. "The world would judge worse of him" (Dudley) "than of any living man, if he should not rather lose his life than alter his thought."<sup>29</sup> Finally, Mary had no assurance of any reward if she did marry Elizabeth's favourite. Murray and Lethington even put forward Darnley, though not with conviction. Knox had suspected Mary because she kept no garrison on Inchkeith. Randolph suspected her because she introduced a garrison.<sup>30</sup> On March 30 Randolph at last explicitly named Dudley as Elizabeth's choice for Mary. "Is that," said Mary, "in conformity with her promise to use me as her sister or daughter?" What did Mary take by it, if Elizabeth had children? On April 30 Kirkcaldy warned Randolph that Lennox was coming to Scotland, and that Mary might bring Bothwell back "to shake out of her pocket against us Protestants."<sup>31</sup> As for Lennox, on June 16, 1563, Elizabeth had requested Mary, as we saw, to consider the several suits of Lennox and his wife. By May 22, 1564, Randolph announced that Lennox was coming to "sue his own right" as to his Scottish lands. Yet Elizabeth, as Dr Hay Fleming says, "was ignoble enough to suggest that Mary should take the blame by withdrawing

that permission" (for Lennox to visit Scotland) "which at her desire she had granted."<sup>32</sup>

Mary's Council had meanwhile determined that she should not meet Elizabeth this year. Mary, says Randolph, felt "sorrow and grief" (June 5). Randolph returned to England in June, and Lethington complained to Cecil of English delays and want of frankness (June 23). Murray told Cecil that he had not opposed Lennox's home-coming, that his arrival bred no fears for religion, that the Protestants enjoyed "liberty of conscience in such abundance as our hearts can wish," and that Mary could not in honour prevent what she had granted at Elizabeth's request. If Elizabeth objects, let her refuse permission to Lennox.<sup>33</sup> The truth is that on May 3 Knox had warned Randolph against permitting Lennox and Darnley to come back. "Her wanton and wicked will rules all."<sup>34</sup> On this hint Cecil told Lethington that the Scottish friends of England "like not Lennox's coming." "I cannot tell whom you take to be your best friends," answered Lethington, but he and Murray had been England's allies, and they have rather furthered than hindered the arrival of Lennox. If Elizabeth objects, Lethington is amazed, "seeing how earnestly her majesty did recommend unto me my Lord of Lennox's cause." Lethington then, by Cecil's desire, returned to him his own letter, containing Elizabeth's request for the refusal of permission to Lennox to enter Scotland. Mary replied with equal spirit, and thereby vexed Elizabeth. That inconstant woman was so entangled in her own nets that, according to Mr Froude, she was "harassed into illness, and in the last stage of despair." In point of fact, it was not Elizabeth but Cecil that was ill when the queen wrote to him, in Latin, asking him to find "some good excuse" ("something kind" Mr Froude renders *aliquid boni*) "to be inserted in Randolph's despatches."<sup>35</sup>

In September, after returning from a northern progress, Mary sent Sir James Melville to the English Court. The knight tells the tale, in memoirs written long after the event, and not too trustworthy. Murray and Lethington were still resolute as to Lennox's visit. It was by Elizabeth's wish, and they would not waver with her waverings. Kirkcaldy of Grange wrote very frankly to Cecil about the Dudley marriage. "If you drive time, I fear necessity may compel us to marry where we may. . . . Ye may cause us take the Lord Darnley" (September 9). Melville went to Court, and his Memoirs contain a lively account of his strange

experiences. Every one knows how, when Elizabeth created Dudley Earl of Leicester, she "tickled him smilingly on the neck." Every one has heard of Elizabeth's efforts to extract compliments at Mary's expense, and how she danced "high and disposedly," and called Darnley "yonder long lad," "beardless and lady-faced," says Melville. Melville, in fact, had a secret commission to secure Darnley's presence in Scotland. On his return he did not conceal from Mary that Elizabeth was utterly insincere: offered Leicester, but would never part with him. But to offer Leicester was Randolph, with Bedford, now authorised.<sup>36</sup> The vaguest references were made to Mary's recognition as Elizabeth's heir. The absurd, if not immoral, proposal of a *ménage à trois*, Leicester and Mary to live with Elizabeth, was actually hazarded.

From this point the diplomacy is so prolix and entangled that only the most important facts can be noted. Throughout, the object of Elizabeth was to "drive time" and to perplex. Till March in 1565 Murray and Lethington seem to have sided with their mistress. Lethington's one object, pursued with a passion strange in the man, was the union of Scotland and England. To have secured this, he says, will bring as much honour as was won by the men who fought beside Bruce for freedom. But he was to be foiled by the cunning of Elizabeth; by her passion for Leicester, whom she was pretending to offer to Mary; by the appearance (which Cecil, Leicester, and Elizabeth procured) of Darnley in Scotland; by the consequent revival of the Lennox and Hamilton feud; by a new feud raised between Murray and Darnley; and by the sleepless opposition of the godly. From all these causes, aided by Mary's sudden caprice for Darnley, and by Elizabeth's opposition to the Darnley as to all other marriages, the amity between England and Scotland was broken, and the wars of the Congregation began again, as before, under the sanction and with the aid of Elizabeth. On her lies the first blame: she had at last broken down the self-restraint and aroused the temper of Mary. Then followed the "strange tragedies" which Lethington had predicted. These are the chief circumstances and influences in the space between October 1564 and Mary's resolution to marry Darnley, announced in April 1565.

To follow events more closely, Lennox's restoration was publicly proclaimed at Edinburgh Cross on October 13. Since 1543 Lennox had been "English." His wife, daughter of Margaret

Tudor, was as mischievous an intriguer as ever her mother had been. She, doubtless, was a Catholic, and many of Lennox's men went to mass in Edinburgh.<sup>37</sup> But Lennox himself went to "the preaching place," so did Darnley; their religion, like that of Prince Charlie, "was still to seek." Nevertheless, their party in England was the party of the Catholics.<sup>38</sup> On October 24 Randolph found that "many desired to have Darnley here." Yet (November 3) he did not find that Mary and Lethington shared this wish. Châtelherault was in despair now that his hereditary foe, Lennox, was in favour, and had no hope save in Elizabeth. A secret meeting at Berwick between Murray and Lethington, Randolph and Bedford, was arranged, but led to nothing. A little explosion of bad temper took place: nothing was advanced. Randolph (December 2) was opposed to the coming of Darnley, which was earnestly pushed by Leicester and Cecil, of course with Elizabeth's concurrence.<sup>39</sup> The coming was not yet, not till February 1565. What was Elizabeth's motive? Probably the same as that of Leicester—namely, that Darnley might captivate Mary, and render nugatory the self-sacrifice which Elizabeth had promised, the parting from her minion. Mr Froude writes as if Darnley was barely allowed to come, in consequence of hopes held out by Mary to Randolph that she would be obedient to Elizabeth. But this was on February 6, 1565. Now Darnley reached Berwick by February 10. From a letter of Cecil's, written on February 5, Randolph "perceived what earnest means have been made both by Leicester and your honour for Darnley's licence to come to Scotland," a licence which he thought fatal to his mission. "How to frame this that it may be both to her majesty's honour and thorough contentment in the end, I must take one care more upon me, . . . which must be supported by your honour's good advice, for truly of myself I know not yet what to think, or how to behave myself" (February 12, 1565).<sup>40</sup>

Now Mr Froude argues that on February 6 "Randolph wrote to Leicester as if there was no longer any doubt that he would be accepted. . . . Elizabeth permitted herself to be persuaded that Mary Stuart was at last sincere. Cecil and Leicester shared her confidence, or were prepared to risk the experiment, and Darnley was allowed leave of absence for three months in the belief that it might be safely conceded."<sup>41</sup> Dates destroy this effort to shelter Elizabeth. Leicester and Cecil had used "earnest means" for Darnley's journey, and had succeeded, *before* Ran-

dolph wrote the encouraging letter about Leicester's acceptance on February 6. As to "sincerity," of course neither Leicester nor Elizabeth was sincere at any time, least of all in desiring Mary to wed Leicester. That was precisely what they were scheming to prevent, while Elizabeth was pretending to think of marrying the small boy who was King of France. It must be confessed that this device—namely, to use Darnley as a *paratonnère*, or lightning-conductor—to divert Mary from Leicester looks rather like a scheme in a novel than a stratagem in diplomacy. But Melville states the plot as a matter of fact in his *Memoirs* (pp. 129, 130). Randolph had to try to suppress the suspicion of the plan, which was rife in Scotland: when the plan succeeded, he exclaimed that Elizabeth was most fortunate, and Mauvissière, the French envoy, had no illusions about Elizabeth's part.<sup>42</sup> The English Court perfectly well knew Darnley's aim. Cecil had announced it to Sir Thomas Smith on December 30. On February 3, 1565, hints were drawn up for Throckmorton as to affairs in Scotland, and what would occur "if Darnley hit the mark."<sup>43</sup> In short, Elizabeth and her ministers deliberately, and beyond doubt, entangled Mary in the fatal snare of the Darnley marriage. On February 19 Randolph reported Darnley's movements. He dined with Lord Robert Stuart, Mary's brother, whom Randolph thought his evil genius. Yet Lord Robert alone warned Darnley at the last.

He met Mary at Wemyss Castle, in Fife, on February 17. Thence he went to see his father and Atholl at Dunkeld, returned and went with Mary to Edinburgh, heard Knox preach, supped with Murray, and danced with the queen. "His behaviour is very well liked, and hitherto so governs himself that there is great praise of him" (February 27).<sup>44</sup> What did Lethington think? He merely wrote to Cecil (February 28) that he was in love (with Mary Fleming), and therefore "in merry pin."

Meanwhile Bothwell was asking for leave to come home from France, and Randolph (March 3) was much in doubt as to Mary's real sentiments. Elizabeth's were plain: she let Mary know that, even if she married Leicester, her recognition must wait till the English queen either married or announced her resolve never to marry—till the Greek Calends, in fact.<sup>45</sup> Mary wept, and Lethington said that he could not and would not advise her to wait any longer. Murray was "the sorrowfullest man that can be."<sup>46</sup> This was on March 17; on the 20th Randolph reported trouble;

Mary was aiming at general toleration, but her godly subjects would die rather than permit freedom of conscience. Lennox was gathering adherents—Atholl, Caithness, the detested Ruthven, and Home. Châtelherault, Argyll, and Morton (jealous of the Douglas lands of Angus, to which Lady Lennox had a claim) were watchful on the other side. Murray was at feud with Lennox's friends. Darnley, when Lord Robert Stuart showed him Murray's possessions on the map, "said that it was too much." Murray heard of this, and Mary bade Darnley apologise (March 20).<sup>47</sup> Meanwhile Riccio, a Piedmontese and musician, had "croope in" to be Mary's Secretary for French Affairs.<sup>48</sup> Knox writes of the summer of 1564, "Davie began to grow great in Court. . . . Great men made in Court unto him, and their suits were the better heard."<sup>49</sup> Riccio was born about 1534, and came to Scotland in the suite of the Marquis de Morette, Ambassador of Savoy, in 1561. He became a *valet de chambre*, like Molière, and succeeded Raullet, as French secretary, in December 1564. His influence in March 1565 was already very great. The fatal piece was now set, and all the characters of the tragedy were falling into their places.

Murray was on less amiable terms than usual with Mary in the season of Easter. Her hour had dawned, and she was hurrying to her doom by the paths which the Stuarts were wont to tread. Her religion, by no fault of her own, was in itself fatal. She had a favourite servant, a foreigner and low-born, even as such men were dear to James III. She had, as was soon too obvious, a fatal caprice for Darnley, a boy, a fool, and a coward. Her best allies, Murray and Lethington, were day by day more estranged. The nobles were grouping into two hostile "bands"; the Stuart and Hamilton feud was captained on either side by Lennox and Châtelherault, while Mary, from clan sympathy, stood by the Stuarts. Men were alarmed for their lands, once those of Lennox, and apt to be restored to him. The Protestants were in the state of apprehensive fear and wrath, which is the mother of revolutions. Mary herself had been goaded into reckless wilfulness. The stress of contending world-forces was thrusting against a girl, and against a lad, who in our day might still have been at a public school. Darnley, in fact, now suffered from the puerile complaint of measles, and Mary's assiduity in nursing him at Stirling in April set tongues moving.<sup>50</sup> Her self-restraint was tried by a cowardly assault on a priest, who was pilloried, pelted with "thousands" of

eggs, and put into irons. Mary bade the Provost of Edinburgh release the man, with two Catholics who had heard his mass. "There is now greater rage amongst the faithful," says a spy, and the faithful were also resenting the idolatrous doings of Elizabeth. Murray and Lethington had asked Cecil to labour for the suspension of an edict enforcing the clerical costume of "tippetts and caps," and the godly heard with horror that Elizabeth had silenced a preacher in mid-sermon.

While men's minds were thus inflamed there were distinct rumours that Mary had secretly married Darnley. On April 26 the French Ambassador at London wrote to Catherine de' Medici announcing the arrival of Lethington, and of letters from Randolph declaring that Mary was already wedded (he means affianced), and that only the ceremonies of the Church remained to be fulfilled.<sup>51</sup> The Spanish Ambassador was of the same opinion. Information was sent to the Tuscan Court that Mary and Darnley had been wedded, or betrothed, in the chamber of Riccio.<sup>52</sup> On April 24 Elizabeth gave Throckmorton certain instructions for a mission to Scotland: on May 2 he received another set of orders. He was to tell Mary that Elizabeth and her Council thought the marriage prejudicial to friendship with England. She has told Lethington that Mary may marry any other English noble, but Lethington is "tied to his message for Lord Darnley." Only if Mary takes Leicester will Elizabeth stir in the matter of the succession.<sup>53</sup> Meanwhile (April 28) Bedford represented Murray as neutral on the Darnley marriage.<sup>54</sup> On May 4 Throckmorton started for Scotland: Lethington, contrary to express orders, returned with Throckmorton. Already "a day of law" had been given to Bothwell. He had been in Scotland since March, "unlooked for, uninvited, the evil spirit of the storm," says Mr Froude. He adds that Bothwell "reappeared at Mary's Court; she disclaimed all share in his return; he was still attainted, yet there he stood—none daring to lift a hand against him—proud, insolent, and dangerous."<sup>55</sup> As a matter of fact, Bothwell was not attainted, nor did he reappear at Mary's Court. The statements are eminently picturesque: thus, perhaps, history ought to be written, but not on this wise did facts occur. On March 1 Randolph had reported that young Tullibardine arrived as an envoy from Bothwell, asking either for his return from France or for money. Mary was "not evil affected towards him," said Randolph; but while Arran remained a prisoner Bothwell could not return to

favour. On March 10 Bedford, from Berwick, reported that Bothwell was skulking at Haddington and elsewhere: "he finds no safety for himself anywhere." Lethington and Murray wished him to be "put to the horn." He was accused of calling Mary the mistress of her uncle, the Cardinal. On March 15 Randolph wrote that the queen "now altogether mislikes his home-coming without her licence." She had sent a sergeant-at-arms to summon him to stand trial. On March 24 Bedford wrote that Bothwell had been summoned for May 24.<sup>56</sup> In fact, May 2 was the date of Bothwell's summons. Bedford feared that Mary secretly aided Bothwell, whom he accuses of a hideous vice. A passage in the confession attributed to Paris, after Darnley's murder, bears on this charge, but such confessions are of dubious value. In Liddesdale Bothwell was abetted by the lawless reivers of the country. But on the "day of law" Bothwell dared not face Murray; no marvel, as Murray brought some 6000 armed men into Edinburgh. Such was the invariable Scottish method of overawing justice. Bothwell fled back to France: he was condemned; but apparently Mary did not allow him to be put to the horn.<sup>57</sup> She was blamed for her lenity, the Protestants believing that she meant to use Bothwell as a bravo on fitting occasion.<sup>58</sup> Such are the facts about Bothwell's uninvited visit to Scotland. Murray used the great gathering of May 2 for other purposes of intrigue, as we shall see.

Meanwhile Randolph, who had been perplexed by Elizabeth's sending of Darnley, admitted that "a greater benefit to his queen's majesty could not have chanced" than the Darnley marriage (May 3).<sup>59</sup> Mary "is now in almost utter contempt of her people." She was accused of saying that Murray desired the Crown, and Murray and Argyll never appeared at Court together for fear of treachery. The Darnley party were Lennox, Ruthven, Atholl, and Riccio. The preachers were demanding the abolition of Mary's private mass. After Bothwell's "day of law" Murray joined Mary at Stirling, where he declined to sign the contract for Darnley's marriage. Darnley, he said, was rather an enemy to than a professor of Christ's true religion. "He is now thought to be led altogether by England," as no doubt he was. His motives remain inscrutable, but were probably mixed. He hated Riccio. Darnley had given him personal offence. He was constant to Protestantism, and to Elizabeth (May 8).<sup>60</sup> Mary was to create Darnley Earl of



Ross: the nobles were assembled at Stirling for the conclusion of his affair. But by May 12 Lethington, returning from London against Mary's orders, had rested a night with Throckmorton at Berwick, whence he wrote to Leicester. Murray, he said, would never consent to the wedding unless Mary turned Protestant. Argyll declined to see the queen. On May 21, from Edinburgh, Throckmorton reported the results of his mission.<sup>61</sup> It is of little importance; but if Lethington, as Throckmorton says, was in Edinburgh with him on May 13, why was Lethington in Berwick on May 15?<sup>62</sup> He reached Stirling on the 15th, but was not admitted to the Castle till the ceremony of belting Darnley as Earl of Ross was ended. When presented to Mary, he argued with her about her conduct, and learned that Mary was sending a new envoy to Elizabeth—Hay, Commendator of Balmerinloch. Throckmorton thought that Elizabeth might still interfere, by force or by negotiation. On the same day Randolph wrote to Cecil, expressing sincere pity for Mary. He had hitherto found her worthy, wise, and honourable, but now she has overthrown all for love of Darnley. Randolph for some time harped on Mary's passion for Darnley, which he even attributes to sorcery, just as Knox was said to have bewitched his second bride. This absurd theory, held alike by Protestants as to Darnley and by Catholics as to Knox, still survives—in the superstition of the blacks of Australia. But Randolph perhaps attributes the witchcraft to Ruthven, whom he does not name, but whom Murray hated "for his sorceries." Any man, he says, "that ever saw her, that ever loved her," would pity Mary. Her very beauty is altered. Meanwhile, by bluster and blows, Darnley had made himself detested.<sup>63</sup> It is worth while to note that Randolph regards Mary's passion for Darnley as overmastering, because by September 19 in the same year he had begun to insinuate that Mary was Riccio's mistress, and presently dropped the same hint as to her relations with Bothwell.<sup>64</sup> That a woman should have so many passions, in so short a space of time, seems almost beyond possibility, unless Mary was a Messalina, which is not proved or probable.

After this point the intrigues of the party of Murray and the party of Mary become much entangled. On June 3 Randolph told Cecil that a convention of the nobles was summoned to meet at Perth on June 10. The purpose was "to allow the marriage with the Lord Darnley." It was also understood that the next Parliament would

“establish a law for religion.” Mary had never recognised the illegal Reforming Parliament of August 1560, but had promised not to interfere with the religion she found established. A new Parliament was to deal with the whole subject. The Protestants dreaded a system of toleration, and already began to organise resistance. Mary’s party were also enrolling their friends, partly Northern and Catholic lords—Atholl, Caithness, Erroll, Montrose, with Fleming, Cassilis, Montgomery (Eglintoun), Home, Lindsay, “who shamefully hath left the Earl of Murray,” Ruthven, and Lord Robert Stuart. It will be observed that private and family feuds and affections now made a cross division. It was not a question of old faith and new faith alone; and Protestants like Lindsay and Ruthven were siding with Lennox against Châtelherault, Murray, and Argyll. After announcing these facts, Randolph ends his letter of June 3 with the news that the Perth Convention of June 10 is put off in fear of a hostile Protestant gathering.<sup>65</sup>

To this Mary appears to refer, later, in a letter to de Foix, dated November 8, an account of recent events. She says that Murray in April promised to secure her marriage if he was recognised as chief Minister, and if Mary would utterly banish the Catholic faith. He then went to Edinburgh for Bothwell’s day of law (May 2), and there arranged with his adherents to seize Darnley and Lennox in the Convention at Perth and send them into England. Mary, therefore, by Lethington’s advice, postponed the Convention.<sup>66</sup> Now it was, she adds, that Murray spread the story that Darnley and Lennox intended to kill him.

By June 4 the English Council advised that Lennox and Darnley should be recalled and Lady Lennox shut up. On June 8 Elizabeth informed Randolph that she would assist the Protestants and friends of England.<sup>67</sup> On June 12 Randolph reported the despatch of Hay, Commendator of Balmerinoch, a Protestant and a friend of Murray, from Mary to Elizabeth.<sup>68</sup> On June 27 Elizabeth informed Mary that Balmerinoch’s message was unsatisfactory. Meanwhile Randolph had vainly presented Elizabeth’s letters of recall to Lennox and Darnley. They determined to brave her anger; and Randolph said that Darnley, it is to be feared, “can have no long life among this people.” Thus he wrote on July 2, after the postponed Convention had been held at Perth. He dates the Perth Convention on June 22. Murray and Châtelherault stayed at home, Argyll and Glencairn went to the hostile General Assembly in Edinburgh on June

24. Murray's excuse for non-appearance at Perth on June 22 was that his assassination was plotted. Grant, a retainer of Murray, had beaten Stuart, captain of Mary's guard. It was arranged that Stuart should attack Grant, and that Murray should be killed in the scuffle.<sup>69</sup> Murray had diarrhoea, says Knox's continuator, and that was why he stayed away, at Lochleven.<sup>70</sup> Buchanan, omitting the Convention, says that Murray was invited to Perth, where the queen had only a small train. He was to be involved in a dispute with Darnley, and Riccio was to stab him.<sup>71</sup> Mary being at Perth, the General Assembly, as we saw, was meeting at Edinburgh. Randolph had received Elizabeth's letter of June 8, in which she promised to assist the Protestants. He communicated the happy news to the Protestant leaders, and the Assembly sent six demands to Mary at Perth. The queen herself must abandon her "blasphemous mass," and Protestantism must be ratified by queen and Parliament. The other articles refer to the stipends of the preachers, education, the use of the property of the religious for the support of the poor and schools, the punishment of adulterers, Sabbath-breakers, witches, and murderers, and the release of farmers from tithes.<sup>72</sup> Mary did not at once reply: if Cecil's indorsement of her answers—July 29—is correct, she waited a month. Her answer was that, "as she did not constrain the conscience of her subjects, she begged that they will not press her to offend her conscience." The establishment of religion must be deferred till Parliament meets. The other replies were dilatory and evasive.<sup>73</sup>

On July 1 Argyll and Murray, from Lochleven, informed Randolph that they had met to decide on something of importance, and told him its nature, verbally, by the bearer of their note.<sup>74</sup> On July 2, in his letter already cited, Randolph informed Cecil that "some that already have heard of Lady Lennox's imprisonment like very well thereof, and wish both father and son" (Lennox and Darnley) "to keep her company. The question hath been asked me, Whether if they were delivered unto us at Berwick, we would receive them? I answered that we would not refuse our own, in what sort soever they came unto us." Clearly Argyll and Murray on July 1 had conspired to seize Darnley and Lennox.<sup>75</sup> So Tytler not unnaturally infers; but Dr Hay Fleming argues, from internal evidence, that Randolph's letter of July 2 was mainly written before the end of June. Consequently, the proposal to seize Darnley cannot have been made by Argyll and Murray on July 1. Again, it was pre-

cisely on July 1 that Mary made a rapid ride, in armed company, from Perth to Callendar House, because of a rumour that Argyll and Murray meant to seize her and carry her to St Andrews, Darnley to Castle Campbell, near Dollar. So writes Randolph on July 4.<sup>76</sup> In fact, from Randolph's letter of July 4, it seems that when the queen passed Murray's house at Lochleven, during her hasty ride of July 1, Murray lay ill, and Argyll came there from Castle Campbell to dine with the queen and protest his loyalty. He missed Mary, who had ridden on, but dined with Murray, and the pair wrote their letter of July 1 to Randolph. That letter cannot, then, have implied the design to seize Mary and Darnley on their way, for they were out of danger when it was written, and were with Lord Livingstone at Callendar House. But Mary must have heard of some such design to seize Darnley and Lennox as that hinted of by Randolph in his letter dated July 2, but, according to Dr Hay Fleming, mainly written in June. Mary herself accused Murray, as she could prove by a hundred of his gentlemen, of intending her capture and the murder of Lennox and Darnley as she went from Perth to Edinburgh.<sup>77</sup> The story was generally current, and was called The Raid of Baith.<sup>78</sup> We can only conclude that, if any one did aim at an attack, it was not of this affair that Argyll and Murray deliberated at Lochleven on July 1.

Mary kept nervously issuing reassuring proclamations. It was slanderously said that she meant to interfere with religion. - After her marriage with Darnley she reissued these proclamations. Religion was to remain as she had found it, pending the meeting of a Parliament which was constantly deferred by the growing troubles. A safe-conduct for Murray, that he might make declaration about the alleged conspiracy against his life at Perth, was issued on July 4.<sup>79</sup> A Protestant panic there was. During the General Assembly in the last week of June the godly Brethren held an open-air meeting near Salisbury Crags, and elected eight men to organise armed resistance.<sup>80</sup> Now, on July 10 a messenger was sent by Mary to summon these eight captains before the Justice on July 26. Knox's continuator declares that Mary bade the Provost apprehend four of them, and laid an embargo on their houses when they were not taken. Randolph (July 4) says that her command makes the people of Edinburgh fear that the town will be sacked! All this because of the intended arrest of four men engaged in organising an armed force. Amidst these alarms Argyll and Murray,

by July 4, were intriguing with Randolph for aid from Elizabeth. They asked for £3000.<sup>81</sup> Elizabeth's reply (July 10) was but vaguely encouraging, and could not well inspire confidence. Mary on July 13 tried to soothe the godly. She appointed a Parliament for September 1, and (July 15) issued a proclamation that her lieges should not be disturbed for their religion; but she summoned all the loyal to attend her, armed, in a fortnight.<sup>82</sup> "Armour," she said in a circular, "was being taken on already," by the disloyal. The reasons appear in two letters of Randolph's of July 16, to Elizabeth and to Cecil.<sup>83</sup> To Elizabeth he reported that Mary had secretly married Darnley on July 9. To Cecil he said that Mary had told him she was free and could marry where she would. She refused to conciliate Elizabeth by "making merchandise of her religion." Lethington was still with her; few others of her old advisers. The Protestants had chosen July 15 for two meetings, one at Perth, one at Glasgow; on the 15th Mary had forbidden these meetings. They would assemble elsewhere. Argyll was invading Atholl's lands. Mary, for this reason, summoned her loyal subjects, as we saw, and wrote to Bothwell, asking him to return. He was needed at last. While preparing for war, Mary tried to win Murray over to peace. On the 19th Randolph wrote that she had gathered her forces. Well she might! The trial of the four ringleaders of Edinburgh was for the 26th. Already, on the 18th, the hostile lords had met at Stirling and appealed for aid to Cecil and Elizabeth.<sup>84</sup> But Mary had, in search of peace, sent Balmerinoch to Murray, assuring him of the goodwill of Darnley and Lennox. They never planned his murder: Lennox would meet any accuser in single combat. On July 17 this mission of Balmerinoch was decided on. Murray and Argyll had falsely said that Murray's death had been planned by Darnley "in the back-gallery of her highness's lodging in Perth." Murray and Argyll must give up their informant or be deemed guilty of a treasonable lie. On July 19 Balmerinoch returned, and reported that Murray would come in if he got a safe-conduct. Mary and the Privy Council, we know, had guaranteed his safety. But Murray, finding his proposal accepted, declined to abide by it, declined to appear. On July 28 another chance was offered to him. Mary heard that he really wished to clear his character, and offered safe-conduct for him and eighty of his friends. Come he would not, and he was outlawed on August 6, and proclaimed a rebel.<sup>85</sup> But already, on July 29, Mary, clad in deep

mourning, had been wedded to Darnley, now Duke of Albany, and proclaimed as king. Against this marriage her brother, Murray, was an open and avowed rebel. And why was he a rebel? For love of the Trew Kirk and the Protestant cause? A year ago (July 13, 1564) Murray had written to Cecil that the Kirk was in no danger from Lennox, "seeing we have the favour of our prince, and liberty of our conscience in such abundance as heart can wish."<sup>85</sup> Liberty of conscience he still enjoyed, and, if he had lost Mary's favour, his own conduct was to blame.

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NOTES TO CHAPTER VI.

- <sup>1</sup> Calendar, i. 666-670. <sup>2</sup> Knox, ii. 334.  
<sup>3</sup> Spanish Calendar, Eliz., i. 314. <sup>4</sup> Cal. Ven., vii. 356.  
<sup>5</sup> Teulet, iii. 5. <sup>6</sup> Knox, ii. 369. <sup>7</sup> Froude, vii. 48.  
<sup>8</sup> See all the evidence in Hay Fleming, pp. 312-315, and Pollen, Negotiations, pp. 164-167.  
<sup>9</sup> Randolph to Cecil, February 28, Calendar, i. 685.  
<sup>10</sup> August 20, Calendar, ii. 19, 20. Spanish Calendar, Eliz., i. 332-334, 345, 347.  
<sup>11</sup> Cf. Knox, vi. 540. <sup>12</sup> Calendar, ii. 7.  
<sup>13</sup> Randolph to Cecil, February 28, Calendar, i. 685; ii. 11. Knox, ii. 373.  
<sup>14</sup> Laing, Knox, ii. 374, note 2.  
<sup>15</sup> Act. Parl. Scot., ii. 534-545; Knox, in the Parliament, ii. 381, 385.  
<sup>16</sup> Calendar, i. 693. Elizabeth to Mary in favour of Lennox, Calendar, ii. 14.  
<sup>17</sup> Calendar, ii. 19. <sup>18</sup> Murray to Cecil, September 23, Calendar, ii. 22.  
<sup>19</sup> Calendar, ii. 24, 25. <sup>20</sup> Knox, ii. 391.  
<sup>21</sup> October 8, Knox, ii. 395-397.  
<sup>22</sup> Hume Brown, ii. 198. <sup>23</sup> Knox, ii. 394.  
<sup>24</sup> Some have supposed a certain Mary Hamilton, hanged for infanticide at the Court of Peter the Great, to be the heroine of the ballad; but, for many reasons, this appears impossible.  
<sup>25</sup> Calendar, ii. 113, 125; Knox, ii. 415. <sup>26</sup> Calendar, ii. 133.  
<sup>27</sup> Laing, in Knox, ii. 415, note 3.  
<sup>28</sup> December 31, Randolph to Cecil, Calendar, ii. 33.  
<sup>29</sup> Randolph to Cecil, February 21, 1564, Calendar, ii. 43.  
<sup>30</sup> Knox to Cecil, October 6, 1563.  
<sup>31</sup> Calendar, ii. 61. <sup>32</sup> Hay Fleming, p. 96.  
<sup>33</sup> Calendar, ii. 67, July 13. <sup>34</sup> Calendar, ii. 61, 62.  
<sup>35</sup> Froude, vii. 211; Tytler, vi. 299, 350 (edition 1837); For. Cal. Eliz., vii. 210; Calendar, ii. 76. Mr Froude adds, "Endorsed in Cecil's hand. 'The Queen's Majesty's writing, being sick. September 23.'" The actual indorsement is, "23rd September 1564. At St James. The Q. wrytyng to me, being sick. Scotland."  
<sup>36</sup> October 7, Calendar, ii. 80-82, Instructions.

- <sup>37</sup> Randolph to Cecil, October 6, 1564, Calendar, ii. 84.  
<sup>38</sup> Randolph to Cecil, October 24, 1564, Calendar, ii. 85.  
<sup>39</sup> Randolph to Cecil, February 12, 1565, Calendar, ii. 95, 124, 125.  
<sup>40</sup> Calendar, ii. 125.  
<sup>41</sup> Froude, vii. 235-237.      <sup>42</sup> See authorities in Hay Fleming, pp. 337, 338.  
<sup>43</sup> Calendar, ii. 118-120.      <sup>44</sup> Calendar, ii. 128.  
<sup>45</sup> Keith, iii. 330. A set of notes in Cecil's hand.  
<sup>46</sup> For. Cal. Eliz., vii. 316, March 17, 1565.      <sup>47</sup> Keith, ii. 268-275.  
<sup>48</sup> Calendar, ii. 133.      <sup>49</sup> Knox, ii. 422.  
<sup>50</sup> Bedford to Cecil, April 18, For. Cal. Eliz., vii. 338.  
<sup>51</sup> Teulet, ii. 35, 36.  
<sup>52</sup> Labanoff, vii. 67. See Pollen, "Negotiations," pp. lxxiv, lxxv.  
<sup>53</sup> For. Cal. Eliz., vii. 349, 350.      <sup>54</sup> For. Cal. Eliz., vii. 346.  
<sup>55</sup> Froude, vii. 247.  
<sup>56</sup> M. Philippson says that May 24 is a misreading for March 24, but, writing himself on March 24, Bedford could not say "day" is given him to come by the 24th March (Philippson, ii. 333).  
<sup>57</sup> Hay Fleming, p. 359. Dr Hay Fleming says that Bothwell was put to the horn, citing Pitcairn's "Criminal Trials," i. 462\*. But Knox's continuator and Randolph (May 3, 1565, Cal. For. Eliz., vii. 351) declare that Mary prevented the horning (Knox, ii. 479).  
<sup>58</sup> For. Cal. Eliz., vii. 306, 312, 314, 319, 320, 327, 340, 341, 347, 351.  
<sup>59</sup> For. Cal. Eliz., vii. 351.      <sup>60</sup> For. Cal. Eliz., vii. 357, 358.  
<sup>61</sup> For. Cal. Eliz., vii. 369.      <sup>62</sup> For. Cal. Eliz., vii. 366.  
<sup>63</sup> For. Cal. Eliz., vii. 366-372; Calendar, ii. 152-168.  
<sup>64</sup> For. Cal. Eliz., vii. 464.      <sup>65</sup> Calendar, ii. 172-174.  
<sup>66</sup> Labanoff, i. 300-302.      <sup>67</sup> Calendar, ii. 175.  
<sup>68</sup> Calendar, ii. 175-177.      <sup>69</sup> Keith, ii. 300, Randolph's letter of July 2.  
<sup>70</sup> Knox, ii. 484.      <sup>71</sup> Buchanan, fol. 208.  
<sup>72</sup> Knox, ii. 485, 486; Calendar, ii. 178, 179.  
<sup>73</sup> For. Cal. Eliz., vii. 414.  
<sup>74</sup> Stevenson, Illustrations, p. 118.  
<sup>75</sup> Keith, ii. 307.      <sup>76</sup> Keith, ii. 309.  
<sup>77</sup> Labanoff, i. 304, 305.      <sup>78</sup> See Hay Fleming, pp. 354-356.  
<sup>79</sup> Privy Council Register, i. 341, 342.      <sup>80</sup> Knox, ii. 487.  
<sup>81</sup> Keith, ii. 317, 318.      <sup>82</sup> Keith, ii. 326, 327.  
<sup>83</sup> Calendar, ii. 181; Stevenson, p. 118.      <sup>84</sup> For. Cal. Eliz., vii. 408.  
<sup>85</sup> Register of Privy Council, i. 349, 350.      <sup>86</sup> For. Cal. Eliz., vii. 176.

## CHAPTER VII.

## THE TWO MURDERS.

1565-1567.

THE dances and delights of the marriage being ended, Mary had to face Elizabeth's new envoy, Tamworth, and to secure support against her rebel lords, now in Argyll. She strengthened herself by restoring, in some degree, Huntly's son, Lord George, to Huntly's estate and government in the North. She also recalled Bothwell, who did not arrive till September 17, bringing with him, as shall be seen, the beginnings of a feud with Lennox and Darnley. Just before Murray's forfeiture Tamworth arrived in Edinburgh: on August 11 he reports that "I must send to Berwick for the money I left there, and deliver it to those here appointed by Murray to receive it."<sup>1</sup> As Elizabeth later denied that she had aided Mary's rebels, it is well to prove her mendacity out of her envoy's own mouth. Tamworth communicated Elizabeth's remonstrances, partly as to Mary's personal treatment of herself, partly against a change in religion. She declared that she had heard of a plot to murder Murray, and bade Mary not to summon him "before his mortal enemies."<sup>2</sup> Mary replied with spirit.<sup>3</sup> She thought no prince would "desire reckoning or account" of her marriage. If Elizabeth behaved uncousinly, she had other friends and allies,—other broken reeds, her foreign kindred. She had never meddled with English affairs, and begged Elizabeth not to meddle with hers. As to religion, she had made no innovation, nor meant to make any, save by advice of her subjects. (Note that if her good subjects, in Parliament, advised alteration, in a Catholic direction, Mary might accept their counsel.) Murray, she said, was her subject, and she warned Elizabeth not to interfere. She herself had not interfered when Lady Lennox was imprisoned. Promises followed. During Elizabeth's life, and that of her issue, Mary and



Darnley would attempt nothing prejudicial to their title ; or intrigue with English subjects, or receive English rebels, or confederate with any foreign prince against England. Any fair alliance with England they would accept. If they ever succeeded to the English Crown, they would not alter the religion. All these promises, however, were conditional. Elizabeth must recognise Mary, and failing her and her issue, Lady Lennox and her issue, as her heirs, failing issue of Elizabeth's. Elizabeth must not deal with Scottish subjects, or abet Scottish rebels, or ally herself with foreign Powers against Scotland. Further details are left to commissioners.<sup>4</sup> Poor Tamworth, refusing to accept a safe-conduct signed by Darnley as "king," was arrested on the Border at Hume Castle.

Mary was now probably her own adviser. James Balfour,—later Sir James, Knox's fellow-oarsman in the galleys,—with Riccio, is spoken of as most potent in her councils, and later, he was one of the basest of her betrayers. But probably she trusted to her own high heart. She daunted Elizabeth, and after Knox had preached at very enormous length against her in presence of Darnley, she suspended, or tried to suspend, him from preaching for three weeks<sup>5</sup> (August 19). She reissued the proclamation against change in religion till Parliament should meet, and she summoned her forces for various dates. She warned Randolph that she knew his dealings with her rebels. On August 26 she went to Linlithgow, and began her hunt of Murray and his accomplices. She would rather lose her crown, she told Randolph, than not be avenged on Murray. This he ascribed to private grudge, and perhaps may hint that Murray was aware that she was Riccio's mistress. Randolph wrote thus on August 27. He had long dwelt on her infatuation for Darnley. Mary was but a bride of a month ; was she, in Randolph's opinion, already perhaps an adulteress? Bedford made the same insinuation as early as September 19.<sup>6</sup> On October 16, 1565, de Foix reports from London that he asked Elizabeth why Mary hated Murray,—as if his ingratitude and open rebellion were not cause enough! Elizabeth, after a pause, answered that it was because Mary had learned "that Murray had wanted to hang an Italian named David whom she loved and favoured, giving him more credit and authority than were consistent with her interest and honour."<sup>7</sup> The fair subject of these slanders was meanwhile driving her rebels up and down the country.

When Mary reached Glasgow, Murray retired on Paisley, and thence to Hamilton. Here a fight was expected, and it is curious

to note Mr Froude's account of the affair. "Mary carried pistols in hand, and pistols at her saddle-bow." Now Randolph mentions a rumour of this kind, but adds, "I take it for a tale." "Her one peculiar hope was to encounter and destroy her brother," says Mr Froude, apparently holding that Mary carried her apocryphal pistols for this fratricidal purpose. "A fight was looked for at Hamilton, where" (as Mr Froude quotes Randolph's letter of September 4) "a hundred gentlemen of *her* party determined to set on *Murray* in the battle, and either slay him or tarry behind lifeless."<sup>8</sup> Randolph said nothing of this kind: he said the very reverse. The passage is thus given in the 'Calendar of State Papers':<sup>9</sup> "A c. gentlemen are determined to set upon hym in the battayle self whear soever the Queenes howsband be, and ether to slaye hym" (Darnley, Mr Bain adds in a note) "or tarrie behynde lyveles amongeste them." "Other devices there are for this" (that is, for slaying Darnley), "as hard to be executed as the other. If this continue, they" (the rebels) "trust not a little in the queen's majesty's support"—that is, in the support of Elizabeth. Mary has so much to answer for that historians need not attribute to her party the homicidal designs of her opponents. Murray's men were sworn to kill Darnley, not Mary's men to kill Murray.

There was no fight at Hamilton or elsewhere. On the night of August 30 Murray, Châtelherault, Glencairn, Rothes, Boyd, and the rest rode into Edinburgh. Erskine (now Earl of Mar) fired on them from the castle. The Brethren would not join them, even for pay. "The Calvinist shopkeepers who could be so brave against a miserable priest had no stomach for a fight with armed men," says Mr Froude. The Lords kept asking Bedford to send them English musketeers: none were sent. On September 2 they fled before dawn, only escaping Mary by favour of a tempest which changed burns into rivers and delayed her march. "And albeit the most part waxed weary, yet the queen's courage increased manlike, so much that she was ever with the foremost," says Knox or his continuator. The Lords retired on Dumfries, where they lay for three weeks, while Mary raised forced loans, and took in hand the godly towns of Dundee and St Andrews, while securing Glasgow from Argyll. Her main need was money, and on September 10 she sent Yaxley, an English retainer of Darnley's, to solicit help from the King of Spain.<sup>10</sup> She announced that she would maintain "the liberty of the Church," and that she wished to resist the estab-

lishment of Protestant errors, a point to which we shall return. Yaxley was drowned on his return voyage: his Spanish money never reached Mary.

On September 2 the rebel lords, from Dumfries, sent Robert Melville to England, asking for 3000 men, money, and ammunition.<sup>11</sup> Elizabeth had granted £3000, as if a gift from Bedford, and denied the fact to de Foix, who threatened that France would help Mary, if Elizabeth aided Mary's rebels.<sup>12</sup> Meanwhile in Mary's camp all was not well. On September 29 de Foix reports that Lethington is not listened to; James Balfour, John Lesley, and Robert Carnegie are trusted. Bothwell's arrival was certain to cause divisions. Lethington and Morton were probably intriguing with the rebels: Lethington and Bothwell were old enemies. Only a strain of Douglas blood in their kin kept Lindsay, Ruthven, and Morton nominally loyal to Darnley, a Douglas on the spindle side. By October 2 Cockburn could tell Cecil that Mary and Darnley were at strife, Darnley wanting Lennox to be in command on the Border, while Mary preferred Bothwell, "therefore she makes him lieutenant of the Marches."<sup>13</sup> Mauvissière, an envoy from France, could not induce Mary to treat with the Lords at Dumfries. Mr Froude quotes a letter of Bedford to Cecil of October 5. "She said she would hear of no peace till she had Murray's or Châtelherault's head."<sup>14</sup> This appears in the Calendar as "*there is talk of peace with that queen*" (Mary) "but that she will first have the head of the Duke or of Murray." On October 8 Mary left Edinburgh for Dumfries, with "the whole force of the North," under Huntly, now provisionally, till Parliament met, restored to his father's lands and dignities. He blamed Murray for the recent ruin of his father. The Lords did not await Mary's advance. They had crossed the Border to Carlisle on October 6, and we can scarcely agree with Mr Froude that Mary, "following them in hot pursuit, glared across the frontier at her escaping prey, half tempted to follow them, and annihilate the petty guard of the English commander."<sup>15</sup> On October 14 Mary was still at Dumfries.<sup>16</sup> On the same day, from Carlisle, Murray wrote to Cecil, explaining his real motives for rebelling. "Neither they nor I enterprised this action (without foresight of our sovereign's indignation) save that we were moved thereto by the queen, your sovereign."<sup>17</sup> (Mr Froude prints "*with foresight*" in place of

“*without.*”) The Lords went to Newcastle. On October 17 Bedford announced that Murray was probably going to London. On October 20 Elizabeth bade Bedford stop Murray, at Ware; on October 21 he received commands not to approach Elizabeth. However, Elizabeth altered her plan and allowed him to advance, for her new purposes.

She wished to prove that she had never intrigued with Mary's rebels. She played a little comedy. First, says Mr Froude, following de Silva, the Spanish Ambassador, she received Murray secretly at night, and, with Cecil, instructed him in his part, to be acted next day. Of this rehearsal the official report, drawn up on October 23, for distribution in the Courts of France and Spain, says nothing. Murray, says the official record, was brought into the presence of Elizabeth, her Council, Mauvissière, and de Foix, the French Ambassador. He knelt, and explained that he wished to beg Elizabeth to intercede for himself and his friends with Mary. Elizabeth replied that it was strange for a man in his case to approach her. What could he reply to the charges of refusing to obey Mary's summons, and of levying a force against her? He must answer “on the faith of a gentleman.” Now Murray, nine days earlier, as we saw, had told Cecil that he never would have stirred but for Elizabeth's impelling him. However, now he said that he disobeyed Mary's summons to meet her at Court because he learned, on his way, that his life was in peril, and that he then gave her this reason. He explained that Mary asked him who gave him warning, and that he declined to give up his informant, at least till six months were gone. So he was put to the horn, and wandered about, a fugitive, with Argyll, Châtelherault, and Glencairn, reaching Dumfries “with not much above eighty horse.” He had chosen “so to flee rather than to be a party against his sovereign.” How untrue all this was we have seen. He utterly denied that he had ever been privy to any scheme for seizing Mary. His one purpose was to defend true religion, peace, and amity with England. Elizabeth “very roundly” told him before the ambassador that not for the world would she aid any rebel against his sovereign. Her conscience would in that case condemn, and God would punish her. So she broke off the interview.

Such is the gist of the official report.<sup>18</sup> If the official report is correct, Elizabeth lied boldly and Murray held his peace,

to deceive the French spectators. Dr Hay Fleming writes, "Sinfully silent Murray seems to have been under Elizabeth's denunciation."<sup>19</sup> Mr Froude remarks that Murray "was evidently no consenting party to the deception." Yet it is Mr Froude who tells us that "Elizabeth had exercised a wise caution in preparing Murray for this preposterous harangue," her first speech. Did she instruct him in one scene of the comedy and not in another? Besides, "Elizabeth had doubtless made it a condition of her further friendship that he should say nothing by which she could be herself incriminated." If Murray admitted that condition, of course, and undeniably, he was (though Mr Froude denies it) "a consenting party to the deception." That Mary, a beautiful unhappy woman, should enchant historians, and lead them into fairyland, is intelligible. But by what spell does a rigid male Scottish Puritan carry grave writers captive? Mr Froude says that Sir James Melville "describes Elizabeth as extorting from Murray an acknowledgment that she had not encouraged the rebellion, and as then bidding him depart from her presence as an unworthy traitor. Sir James does but follow an official report which was drawn up under Elizabeth's eye and sanction." As a matter of fact, the official report is destitute of what Mr Froude says that it contains. After declaring that God would punish her if she aided rebels, she "so brake off hir speche any farder with hym."<sup>20</sup> Knox, or his continuator, tells us that after the two French envoys had departed, Murray said to Elizabeth, "We know assuredly that we had lately faithful promises of aid and support by your ambassador and familiar servants in your name, and further we have your own handwriting confirming the said promises."<sup>21</sup> Perhaps Murray told Knox that he thus allowed Elizabeth to lie in public, and then rebuked her in private. His was not a noble part; but then there is no reason for believing the story. We cannot ascertain the precise degree of the stainless Murray's degradation. However, at the lowest reckoning, it was dark and deep. "Sinfully silent" he was, even if, as Dr Hay Fleming supposes, he may have been staggered by Elizabeth's "shameful audacity." That he could not be, however, if de Silva truly reports that Elizabeth had rehearsed the piece with him on the previous night. Mr Froude, accepting the anecdote, can yet believe that Murray "was not a consenting party to the deception." Perhaps admirers of Murray will do well to hold

that Elizabeth did secretly train him to the comedy. We can better excuse Murray for

"sinning on such heights with one,  
The Flower of all the West and all the world,"

Gloriana herself. Best palliation of all, Murray must have known that no mortal was deceived by the transparent farce.

Though Argyll remained in his own country as safe as an independent prince, and wasted the lands of Lennox and Atholl, Murray and his brother-exiles were now discredited. Mary was in the position of her father, James V., when he expelled Angus and the Douglasses. But Captain Cockburn, an envoy from Cecil, and a historically minded man, warned Mary of her danger by this very example. James had taken little, Cockburn said, by his expulsion of the Douglasses.<sup>22</sup>

Presently the ghost of the ancient Douglas feud was to arise against Mary. In short, since Bruce forfeited the Anglophile lords, entailing thirty years of war on his country, such measures as Mary took with Murray and his allies had never prospered in Scotland. The great Scottish Houses, however divided among themselves, were allied by ties of blood, and had one common interest, that of rebelling with relative impunity. On that point they were sure to cling together, as Mary was to learn. She had meanwhile terrified Elizabeth, who offered to send commissioners to treat, but presently recovered heart, and made Randolph declare that he had misunderstood her letter. That letter was demanded, but Randolph would not give it up. Elizabeth still took the view that Darnley was no king, but her rebellious subject. Mary's own party was disunited. Lethington, who had always been with Mary, though less listened to at this time than Riccio and Sir James Balfour, was known or suspected to have intrigued with Murray. In November he was trying to recover favour.<sup>23</sup> Morton also, the son of the perfidious Sir George Douglas, might hold the Great Seal, but his loyalty was dubious.<sup>24</sup> Meanwhile, in December and early spring, Darnley was often absent for long periods, hawking, hunting, "drinking, and driving ower," as James VI. said of himself. Knox's continuator says that Mary let Riccio use a stamp bearing Darnley's signature, alleging that "the king" was often absent "at his pastime," as in fact he was.<sup>25</sup>

Darnley's behaviour was the more inconsiderate as in November

it became obvious that Mary was with child, though Randolph doubted the fact as long as possible, indeed till April. There were jars as to the precedence of Darnley's name or Mary's in public documents. Knox's continuator, and Buchanan, having just complained that Darnley received a kingly title, now grumble that his name was omitted, or that Mary's had precedence.<sup>26</sup> Bishop Keith remarks that Mary signed her name first in order less than a month after her marriage. In royal charters, the Bishop says, "I can certify my readers that the queen's name is never so much as once set before the king's."<sup>27</sup> "The *king* and queen's majesties," "Our sovereign *lord* and lady," also appear in the Privy Council Register. But on December 22, 1565, our soveran queen is named before our king in a statute for coining a penny of silver called the Mary Ryall, a coin whereon "Maria" precedes "Henricus."<sup>28</sup> All this vexed Darnley's royal ambitions. On Christmas Day, 1565, Randolph reports on this weighty matter, and suspects *amantium iræ*, lovers' quarrels. Did he really think Riccio "the happiest of the three"?<sup>29</sup> In December Châtelherault, who had submitted, was exiled to France for five years. This limited forgiveness was resented by Lennox and Darnley, deadly foes of the Hamiltons.<sup>30</sup> Murray was asking Mary to pardon him, asking Elizabeth to intercede for him. His kinsman, Douglas of Lochleven, offered Riccio £5000 (Scots) for his influence, and was refused.<sup>31</sup> Murray generously begged Randolph not to incur suspicion for his sake, and though he professed himself the servant of Elizabeth, he certainly clung staunchly to his exiled allies—so mixed is the character of this enigmatic earl. The important question was, What should be decided in the Parliament, which was to have met in February 1566, but was now postponed to early March? The banished lords were summoned to hear their own forfeiture pronounced in this Parliament. No less than total ruin to them, the chief noble friends of the Kirk, was implied. But as to religion, what would be decided? Mary had always referred a definite ecclesiastical settlement to a Parliament which had never sat. Now that Parliament seemed to be at hand—though it was never to meet.

Mary is accused of great duplicity in this matter of religion. What had she promised, for example, recently, on July 12, 1565? Merely that her subjects should not be "molested in the *quiet* using of their religion"; "in the using of their religion and conscience

freely" (July 20).<sup>32</sup> On September 10, it is true, she asked Philip of Spain for aid against "the entire ruin of the Catholics, and the establishment of these wretched errors," and for "the perpetual liberty of the Church."<sup>33</sup> Mary had told both Protestant and Catholic, had told Knox and had told the Pope, that she would defend the Catholic Church. "Ye are not the Kirk that I will nureiss. I will defend the Kirk of Rome, for I think it is the trew Kirk of God," said Mary to Knox.<sup>34</sup> There is no duplicity in that declaration. It may be detected, if at all, in Mary's proclamation at Dundee on September 15. On September 10 she had told the King of Spain that she foresaw the "danger of the establishment of wretched errors, for which the king and I, as we desire to resist them, shall be in danger of losing our crown, and our claim of right elsewhere" (in England), "if we have not the aid of one of the great princes of Christianity." On September 15, in the Dundee proclamation, Mary denies that she intends "the subversion of the state of religion which their majesties found publicly and universally standing at their arrival in this realm."<sup>35</sup> Their majesties have "a sincere meaning toward the establishing of religion." "Their good subjects [may] assure themselves to be in full surety thereof in time coming." All laws of every kind "prejudicial to the same" are to be abolished in Parliament. But "the same" seems to mean the *not* "pressing of any person in the free use of their conscience, or attempting anything against the same [Protestant] religion." Finally, after Riccio's murder in March 1566, and after Parliament had been dispersed, Mary told Beaton, her ambassador in France, that in electing the Lords of the Articles (March 7) the Spiritual Estate was represented, "in the ancient manner, tending to have done some good anent restoring the auld religion."<sup>36</sup> Lesley says that a measure was to be proposed to "allow the bishops and rectors the full exercise of their ancient religion."<sup>37</sup>

Now, taking all this together, we may, perhaps, venture to conceive that Mary always intended to secure, if she could, the *parliamentary* sanction of "freedom of conscience" and the "liberty" of her own Church. It does not seem by any means to follow that she intended to persecute or molest Protestants. On Christmas Day, 1565, Randolph wrote, "It is said liberty of conscience shall be granted at this Parliament."<sup>38</sup> If we believe that to permit one religion is to molest the devotees of another; if the right to persecute was an established Protestant



privilege; if Mary ever promised to ratify *that* privilege as soon as she could get a Parliament together;—then her duplicity is undeniable. But it is otherwise if she aimed at Parliamentary sanction for freedom of conscience and concurrent endowment. Perhaps that is the defence which she would have made of her own behaviour. If, on the other hand, Mary joined the Catholic League, as Randolph averred to Cecil (February 7, 1566), the defence is valueless. "This band . . . is subscribed by this queen," he says. But the nuncio, on March 16, 1567, tells the Pope that Mary missed her chance by refusing to accept certain advice when it was offered to her; "*ella non ha voluto mai intendere.*"<sup>39</sup> Dr Hay Fleming observes, "It is impossible, however, to say what Mary might have done" in certain circumstances which did not occur.<sup>40</sup> Mr Froude unhesitatingly accepts Randolph's affirmation, though Bedford, a week later, says that Mary has not yet "confirmed" the band.<sup>41</sup> Mr Froude sums up the matter thus: "Mary determined to make an effort to induce the Estates to re-establish Catholicism as the religion of Scotland, leaving the Protestants for the present with liberty of conscience, but with small prospect of retaining long a privilege which, when in power, they had refused to their opponents."<sup>42</sup> Whatever were her exact intentions, if she declined to join a league, and aimed at a constitutional security for freedom of conscience, her duplicity, as politicians go, can scarcely be deemed exorbitant. She was merely like Burke, as described by Fox, "right, too early." But it is true that to prevent Protestants of Knox's kind from persecuting Catholics was, in fact, to deprive them of "freedom of conscience," as they understood that expression. As to the Catholic League which Mary is said to have joined, Father Pollen asserts that there was no such league to join.<sup>43</sup> What really happened was extraordinary enough. In February 1566 Mary sent the Bishop of Dunblane to Rome to ask for a subsidy. The Pope, pitying the estate of Mary after the Riccio conspiracy, promised money, which was to be brought by a nuncio. The nuncio never did bring it, for he made it a condition that Mary should first execute Murray, Argyll, Morton, Lethington, Bellenden, and Makgill! Mary declined to decapitate her Cabinet, and, till the hour of Darnley's death (February 10, 1567), Mary's Catholic friends were pressing on her the destruction of her Ministers, while her Protestant Ministers were arranging the murder of her husband. Such, in brief, is the result

of Father Pollen's recent researches ("Papal Negotiations with Queen Mary"), though perhaps "discouraging," not death, would have sufficed.

In February 1566 matters hurried to their extraordinary conclusion. Darnley, early in the month, was observed to be unusually devout as a Catholic; Maitland of Lethington as a Protestant. Bothwell was "the stoutest but worst thought of" champion of the Kirk. But on February 4 Rambouillet arrived from France to invest Darnley with the Order of St Michael. A heraldic question arose, Was Darnley (who had not yet received the crown matrimonial) to use the arms of Scotland? "The queen bade give him only his due."<sup>44</sup> This chagrin must have been inflicted between February 4 and February 10. Now "about February 10 the king" (Darnley) "sent his dear friend and cousin George Douglas, son" (bastard) "to his uncle, Archibald Douglas, Earl of Angus, and declared unto Lord Ruthven how that David" (Riccio) "abused the king in many sorts, and staid the queen's majesty from giving him the crown matrimonial of Scotland, . . . besides many other wrongs, which the king could not bear longer." So writes Ruthven himself.<sup>45</sup>

What followed was a Douglas treason, Ruthven's first wife being a Douglas, sister of George Douglas, Darnley's messenger of murder. Morton, another ringleader, was a Douglas also. The plot did not spring merely from Darnley's jealousy of Riccio. Before George Douglas carried Darnley's words to Ruthven, Randolph (February 5) had written that "the wisest were aiming at putting all in hazard" to restore Murray and the exiles.<sup>46</sup> The day before Darnley tried to enlist Ruthven, Lethington wrote to Cecil, "Mary! I see no certain way unless we chop at the very root: you know where it lieth."<sup>47</sup> The root to be chopped at was the life of Riccio at least, if not of the queen.

Many currents met to swell the stream of the conspiracy. There was Darnley's personal jealousy of Riccio. There was the hatred of the nobles for a favourite, low-born and an alien. There was the desire of all the kindred and friends of Murray and Ochiltree to bring them home. There was the trepidation of the godly, ever nervous about the Kirk. On January 10, 1566, the new Pope, Pius V., had written to Mary. He understood (he was always marvellously ill-informed) that Mary had restored the ancient faith "throughout your whole realm." Nothing could be more remote from the truth. However, a French envoy, Clerneau, was in Edinburgh (January 27).

On January 30 Mary and Darnley appointed the Bishop of Dunblane their "orator" at Rome. Whatever leaked out of all this inflamed the Protestants. The Bishop of Dunblane's real object was to extract money for Mary's religious purposes from the Pope. But only a portion of the money ever reached Mary's hands, in August or September 1566. She did not spend the coin on advancing the Catholic cause. But that she was dealing with the Pope would be known, her adherence to an alleged Catholic league was asserted, and so she had concentrated on her head the jealousy of Darnley; of the neglected Lethington; of Morton, who feared to be deprived of the seals; of all the kindred of Murray and Ochiltree; of Lennox, who, in disgrace, lived apart in Glasgow, and longed to see his son, Darnley, king indeed; and, above all, Mary had alarmed the Kirk and the Brethren. To defend her she had only Bothwell and Huntly; and she was marrying Huntly's sister, Lady Jane, to Bothwell. The young lady was in love with Ogilvy of Boyne, but she had to yield to the Border lord, who, after marriage, won her heart.<sup>48</sup>

Here, then, began the conspiracy to murder Riccio, and the reason of Darnley's wrath is obvious. The wretched creature added to his grievances about his shadow of royalty the incredible statement that Mary was Riccio's mistress, a charge which is not to be accepted on the word of the angry boy, who had another cause of offence. Ruthven declares that, when consulted (February 10), he held aloof till about February 20, distrusting Darnley. None the less, on February 13 Randolph wrote to Leicester thus: The queen, he said, hates Darnley and all his kin. Darnley knows that she is an adulteress. Riccio is to be slain within ten days. Things are intended against Mary's own person.<sup>49</sup> Darnley now began to screw his courage to the sticking-point by hard drinking. He took to whisky, *aqua composita*, intoxicated the young Frenchmen who came with Rambouillet, was drunk and insolent to Mary at a dinner in a burgess's house, and disgraced himself in an orgie at Inchkeith, at least if we believe the tattle of Drury.<sup>50</sup> It was with this devout and drunken "king" that the discontented Lords now allied themselves "to fortify and maintain" the Protestant religion. Ruthven and George Douglas drew up bands. On one side they were to be signed by Murray, Argyll, Glencairn, Rothes, Boyd, Ochiltree (father-in-law of Knox), and "other complices." Darnley signed for himself. The Lords were to take his part in all

quarrels "*with whomsoever it be*" ("lawful and just quarrels" in some copies), including the queen (?), and they were to maintain Protestantism, and Darnley's crown matrimonial, and succession, thus excluding the Hamiltons, the legal heirs. Darnley was to secure them from the consequences "*of whatsoever crime,*" and restore the banished Lords, Murray and the rest. Murder is not mentioned, but is included in "*whatsoever crime.*"<sup>51</sup>

Meanwhile Darnley told Ruthven that he would slay Riccio himself, even in the queen's chamber, if the deed was not hasted. Ruthven thought this indecent, but named a day for Riccio's death, "though he would have him rather to be judged by the nobility." Mary and Darnley went to Seton (apparently on March 1 and 2; Randolph says February 28),<sup>52</sup> whence Darnley sent letters urging Ruthven to action. In this interval Ruthven brought Morton (related to Darnley) and Lindsay (whose wife was a Douglas), with others, into the plot. In addition to the leaders—Morton, the Ruthvens, father and son, Lindsay, and the bastard George Douglas—were enrolled Andrew Ker of Faldonside; Douglas of Whittingham, worthy brother of the infamous Archibald Douglas who took part in Riccio's as in Darnley's murder; Cockburn of Ormistoun, Bothwell's old enemy; Douglas of Lochleven; Sandilands of Calder; Patrick Bellenden, brother to Sir John Bellenden; Johnston of Westraw; James Makgill, later so notorious; Alexander Ruthven, of a house later mixed up in the Gowrie conspiracy of 1600; several retainers of Lethington; but the majority were Douglasses.<sup>53</sup> They were "to have their religion established" "conform to Christ's Book," says Ruthven. "Conform to Christ's Book"! The plot is the re-arisen corpse of the old inveterate Douglas treasons.

If we are to believe the analysis of a despatch (dated March 20) from de Foix, in London, to Catherine de' Medici,<sup>54</sup> Darnley had found Mary's door locked, and been admitted, and discovered Riccio in his shirt in her closet. Possibly this fable was told by Darnley in his cups.

So the plot stood in the first days of March. Meanwhile Randolph had been dismissed by Mary on the charge of aiding Murray with 3000 crowns, and he joined Bedford at Berwick. He had already (February 25) announced Bothwell's marriage to a sister of Huntly, and had reported to Cecil the bands between Darnley and the nobles.<sup>55</sup> On March 6 Bedford and Randolph wrote to Cecil.

Darnley, they said, was determined to be present at the slaying of Riccio, insisting on his adultery with Mary. Besides the nobles mentioned already, Murray, said Randolph, was privy to the plots, as were Lethington, Kirkcaldy of Grange, Randolph, and Bedford.<sup>56</sup> On March 8 Bedford and Randolph reported that Murray would arrive in Berwick on the 9th, and reach Edinburgh on Sunday. "But that which is intended shall be executed before his coming there." The stainless Murray had provided his *alibi* as usual. On March 11 Bedford reported the death of Riccio.<sup>57</sup>

In the interval between March 6 and the murder, Mary, as we saw, had arranged to reintroduce to Parliament members of the Spiritual Estate, and (according to Ruthven's narrative) had herself named the Lords of the Articles. Nothing, if this were true, could be more unconstitutional. But, if we believe Ruthven, her nominees had not consented to the attainder of Murray and of his allies. Mr Froude avers that Mary "carried her point," and cites Knox, but Knox's continuator does not exactly say so. He says "they were still seeking proof, for there was no other way but that the queen would have them" (Murray and his friends) "all attainted, albeit the time was very short; the 12th of March should have been the day, which was the Tuesday following."<sup>58</sup>

There are many accounts of the murder of Riccio.<sup>59</sup> In the evening of March 9, about eight o'clock, Morton was to enter the chief room of Mary's suite by the great stair and gallery of Holyrood. Darnley and Anthony Standen, with Ruthven, George Douglas, and another (Morton later made George Bishop of Moray), invaded the queen's boudoir by way of the privy staircase from Darnley's own room. Mary, Lady Argyll, and Riccio were supping in the tiny boudoir: Arthur Erskine was in attendance, with her brother, Lord Robert. Darnley entered and put his arm round Mary's waist. Behind him came the white face of the hated sorcerer lord, the baleful mask of the dying Ruthven. Ruthven bade Riccio go forth, and, by his own tale, gave a long account of the man's offences. Darnley, says Mary, then denied that he knew anything of this enterprise. Apparently his cue was to have entered by accident, while Ruthven had seized the chance to follow him. Riccio sheltered himself behind Mary, "leaning back over the window." Ruthven admits that he himself now drew his dagger, to resist Arthur Erskine, Keith, and others. The crowd of Morton and his accomplices now burst in from the outer chamber; the table was upset, Lady Argyll

seized a candle as it fell ; Ruthven thrust Mary into Darnley's arms, saying that no harm was intended to her. But Mary declares that Riccio was stabbed at over her shoulder, and that pistols were pointed at herself. All agree that Riccio was hurled forth of her boudoir, and, though Ruthven says he bade the men take him to Darnley's room, he was dragged to the outer chamber, and "slain at the queen's fore-door in the other chamber." Either the thirst of blood, or some movement below in the court by Huntly, Bothwell, Atholl, Fleming, and Livingstone, caused the murderers to give Riccio short shrift.

Mary says that Bothwell and the rest were also aimed at, and that Sir James Balfour was to be hanged. Probably she learned this later from Darnley, who may have lied. Ruthven, when Riccio had been hurled forth, returned to Mary's room, where Darnley was, or met the pair in Mary's great chamber. A dispute arose. Darnley, says Ruthven, accused Mary of too great familiarity with Riccio since September : now Mary became pregnant in November : Darnley was thus destroying his son's legitimacy. Bedford, Lennox, and Randolph make him date the sin since November, or since the last *two* months. According to Ruthven, Mary cried, "I shall never like well till I make you have as sorrowful a heart as I have at this present." Ruthven fell into a chair and cried for wine, being sick : Mary turned and menaced him : he said that Darnley was the cause, "which he confessed to be true." Outside, there was a tumult in the yard, Bothwell and his friends were at sword-strokes with the murderers. They were brought to Bothwell's rooms, where Ruthven told them all ; thence he went to Atholl's rooms, while Mary and Darnley wrangled alone. She charged Darnley with having impeded Murray's return, which is probable enough, especially if Murray (as is said) had bribed Riccio with a diamond. Then the town tocsin tolled to arms, and the citizens marched by torchlight on the palace. Thereon in her chamber threats of "cutting her to collops," she says, were uttered. Darnley bade the burgesses disperse, all was well. Mary and Ruthven disputed over an enchanted ring which he had given to her, and over her nomination of the Lords of the Articles. How Darnley and Mary passed the night is differently narrated : Bedford and Randolph have a tale based on a misunderstanding of Ruthven, and not worthy of notice. Atholl withdrew to his fastnesses. Bothwell and Huntly had escaped by a window. Darnley now dismissed the Parliament : it is Ruthven who says

that his dagger was found in Riccio's side. So passed this night of horror.

That Mary did not die, considering her condition, may have been a disappointment to the assassins. In an age when palace floors often ran with blood, no ghastlier or more needlessly cruel deed was wrought under pretence of religion. Mary is said, in many versions, to have threatened revenge. Doubtless she meditated revenge in her heart. But first she must escape. On the morning after the murder she got leave to have her ladies with her. Ruthven and Morton foresaw the result: she wrote and passed her letters through to Argyll, Huntly, Bothwell, Atholl, and others. After dinner she feared, or affected to fear, a miscarriage. In the evening the banished Lords arrived, and Mary had a not unfriendly interview with Murray.<sup>60</sup> Next day Mary persuaded Darnley that she was in a mood for general amnesties. Darnley had come to calling Mary "a true princess, and he would set his life for what she promised." Articles were drawn up, which Mary was to subscribe. The Lords were induced, reluctantly, to remove their men from the palace. On Tuesday morning they woke to find that the bird had flown: Mary had extracted from Darnley all that he knew, had cajoled him, and had escaped with him, by a secret way, among the royal tombs. Lennox avers, in an unpublished MS., that, pausing at Riccio's new-made grave, Mary promised Darnley that "a fatter than he should lie as low ere the year was out." At a place near the ruined Abbey of Holyrood Arthur Erskine, Standen, an English squire, Traquair, and another were waiting with horses. Shortly they were within Dunbar, after a wild ride through the night, and were safe. In a few days Mary had pardoned and gained over Glencairn and Rothes: Ruthven and Morton sped to Berwick, Bothwell and Huntly had joined her in force, the country was summoned to meet her in arms, Murray was forgiven (his accomplices bidding him act without regard to them), the godly were filled with terror and amazement, and Knox fled into Ayrshire. It is not worth while to discuss his knowledge of the conspiracy: the evidence to that effect is valueless. Darnley declared his own entire innocence. In Bothwell Mary saw her preserver.

Presently, early in April or late in March, Randolph reports that Mary has seen Darnley's bands with the Lords.<sup>61</sup> Darnley was thus at deadly feud both with the nobles whom he had

betrayed and with the wife whom his insults had outraged. His doom was sealed. Meantime the wretched lad was reaping the contempt of mankind. He had denounced certain men, whose guilt was known to him alone, and one of them was hanged on April 2.<sup>62</sup> Lethington, who had certainly been in the plot, had fled to Atholl at Dunkeld.<sup>63</sup> "All that belonged to Lethington is given to Bothwell."<sup>64</sup> The lords murderers were put to the horn on March 30, which they regarded as highly unconstitutional. The queen was reconciling all feuds, and chiefly (ill omen for Darnley) that between Murray and Bothwell. Randolph believed that Mary was sending to Rome to sue for a divorce (April 4). Worse still for Darnley, Joseph Riccio, David's brother, with an Italian vendetta in his heart, became Mary's private secretary. Some strange secret there was between them as to diamonds of the queen's: a romance which hangs thereon allures and evades the most curious research. On April 26 the Privy Council accepted sureties for poor, mad, forgotten Arran, the friend of Knox, the wooer of two queens, the accuser of Bothwell. He was to dwell in Hamilton, not passing beyond a four-mile radius.<sup>65</sup> He was suffering from aphasia, and had to write what he could not speak.<sup>66</sup> On May 6 Darnley wrote, in French, to Charles IX. He denied the rumour accusing him of Riccio's murder, "lequel j'aborre tant."<sup>67</sup> Vain falsehood! Darnley was detested, and rumour said that he would fly to Flanders. On May 16 Morton, at Alnwick, reported the death of Ruthven, "so godly that all men that saw it did rejoice."<sup>68</sup> The piety of these men is more admirable than their crimes. Ruthven may have been very godly. He only did what Knox calls "a just act and most worthy of all praise." There is nothing to show that Knox foreknew the deed; but, far from reckoning it discreditable to the Reformed Church, Knox deemed it "most worthy of all praise."<sup>69</sup>

As Mary's hour was approaching, she and Darnley, so Randolph heard (June 7), were reconciled. She made her will, and left, said her accusers later, nothing to her husband. The will is not known to exist, but an inventory of her personal jewels was discovered in 1854. Many bequests are therein made to Darnley, including her wedding-ring.<sup>70</sup> The contempt into which Darnley had fallen, the hatred which pursued him, were infinite. If he had an ally for a week, it was Bothwell. "Murray and Argyll," wrote Randolph,



have "such misliking of their king as never was more of man" (May 13).<sup>71</sup> Claude Nau, Mary's secretary, inspired by her, says that Huntly and Bothwell urged Darnley to ruin Murray, and Lethington, who was unpardoned and in hiding. Morton, in a letter from his English exile, corroborates Nau. Bothwell and Darnley were trying to bring home the murderer, George Douglas, to implicate Murray in the outrage of Holyrood. "The queen likes nothing their desire," adds Morton.<sup>72</sup> We must observe that though Bothwell, who had organised a guard of musketeers for the queen, was now high in favour, Mary was working in unison with Murray. She protected him from Bothwell and Darnley; despite Bothwell's fury she restored Lethington (Murray siding with her) to favour; she would not let Bothwell lodge in the castle while she lay in child-bed, but admitted Murray, Mar, Atholl, and Argyll.<sup>73</sup> Though the jealous complained of Bothwell's favour with the queen, history proves that at this period she invariably took Murray's side when Murray and Bothwell differed in opinion.

Not in the blood-stained chambers of Holyrood, but in Scotland's securest place, within the walls of the Castle of the Maiden, did Mary give birth to her son. Sir James Melville had been waiting, with horses saddled. On Wednesday, June 19, he was told the news by Mary Beaton (herself now a bride), and he galloped out of the gates to London. On Sunday he carried in the tidings: Cecil told Elizabeth, and she moaned that "the Queen of Scotland was lighter of a fair son, while she was but a barren stock." But Elizabeth (June 13) had wished Mary "brief pain and happy hour" in accents that, for once, seem to ring true. Elizabeth's heir was born at last, though scarce acknowledged till her awful hour of haunted death. By June 24 an envoy of Elizabeth's, Killigrew, reported on affairs in Edinburgh. Matters and men were "uncertain and disquieted." Bothwell was in one of his Liddesdale holds, not liking the junction of Mar, Murray, Atholl, and Argyll. Lethington had been bound for Flanders, but retired to Argyll, as Bothwell, the High Admiral, had vessels watching for him on the seas. Sir James Balfour was being superseded by Lesley, Bishop of Ross, the historian.<sup>74</sup>

About June 25 the General Assembly met: it was the usual date, and they complained of unpaid stipends.<sup>75</sup> Poor Paul Methven (who, we know, had an ancient woman to wife, and preferred a younger lady) was bidden to appear, bareheaded, barefooted, and in

sackcloth, and stand a penitent at St Gilés', also at Jedburgh and Dundee. Paul persevered, though reluctantly, in penance at St Giles' and at Jedburgh, but at Dundee he could endure it no longer and returned to England. Bothwell ceased to go to sermon; Cassilis turned Presbyterian; and Murray and Killigrew desired Cecil's and Leicester's presence, "which would do much good to religion." The good that Leicester could do religion is inconspicuous. It was desired that he should attend the royal child's baptism, but that ceremony was long deferred.

Mary, early in August, wished to reconcile Murray, Bothwell, and Lethington, and hoped to do so at Stirling on the 24th. In the last days of July she had gone to Alloa, where Buchanan reports licentious frolics and harshness to Darnley. Mary may have gone secretly to Alloa to escape Darnley's company: she fared by water up the Forth, Buchanan says, with Bothwell and his "pirates." She resided, Nau tells us, with the Earl of Mar, and the Mars were always relatively reputable, for Scottish nobles of the age. Lennox avers that Mary disported herself at Stirling "in most uncomely manner, arrayed in homely sort, dancing about the market-place of the town." Probably there was some folks-festival (there is one still at Queensferry, men going about arrayed in flowers) at that date.<sup>76</sup> We know that the queen held a meeting of the Privy Council at Alloa (July 28). The lawless feuds of the age were denounced. Darnley and Mary declared that they were about to make progresses through the realm, beginning with the Borders. The lieges were ordered to meet their highnesses, in arms, and with provisions for fifteen days, at Peebles on August 13, and go on to Jedburgh, for the settling of the Border. The Elliots proposed to skulk on the English side during this raid of justice. All this was arranged at Alloa on July 28; but the thing was postponed, and Mary went not to Jedburgh, and then to her sorrow, till October 8 or 9.<sup>77</sup>

On August 3 Bedford reports that Mary and Darnley are separate at bed and board, and that she concealed her movements from him, and spoke of him in terms not to be repeated. Anonymous "Informations out of Scotland" (August 15) declare that Darnley had threatened to kill Murray, and that Mary had reported the words to her brother,<sup>78</sup> and informed him about a small instalment received from the Pope's subsidy. Darnley had been hunting with Mary in Meggatdale; the sport was bad; he was brutally insolent, and with-

drew from her company : in no company was he welcome. Meanwhile (September 5) Lethington dined at Stirling with Mary : his peace seemed to be made. Murray and Mary welcomed him back ; Bothwell fretted, but was unheeded. Lennox she had not seen since the death of Riccio.<sup>79</sup> By September 20 Lethington could tell Cecil that Mary, in company with Murray, had made up the feud between himself and Bothwell.<sup>80</sup>

Part of Mary's business in Edinburgh at this time was to understand Exchequer affairs. Buchanan avers, in his 'Detection,' that in the Exchequer House Mary intrigued so scandalously with Bothwell, a newly married man, that the tale reads like a story from Boccaccio. The date is given as September 24 in the list of events called "Cecil's Journal."<sup>81</sup> Buchanan not only owed certain favours to Mary, and not only (it is possible) regarded these favours as unworthy rewards of his poetical begging-letters, but he was also a Lennox man, a Darnleyite, by birth. He had thus several reasons for making out the worst case against Mary, and has rather harmed his case by overstating it. Whatever else occurred on September 24, the Privy Council then summoned loyal lieges of the Border to meet Mary and Darnley at Jedburgh on October 8.<sup>82</sup>

While Buchanan recounts the amorous misdeeds of Mary at this time, a different complexion is given to matters by Mary's Privy Council. Writing to Catherine de' Medici on October 8, speaking of "ten or twelve days ago,"—that is, September 26 to 28,—they say that Mary then came to Edinburgh on public business by their desire. She wanted to bring Darnley ; but he preferred to stay at Stirling, where Lennox, his father, visited him. Lennox next wrote to Mary, warning her that, despite his persuasions, Darnley had a ship ready, and meant to leave the country by Michaelmas (September 29). Mary informed the Council, who denounced Darnley's graceless behaviour. Mary, behaving most graciously, tried to win Darnley from his moods, and passed the night with him, but found early next day that he was leaving for Stirling. The Council and du Croc met Darnley in Mary's chamber, and blamed him for his ingratitude to his wife and queen. Neither the lords nor Mary, *si sage et vertueuse*, were conscious of any offence. Mary entreated him to explain the cause of his anger, but nothing could be wrung out of Darnley. Later he wrote to Mary, complaining that he had not his due honours, and was shunned by the lords. Mary replied that

she had caused jealousy by honouring him even too much, and that while the murderers of Riccio had entered her room *souls son adieu* (as if he had been taking leave of her when they burst in), yet she had never been willing to believe in his guilt. As for the nobles, if he would not be amiable he could not be loved; much less obeyed, to which the nobles would not assent.<sup>83</sup> We do not know what nobles signed the letter of the Privy Council, but the Privy Council was clearly siding with the queen. It is quite certain that at this very date (October 1566) all the lords, and Murray, signed a band against Darnley. Murray himself admits that he signed a band early in October, and from other sources we know that the band bound the nobles to protect Mary against Darnley. Him they never would obey, as they also wrote to Catherine de' Medici. The band (which Morton signed in his English exile) said nothing of murdering Darnley. He was merely to be put on one side as a thing without authority.<sup>84</sup> Deserted, hated, shunned, conscious of a formal league against him, Darnley "had a mind to go beyond sea in a sort of desperation."<sup>85</sup> Mary went to Jedburgh, arriving probably on October 9: she was bent on the expedition for justice on the Borders, already arranged. Darnley loitered near Edinburgh, taking du Croc into the confidence of his chagrin and wounded pride.<sup>86</sup> There seems to be truth in Knox's continuator's tale that Darnley wrote to the Pope, the King of Spain, and the King of France, complaining that Mary neglected the Catholic cause.<sup>87</sup> Mary knew this, and was the more annoyed, as she was trying to induce the Pope's nuncio, Laureo, to bring over the long-delayed papal subsidy, many thousands of crowns of gold. But Darnley, anxious to be a king indeed, thought to gain his desire by winning over Mary's Catholic allies.

There was now, and was to be, slight question of restoring Catholicism, or of striving for freedom of conscience. The day of Mary's policy, so long prepared, so astutely and vigorously followed, was over: the day of passion had begun. "Had begun," we infer it from Mary's later conduct, for the scandalous tales of her debauchery, told by Buchanan, are of doubtful authority. One thing is certain: Bothwell was no stupid Border ruffian merely, but a man of courtly accomplishments and of letters. Two of his books, French treatises and translations on history and military matters, remain to attest at once his love of reading and his

taste in bookbinding. Familiar with the Court and the wits of France, he wrote French well, in the new Roman hand—elegant, firm, and clear. At Carberry, later, du Croc admired in him “a great captain,” who could gaily quote an appropriate classical anecdote. He was young, handsome, reckless; he had been loyal in Mary’s utmost need, and he had the Byronic charm of a reputation for mysterious guilt. Such a wooer needed no magic spells.

From this point history becomes a mere criminal trial, wrangled over by prejudice, and confused by dubious evidence. From the contemporary Buchanan and Blackwood, to Froude and Skelton, Schiern and Bresslau, the topic of Mary’s guilt has been debated by acute advocates rather than by historians. Authors like Buchanan have prejudiced their own case against Mary by palpable inaccuracies and exaggerations. The evidence is partly derived from confessions of men condemned, in that age of judicial torture especially suspicious. Much of it comes from partisan statements: much from the disputed “Casket letters,” attributed to Mary. But while documents are disputable, and while the counsel against Mary damage their own cause by their handling of papers, the whole series of events begins to be conclusive against Mary’s innocence. On almost every individual fact a fight may be made by the advocates of the queen. Each single damning event may be plausibly contested or explained away. But the whole sway and stream of occurrences moves steadily in favour of but one conclusion,—that Mary was at the very least conscious of, and was to the highest degree of probability an active agent in, her husband’s murder. It is necessary, though tedious, to follow dates with as much precision as possible. The paper called “Cecil’s Journal,” or “Murray’s Diary,” used by Cecil in the pseudo-trial of the queen, was a statement (far from accurate) of the case for the prosecution. It gives the wounding of Bothwell by a Border reiver on October 7. On October 8 “the queen was advertised,” and hasted from Jedburgh, and from thence to the Hermitage, and contracted her sickness.<sup>88</sup> Against this date of Mary’s journey on the 8th we have a letter of hers to the Pope, dated Edinburgh, October 9.<sup>89</sup> The ‘Diurnal’ makes Mary leave Edinburgh on October 7, to hold the court of justice “which was proclaimed to be held at Jedburgh on the eighth day” of the same month.<sup>90</sup>

On the other hand, the headlong Buchanan, in his ‘Detection,’

makes Mary speed from Borthwick to Hermitage as soon as she heard of Bothwell's wound. This is given up by all writers: Mary was at Jedburgh for about a week before (on October 15, says the 'Diurnal') she rode to Hermitage to see her wounded officer. There was no frenzied haste: the journey, however, was long, difficult, and dangerous. Buchanan makes Mary ride to Hermitage with ruffians. If so, Murray was one of them.<sup>91</sup> Mary's health had never been sound: she now fell into a dangerous illness on October 17. On the 23rd the Council—Huntly (Chancellor); Murray, Atholl, and Lethington—reported to Archbishop Beaton; on the 24th du Croc wrote to the same diplomatist, "The King" (Darnley) "is at Glasgow, and has not come here. It is certain he has been told of the facts, and has had time to come if he chose: I cannot excuse him."<sup>92</sup> But, according to the 'Diurnal,' Darnley hastened to Jedburgh as soon as he heard the bad news, arrived on October 28, "was not so well entertained as he ought to have been," and returned on October 29 to Edinburgh, and so to Stirling.<sup>93</sup> Meanwhile Bothwell had been carried to Jedburgh, to recover from his wounds. On the 25th he was able to attend a Privy Council. Buchanan speaks here of his "guilty intercourse" with Mary, a thing not very plausible in their circumstances.<sup>94</sup>

About November 10 Mary, having recovered, made a progress by Kelso, Hume Castle, Berwick, and Dunbar, reaching Craigmillar Castle, near Edinburgh, about November 24. Darnley visited her somewhere about the 25th, but du Croc regarded reconciliation as impossible, "unless God effectually put to his hand." Darnley would not humble himself: Mary could not see him speak to any lord without jealousy.<sup>95</sup> Mary was often heard to wish for death.

Now occurs the evidence of a document constantly cited as "The Protestation of Huntly and Argyll." It is not contemporary with the events, nor is it signed. Says Dr Hay Fleming, "It was drawn up by Lord Boyd's advice, 'conforme to the Declaratioun' Huntly had made to Bishop Lesley, and was sent by Mary from Bolton on January 5, 1568-69, to Huntly, with a letter directing him and Argyll to subscribe; but leaving it to their discretion 'to eik and pair' (add or subtract) 'as they thought most necessary, before returning it to her signed and sealed.' The paper was intercepted by Cecil, and never reached Huntly and Argyll."<sup>96</sup>

An unsigned document, to be altered at pleasure by the subscribers, who never had a chance to subscribe, is poor evidence. It avers that Murray and Lethington, at Craigmillar, aroused Argyll from bed. They pointed out that Murray ought in honour to secure the return of Morton. The best plan of winning Mary's assent would be to find a mode of divorce between her and Darnley. Argyll saw no way to it; Lethington promised to discover a means if Murray and Huntly would merely look on "and not be offended thereat." Huntly was brought, he and Argyll were promised full restoration to lands and offices, all four men added Bothwell to their number, and visited the queen. To her they promised "to make divorce" without her intervention. Mary said she would consent to a lawful divorce, if not prejudicial to her son's legitimacy. Bothwell consoled her on that head, but Mary suggested that she should retire to France. Lethington then, in ambiguous terms, said that a way would be found, "and albeit that my Lord of Murray be little less scrupulous for a Protestant than your Grace is for a Papist, I am assured he will look through his fingers thereto, and will behold our doings, saying nothing to the same." Mary answered, "I will that ye do nothing whereby any spot may be laid to my honour and conscience, and therefore I pray you rather let the matter be as it is, abiding till God of his goodness put remedy thereto; lest ye, believing to do me service, may possibly turn to my hurt and displeasure." Lethington answered, "Let us guide the matter amongst us, and your Grace shall see nothing but good, and approved by Parliament."

Much criticism has been bestowed, to no purpose, on these statements.<sup>97</sup> They are corroborated by a real manifesto of Mary's party, signed by Huntly and Argyll, in September 1568. Mary, some think, consented to let matters pass, or did not refuse. Murray did not deny that some things were debated at Craigmillar: he denied that in his presence anything unlawful or dishonourable was mooted, or that he had any knowledge (which is not asserted in the Protestation) of signing any band.<sup>98</sup> Murray doubtless referred here, not to the Protestation, but to what later was confessed by Ormiston (not one of the Protestant Ormiston House in Lothian), that Huntly, Argyll, Lethington, and Sir James Balfour did sign a band for slaying Darnley. Hay of Talla said he had seen the band, subscribed also by Bothwell and other lords, and approved by Mary, and Bothwell told him (falsely, it would seem)

that Morton signed.<sup>99</sup> Confessions are not much to be trusted, but nobody accused Murray of signing, nor does it appear why he denied what was nowhere alleged. As to the whole affair, Buchanan avers that Mary urged the nobles to procure a divorce through annulling the papal dispensation (which, as Father Pollen shows, probably arrived *after* she married Darnley); but when she saw that the thing would not pass, "many of the nobles being present," she meditated murder. By both versions the divorce was discussed: the Protestation may contain an unknown element of truth. "Of the truth of the main features there is no room for doubt," says Mr Froude. Mr Froude's statement, from Calderwood, that Mary vowed "she would put hand to it herself," outruns Buchanan even. Calderwood's tale is that she "would put hand *into* herself," commit suicide.<sup>100</sup> It is a pity that the prosecution manages its case so badly.

The Craigmillar conference, as heretofore reported, leaves matters as Maitland put them. He would find out a way, not illegal, of getting rid of Darnley. The Lennox MSS. tell us, vaguely, and without naming any authority, what that way was. Darnley ~~was~~ to be arrested, there were plenty of grounds for an arrest, and killed if he resisted. Lennox heard of this, he does not say how, and warned Darnley, who left Stirling, after the baptism of his child, and joined his father at Glasgow. Lennox wavers about the facts, which are differently stated in three different indictments of Mary, composed or corrected by him. Meanwhile two rumours flew about. According to the first, reported by one Walker, Darnley was plotting to seize the infant prince and govern in his name. According to the other, circulated by Hiegait, town clerk of Glasgow, Darnley was to be arrested. Mary called the gossips before the Council: she could find no consistency in their stories, and from a letter by Walker, now at Hatfield, we know that she had him committed to Edinburgh Castle.

The reports added to Mary's distresses at Stirling during the feast for the baptism of James. Darnley sulked: Mary and he quarrelled, and Lennox says that, when Darnley flushed, the queen told him that he would benefit by being "a little daggered, and by bleeding as much as my Lord Bothwell had lately done." The French envoy, du Croc, refused to meet Darnley: we do not hear that the English Ambassador made any advances. The child prince was baptised, with Catholic rites, on December 17; a week later



Morton and all the exiles for the cause of Riccio's death were pardoned. The English Ambassador, Bedford, interceded for them, as did the French Ambassador, Murray, and Bothwell. The approaching return of Morton and the others whom he had betrayed probably caused Darnley to withdraw, as we have seen he did, to his father's castle at Glasgow. There he fell ill, but Lennox in none of his papers hints that Darnley had been poisoned. That allegation is made by Buchanan. The disease was probably smallpox, as Bedford avers; it had broken out at Glasgow.<sup>101</sup> Bedford, from Berwick (January 9, 1567), reports that Mary sent to Darnley her own physicians: Buchanan says that she "would not suffer a physician to come at him."

From one point of view, Mary now took a most suspicious step. On December 23 she restored Archbishop Hamilton to his consistorial jurisdiction: this, of course, that she might divorce Bothwell from his bride. But Knox and the General Assembly protested, and in his letter of January 9, just cited, Bedford writes that, at Murray's request, Mary revoked her decree. Mary had been staying at country houses: with Bothwell, and for the worst purposes, say her accusers. About January 14, Mary, returning from her country-house visits, took her child to Holyrood. Thence, as she had done earlier, she wrote, offering to visit Darnley. According to Lennox, in his MS. Indictments of Mary, he sent an insulting verbal reply, "I wish Stirling to be Jedburgh, and Glasgow to be the Hermitage, and I the Earl Bothwell as I lie here, and then I doubt not but that she would be quickly with me undesired." From the mention of Stirling, where Mary was on January 2-13, her offer of a visit must have been made thence soon after the beginning of Darnley's illness; and he must have later repented of his rudeness and asked for a visit from the queen. On January 20, 1567, Mary wrote to Archbishop Beaton about the affair of Walker and Hiegait. She had heard, as we saw, from Walker, a servant of the Archbishop's, that Hiegait, another of the Archbishop's retainers, was telling about a plot of Darnley's to seize and crown little James, and exercise government. This was probably the plot about which the Spanish Ambassador in London warned Beaton, and he the queen. Hiegait denied all this: what he had heard was that Darnley should be laid in prison. *His* authority was the Laird of Minto, who told Lennox, who told Darnley. As for Darnley, Mary declared that her subjects con-

demned his behaviour; and she would leave nothing evil for his spies to observe in her conduct.<sup>102</sup>

Thus nothing, up to January 20, indicated that Mary had forgiven Darnley, who had anew been rude about her proposed visit from Stirling. On the 20th of January, according to two contemporary Diaries,<sup>103</sup> Mary left Edinburgh for Glasgow. She stayed, in Bothwell's company, at Lord Livingstone's house, and, according to Drury, reached Glasgow on January 22. The paper called "Cecil's Journal," put in by her accusers, makes her arrive on the 23rd. Neither date is consistent with the possible authenticity of the second of the guilty Casket letters, alleged to have been written by Mary, and establishing her crime. But she may have reached Glasgow on January 21. What occurred at Glasgow? The evidence rests (1) on the disputed Casket letters; (2) on dying confessions, and depositions under torture; (3) on a disputed deposition of Crawford, a retainer of Darnley. None of these is very good evidence, and Crawford's deposition agrees with the Casket letter No. 2 only too suspiciously well. (See Appendix A., "Casket Letters.")

On the other hand, if we discredit all these sources, Mary's conduct after Darnley's death remains an insoluble enigma. If she had a passion, or a passionate caprice, for Bothwell (as the debated evidence declares), all is clear and consistent in her behaviour. If these sources of evidence are absolutely baseless, we can only suggest that she had an interval of extreme feebleness of purpose. Briefly, the letters which she is alleged to have written to Bothwell, the Casket letters, represent her as cajoling Darnley, discussing with him such matters as Hiegait's story, already spoken of, and bringing him with her, as she did, to a small and decaying religious dwelling hard by Edinburgh wall, the Kirk-o'-Field. The place was well known to Bothwell—it belonged to an adherent of his; and in the adjacent house of the Hamiltons he had met Knox, and been reconciled to Arran. This unsafe and unwholesome dwelling, with doors absent or insecure, would not have been chosen for a king's residence except for one purpose. There must have been better sanatoria for a smallpox patient. Mary was often with Darnley in the following days; sometimes she passed the night in the room beneath his, and she is said to have played music and sung in the warm precincts of the garden in the genial darkness of a Scottish February. Darnley at this time wrote a happy and reassuring letter to Lennox, inserted in the Lennox MSS.

But he had grounds of anxiety; for Lennox, at least, declares that he received a warning from Mary's brother, Lord Robert, that he imparted this to Mary, and that Mary tried to bring on a quarrel between her brother and her husband. As Murray was present, she cannot have intended them to fight, as is averred. Early on the morning of Sunday, February 9, Murray received news that his wife was ill in Fifeshire: he went to comfort her, and, as usual, secured his *alibi*. Mary supped with the Bishop of Argyll, going on to Darnley's. Bothwell, with two Ormiston's; Powrie, his porter; George Dalgleish, his valet; young Hay of Talla; and Hepburn of Bowton, carried powder in two travelling-trunks, on a horse's back, within the grounds of Darnley's house. While Mary was with Darnley on the first floor, they moved the powder into her room on the ground-floor, by way of a door giving on the garden (as the confessions of the accomplices indicate), or stored it in a mine under the house, according to another theory of the accusers. Bothwell and his servant Paris, now in Mary's employment, then went up to Darnley's room, when the queen rose, was reminded that she had promised to grace the wedding-masque of her servant, Bastian, at Holyrood, and returned thither on horseback, men with torches walking before her. The conspirators saw the lights, and Bothwell went back to the palace. They had left Talla and Bowton, they say, locked up with the powder in Mary's room. Bothwell changed his rich evening dress, and returned to his accomplices at Kirk-o'-Field. Darnley, who was not without apprehensions, had sung the fifth psalm and gone to bed: a page named Taylor slept in his room.

What followed is wrapt in mystery. Long afterwards the dying evidence of Morton averred that Archibald Douglas was on the scene. Binning, a servant of Archibald, added that two brothers of Lethington, and representatives of Sir James Balfour, were there. That this was arranged between the conspirators is corroborated by evidence of Hepburn of Bowton, which exists in MS., but was suppressed by the accusers of Mary, among whom were Lethington and Morton.<sup>104</sup> (The discovery of this fact is due to Father Ryan, S.J.) It is certain that about 2 A.M. of February 10 Darnley's house was blown up. His body and that of Taylor were found, almost uninjured and not touched by fire, Darnley's fur-lined velvet dressing-gown unscathed, in an ad-

jacent garden. The contemporary opinion unanimously averred that Darnley had been strangled or choked, with his servant, and that their bodies were carried into the garden. A large commemorative picture, painted for Lennox, represents the assassins seizing Darnley in bed. If this was done, the accomplices of Bothwell denied all knowledge of it; and though Archbishop Hamilton is accused (by Buchanan) of sending ruffians to do the deed, we have no evidence on the point. Mary's accusers altered their versions, and their charges, just as in each case seemed most convenient.<sup>105</sup>

"Over the events of that night," says Mr Froude, "a horrible mist still hangs, unpenetrated and impenetrable for ever." This is, indeed, true; but Mr Froude's detailed narrative of the events about which so little is known must remain a classical passage in English literature. This great writer has felt himself justified in constructing a story out of the disputable and sometimes self-contradictory confessions of the underlings executed for the murder, and out of the Casket letters, the epistles which her accusers declare that Mary wrote to Bothwell. These sources of information are untrustworthy. Many of the "pursuers" of Bothwell were themselves deep in the plot: others, their allies, if personally guiltless, were acquainted with their partners' guilt. Thus the confessions of Bothwell's minor accomplices were garbled, to conceal the crime of Lethington, Sir James Balfour, and the Douglasses, till the party of the accusers broke up, when evidence was at once produced, or manufactured, against the deserters. The chief points of doubt are, whether Darnley was killed by the explosion, or strangled and removed into the garden before the explosion occurred. If the latter theory be correct (and it is that of the author of the 'Diurnal,' writing at the moment, as well as of Drury, and Moretta, the Ambassador of Savoy, and all contemporaries), then two gangs were engaged: Bothwell's party, which blew up the house; and another party, probably under Morton's cousin, Archibald Douglas, brother of Douglas of Whittingham. But this element of the inquiry was burked by the allied lords under Murray.

Secondly, Was the gunpowder placed in Mary's bedroom, under that of Darnley, or "under the ground, and corner-stones, and within the vaults," as the indictment against Morton runs? This is the story given also by Buchanan in his 'Detection.'<sup>106</sup> In this latter case the guilt of Mary is not so apparent as if the

powder was placed in her bedroom, according to the confession of Paris and other culprits. An interminable historical quarrel rages around these questions. The curious point is that Buchanan speaks of a mine, yet gives two confessions which allege that the powder lay in Mary's bedroom. The authenticity of the various confessions has been disputed. We may feel certain that they were not forged in the mass; on the other hand, omissions were certainly made, and torture was certainly applied. The discrepancies in statement are numerous; but they are defended on the ground that statements without discrepancies would be a proof of correctness introduced by collusion.

As an example of the methods employed: the English edition of Buchanan's 'Detection' contains certain dying confessions made on January 3, 1568. But we do not find in these what the 'Diurnal' records—namely, Hay of Talla's confession, "in presence of the whole people," that Bothwell, Huntly, Argyll, Lethington, Sir James Balfour, and others made a band for Darnley's death, "to which the queen's grace consented": a remark made, doubtless, on the strength of oral information, true or false, from Bothwell.<sup>107</sup> The second confession of Paris (1569), obviously under torture or fear of torture, contains assertions about his open discussion of the deed with Mary which border on the incredible. While the depositions and confessions attest the strewing of the powder in Mary's bedroom, every account of the effects of the explosion makes it seem more probable that the powder was really laid in the vaults on which old Scottish houses are usually built. Hepburn of Bowton's confession that Bothwell, till within a day or two of the murder, meant to slay Darnley "in the fields," harmonises ill with the passages in which Paris makes Bothwell examine the entrances of the house, and provide fourteen false keys, a fortnight before the explosion. Where the evidence is so perplexed and veiled, certainty is impossible.<sup>108</sup> On the author's mind the impression that Darnley and his page were strangled, not blown for many yards through the air, is decidedly the stronger. The account of Nau, Mary's secretary, published by Father Stevenson, is seldom cited here: it is what Mary wished to be believed. But Nau's statement that Mary, seeing Paris after he had been at work with the powder, exclaimed, "Jesu! Paris, how begrimed you are," has a natural ring about it; and, unluckily, if Paris was begrimed, then Mary ought to have inferred that his master, Bothwell, was the murderer.



<sup>60</sup> It was expected that Darnley and Mary should pass the night together. But Darnley could not be roused; he may have been drunk. Compare Bedford and Randolph in Wright's 'Elizabeth,' i. 229, with Ruthven, Keith, iii. 274, 275. Randolph and Bedford have confused the story.

<sup>61</sup> For. Cal. Eliz., 1566, p. 45.

<sup>62</sup> Calendar, ii. 273.

<sup>63</sup> See a curious little proof of Lethington's complicity, Calendar, ii. 268, 269. It is only "case" spelled "caas," but confirms Randolph's evidence.

<sup>64</sup> Calendar, ii. 269, 270.

<sup>65</sup> Privy Council Register, i. 452-454.

<sup>66</sup> Randolph, For. Cal. Eliz., May 2, 1566, 59.

<sup>67</sup> Calendar, ii. 277.

<sup>68</sup> Calendar, ii. 278.

<sup>69</sup> Hume Brown, Knox, ii. 310.

<sup>70</sup> The Inventory was admirably edited by Joseph Robertson, for the Bannatyne Club.

<sup>71</sup> Calendar, ii. 278.

<sup>72</sup> Calendar, ii. 296.

<sup>73</sup> Mystery of Mary Stuart, pp. 73-79, with the authorities.

<sup>74</sup> Calendar, ii. 288, 289.

<sup>75</sup> Laing's Knox, ii. 532.

<sup>76</sup> Lennox MSS. in Cambridge University Library.

<sup>77</sup> Privy Council Register, i. 475, 476.

<sup>78</sup> For. Cal. Eliz., 1566, p. 118.

<sup>79</sup> For. Cal. Eliz., 1566, pp. 128, 129.

<sup>80</sup> For. Cal. Eliz., 1566, p. 132.

<sup>81</sup> Laing, History of Scotland, ii. 85.

<sup>82</sup> Privy Council Register, i. 480.

<sup>83</sup> Teulet, ii. 139-146.

<sup>84</sup> Laing, ii. 331, 334; Nau, p. 35; Bain, Calendar, ii. 599, 600; Randolph, October 15, 1570, For. Cal. Eliz., ix. 354, 355; Mystery of Mary Stuart, pp. 87-93.

<sup>85</sup> Keith, ii. 449.

<sup>86</sup> Teulet, ii. 150.

<sup>87</sup> Knox, ii. 533, 534. Compare Hay Fleming, p. 415, note 63.

<sup>88</sup> Laing, ii. 25.

<sup>89</sup> Labanoff, i. 369.

<sup>90</sup> Diurnal, p. 100.

<sup>91</sup> See Hay Fleming, p. 416.

<sup>92</sup> Keith, iii. 285, 286; Papal Negotiations, p. 306 and note 1.

<sup>93</sup> Diurnal, pp. 101, 102.

<sup>94</sup> Detection. In Anderson, ii. 10-12.

<sup>95</sup> Keith, i. xcvi, December 2.

<sup>96</sup> Hay Fleming, p. 422; Anderson, iv. pt. ii. p. 186.

<sup>97</sup> Keith, iii. 290-294; Goodall, ii. 359.

<sup>98</sup> Keith, iii. 294.

<sup>99</sup> Diurnal, pp. 127, 128.

<sup>100</sup> See Hay Fleming, p. 420; Froude, vii. 491.

<sup>101</sup> For. Cal. Eliz., 1567, p. 164; Bain, Calendar, ii. 310.

<sup>102</sup> Keith, i. xcix, ci.

<sup>103</sup> Birrel's and the 'Diurnal.'

<sup>104</sup> Mystery of Mary Stuart, pp. xiii-xviii.

<sup>105</sup> Lennox MSS.; Diurnal; Birrel's Detectio; Actio; Buchanan's Historia; Labanoff, vii. 108, 109 (version of Moretta, the Ambassador of Savoy); Sir James Melville, p. 174.

<sup>106</sup> Laing, ii. 320.

<sup>107</sup> See also (September 5, 1567) Bedford to Cecil, on Talla's declarations.

<sup>108</sup> The depositions and confessions in Laing may be compared with M. Phillipson's curious and ingenious criticism in 'Révue Historique,' xxxv-xxxvii. Want of local knowledge led M. Phillipson into an error about the House of Callendar, Lord Livingstone's place, which he confused with the town of Callendar. Mr Hosack's criticisms, in his 'Mary, Queen of Scots,' i. 239-266, are also valuable. New material, from Lennox's MSS., is given in the author's 'Mystery of Mary Stuart.'

## CHAPTER VIII.

## THE PRISONS OF MARY STUART.

1567-1568.

AN affair so important as the murder of the queen's husband was certain to leak out before its execution. Murray probably knew what was being conspired. Morton, before his execution in 1581, admitted that Bothwell had tried to enlist him; but he would not join without Mary's signed warrant, which Bothwell could not procure. Overtures were again made to him by Archibald Douglas, his cousin, who was with him later, when the famous silver casket with Mary's letters was broken open and inspected. Morton admitted that he did not try to dissuade his cousin from the deed, nor cease to associate with him, though Archibald was confessedly present on the scene of the crime of Kirk-o'-Field. Yet Morton it was who led the prosecution of Mary.<sup>1</sup> Morton confessedly signed a band to aid Bothwell if he were charged with the murder. On the scaffold he exclaimed, "I testify before God I have professed the evangel." Another of the murderers, Ormiston, a man of abominable life, thanked God, for, said he, "I am assured that I am one of His Elect."<sup>2</sup> Clearly these men expected to be saved by faith, not by works. Such were the conspirators, active or passive. Mary's attitude appears from her letter, or the letter written for her by Lethington, to her ambassador in France on February 11. Beaton had warned her to look closely to her safety, and, taking the cue, she thanked him for the advice, and said that the suspected plot had partially failed. She had lately slept in Kirk-o'-Field: the criminals expected her to do so again on that Sunday night, but she "of very chance tarried not all night, by reason of some masque at Holyrood;



but we believe that it was not chance, but that God put it in our head." Persons of both religions make very free with that awful name.<sup>3</sup>

Probably gunpowder was used for the very purpose of the pretence that Mary and the lords were aimed at as well as Darnley. Beaton replied that it were better for her to lose "life and all" than not to punish the crime. Men averred that "all was done by her command." She was now the common talk of Europe.<sup>4</sup> Mary did not—in her position she could not—take the advice of her faithful servant. Even if innocent, what could she do, with Bothwell, Argyll, Huntly, and Lethington all concerned in the plot? As Beaton predicted, all went from bad to worse. The inquiry which was begun ceased as soon as it became dangerous. No man durst earn the reward which was offered for a discovery.<sup>5</sup> Caricatures of Bothwell and the queen were posted on the walls, and (March 13) James Murray of Tullibardine was denounced as the artist and fled.<sup>6</sup> Nocturnal voices denounced the guilty. Mary's mourning was regarded as a farce. James Murray of Tullibardine in vain offered to denounce and fight the culprits. Lennox, granted a trial, accused Bothwell, who overawed justice as the friends of the preachers had done, as everybody did, by a display of force. Lennox, on the other hand, was not allowed to bring in his own following. Yet even here Mr Hosack makes out a fair forensic defence of the queen.<sup>7</sup>

Lennox asked Elizabeth to back his petition for the adjournment of the trial. Elizabeth's messenger reached Holyrood on the morning of the "day of law." He was not allowed to enter Holyrood, and was insulted. Finally, Bothwell took the letter of Elizabeth in, but returned and said that Mary was asleep. His horse (once Darnley's) was brought, he mounted, and glanced back at the palace; the messenger saw Mary nod to him from her window.<sup>8</sup> At the trial a friend of Lennox, Cunningham, entered a protest, behaving with great courage. After long debate the jury, for fear or favour, and helped by a technical error in the pleas, acquitted Bothwell in the lack of evidence, some giving no vote.<sup>9</sup> Parliament met (April 14-19), and an attempt was made to conciliate all parties. The spiritual members sat, and some of them acted as Lords of the Articles. All old laws against Protestantism were annulled, and holders were secured in their possession of Church lands. The General Assembly "obtained for every borough" the altarages and obits, for the maintenance

of ministers, schools, and the poor.<sup>10</sup> Edinburgh Castle had been taken from Mar, who received Stirling Castle, where he protected the infant prince as honourably as he had acted in his tenure of Edinburgh Castle. Bothwell got Dunbar Castle, a strong place of retreat, with power of escape by sea. The placarding of charges against Mary was denounced under severe penalties. As Kirkcaldy avers, in a letter to Bedford, that the queen "caused ratify the *cleansing* of Bothwell," it is difficult to doubt a fact not chronicled in the public records.<sup>11</sup> Many lords, including Huntly, were confirmed in their estates, some of which Mary might have legally resumed.<sup>12</sup> Among the names of the nobles present in Parliament that of Murray does not appear; Lethington and his kinsman, Atholl, are also absent, which is strange. On March 13 Murray had asked Cecil, in haste, for a safe-conduct. Archbishop Beaton, in Paris, was just then warning Mary that the Spanish Ambassador knew of, but would not reveal, another plot against her.<sup>13</sup> Murray had a remarkable knack of keeping out of the way when conspiracies were about to come to a head. Just before asking Cecil for a safe-conduct, Murray had entertained the new English envoy, Killigrew, at dinner (March 8). The other guests, Argyll, Huntly, Bothwell, and Lethington, were all in the band to murder Darnley.<sup>14</sup> Is it not clear that Murray had no suspicions as to the character of these designing men? The ardent advocates of Mary will urge that she was as guileless as her brother. Bothwell had, indeed, been placarded as the chief assassin; but Murray was not the man to be moved by anonymous accusations. Things had even been said against himself. Of Mary his generous nature entertained no suspicion. Just as he chose a select party of murderers to meet the English envoy, so, before leaving Scotland, he made his will, leaving Mary guardian to his infant daughter (April 3, 1567).<sup>15</sup> Then Murray departed on a visit to France, taking England on the way.

By making this opportune jaunt Murray missed a singular event—the signing, by many nobles, of the Ainslie band advising Mary to marry Bothwell. To this band the signatures were placed, after a supper given by Bothwell at Ainslie's Tavern, on the night of April 19. In December 1568, when the Commission on Mary met at Westminster, a copy of this band was given to Cecil by John Read, a clerk of George Buchanan. The signatures were not appended, and Cecil himself has written them as supplied by Read from

memory. Murray, we are certain, was not present at the supper, yet Read heads the list with his name.<sup>16</sup> Nothing is much darker in these intrigues than the truth about Ainslie's band, an association for supporting Bothwell, and recommending him as a husband to Mary. When Murray, Morton, and Lethington prosecuted Mary before the English commission in 1568 they do not appear, as a body, to have put in an official copy of this band, at least not of the signatures. Murray's name, as we saw, is in the list supplied by the memory of Read, but Murray was not even in the country on April 19. Mary's confessor told the Spanish Ambassador, in London, in July 1567, that Murray did not sign.<sup>17</sup> There was for long a copy of the band in the Scots College at Paris, attested by Sir James Balfour as authentic. The signatures differ from those in Read's list, and include Archbishop Hamilton, the Bishop of Orkney, and Lesley, Bishop of Ross. The second of these performed in May the marriage service between Mary and Bothwell, yet he was one of the Scottish commissioners who prosecuted the queen. Lesley avers that he cannot account (unless by art magic) for Mary's conduct in wedding Bothwell. According to a MS. of Lethington's son (1616), Lesley was a hanger-on at this time of the Hepburns.

It is to be remarked that Lethington did not sign, nor did his kinsman, Atholl, though Nau, Mary's secretary, avers that Lethington urged her to the marriage. He cannot have approved of it; he was now on the worst terms with Bothwell. The lords later averred that they had Mary's warrant for signing; they showed it at the York meeting, October 1568, but it is not mentioned in the subsequent proceedings at Westminster.<sup>18</sup> Thus we know not exactly what lords signed (Morton certainly did) or why. "Ainslie's band" was clearly a subject on which the God-fearing men who later prosecuted Mary wished to say as little as possible. Later they denounced her for wedding Bothwell, though in Ainslie's band they had urged her to marry him. Their excuses were, now that they were frightened into signing by the musketeers of the guards, now that they had a warrant for signing from Mary. Neither apology, nor both combined, seems worthy of high-spirited, sagacious, and deeply religious men. A more valuable, if more subtle, apology is that of modern admirers of the lords. They had advised Mary to marry Bothwell, but that did not imply that Bothwell was licensed to carry her off by force. However, they still publicly maintained that he had carried her off by force, after they

had professed privately that they knew her to be in collusion with him (June 30, 1567).<sup>19</sup> Thus Ainslie's band remained a stone of stumbling to the men who first signed it, and then prosecuted the queen. On April 20 Kirkcaldy, giving a fresh account of the doings of the previous day, told Bedford that Bothwell, "the night Parliament was dissolved, called most of the noblemen to supper, to desire their promise in writing and consent to the queen's marriage, which he will obtain,—for she has said she cares not to lose France, England, and her own country for him, and shall go with him to the world's end in a white petticoat ere she leave him."<sup>20</sup> Kirkcaldy probably did not hear her say so, but her behaviour made the report credible to him. He says nothing here about the employment of force and terror at Ainslie's tavern. He asked whether Elizabeth would aid his allies in avenging Darnley's murder. Drury reports that, on the night after Ainslie's supper, Bothwell's men mutinied for pay in the queen's presence, and were pacified by her with 400 crowns. On the 21st (Monday) she went to Stirling to see her child, and Kirkcaldy reported that she meant to place him in Bothwell's hands. Mar was not the man to permit this, if intended. Drury tells an absurd tale, that Mary offered her child an apple, a natural dainty for a child of nine months. The young Solomon declined the fruit, so tempting to a toothless nursling; but it was thankfully shared by a greyhound and her puppies, which all incontinently expired. Greyhounds are not usually fond of raw apples. Such are the legends of Drury to Mary's disadvantage.

The next event was the abduction of Mary by Bothwell on her way from Stirling to Edinburgh. Was she in collusion? Mr Hosack, in his defence, does not remark on the circumstance that, if Mary was ignorant of the enterprise, many of her subjects were not. Intelligence of the scheme is given in a letter of the day of the deed (April 24), signed "by him that is yours, who took you by the hand. At midnight."\* Drury knew the purpose on the same day.<sup>21</sup> As early as April 23, Lennox, in the west, knew, determined to fly, and wrote about the plot from his ship to Lady Lennox.<sup>22</sup> Bothwell apparently did not rely on the Ainslie band, and he, or Mary, was in a hurry. Mr Froude prints, and dates "April 23," one of the

\* Kirkcaldy seems to write on April 24, "at midnight," and merely *foretells* the seizure of Mary. By midnight of April 24 he must have known the fact. He must have written, then, at midnight of April 23. See Calendar, ii. 324. Drury, writing from Berwick on April 24, had certainly read Kirkcaldy's letter.

disputed casket letters, alleged to have been written at this time by Mary from Stirling (letter vii.) There are, in fact, three letters on this subject of the abduction—iii. (viii.), vi., vii. They express distrust of Huntly, the brother of that wife whom Bothwell was about to divorce. There are difficulties concerning these letters. In vii. Mary says that Sutherland is with her at Stirling, and many who would rather die than let her be taken. We have no proof or hint that Sutherland was at Stirling. Moreover, as Lethington was apparently with Mary, why does she bid Bothwell say “many fair words to Lethington”? Again, letter viii. is clearly *not* third in order, as is alleged in “Murray’s Diary” of dates supplied to Cecil, but, if genuine, was written at Linlithgow the night before the abduction. This extraordinary piece of euphuistic jargon is discussed in the author’s ‘Mystery of Mary Stuart.’

On April 24, at some undetermined spot near Edinburgh, Mary was abducted by Bothwell with a large force, and carried to Dunbar. Huntly (in collusion), Sir James Melville, and Lethington were taken with her. Had Lethington been aware of the scheme he would not have been there. Did Mary know more than Lethington? Drury reports that he would have been slain on the first night “if the queen had not hindered Huntly, and said that if a hair of Lethington’s head perished, she would cause him to forfeit lands, goods, and life.”<sup>23</sup> Sir James Melville says that Lethington was in danger from Bothwell, not Huntly, and Lethington’s son (MS. of 1616) gives a minute account of how Mary bravely rescued her secretary. Mary implies, in a letter to the French Court, that Bothwell actually violated her person—this as an excuse for her consent to marry him.<sup>24</sup> All this line of defence is inconsistent with Mary’s determined courage, as just proved by her rescue of Lethington. It is the natural inference that she, like many other women, was not proof against the charms of Bothwell, who, moreover, had practically saved her after Riccio’s murder.

No man can record this opinion without regret. Charm, courage, kindness, loyalty to friends and servants, all were Mary’s. But she fell; and passion overcame her, who to other hostile influences presented a heart of diamond. They who have followed her fortunes, cruel in every change, must feel, if convinced of her passion, an inextinguishable regret, a kind of vicarious remorse, a blot, as it were, on their personal honour. Not all earth’s rivers flowing in one channel can wash the stain away. As in the tragedy

of Æschylus, the heroic queen has sacrificed herself, and the noble nature that was born with her, to the love of the basest of mankind. "Strange tragedies," Lethington had predicted, would follow her coming to Scotland, as if foreseeing not only her, but his own, mischance.

Events hurried on: two days after the elopement Kirkcaldy told Bedford that he must avenge Darnley's death or leave the country.<sup>25</sup> Many would aid him, but they fear Elizabeth. Mary remained with Bothwell at Dunbar till May 6. A double process of divorce between Bothwell and his wife, in Catholic and Protestant courts, was shuffled through. The Protestants found Bothwell guilty of adultery with a maid-servant; the Catholics declared that the marriage had always been null for lack of a dispensation, which, none the less, existed, and has been found by Dr Stewart, but which contains an extraordinary error in the dating.<sup>26</sup> The decisions which set Bothwell free to marry were on May 3 and May 7. On the 6th Bothwell and Mary entered Edinburgh in state. On May 9 their banns of marriage were read, Craig, the preacher, publicly proclaiming his horror at the task which he could not legally decline. Craig throughout displayed extraordinary courage: not many men dared to beard Bothwell in that hour. In Craig we see the best aspect of the Reformation, austere and dauntless virtue. Mary now created Bothwell Duke of Orkney; she safeguarded her exclusive regal rights in a way impossible to a helpless victim. The Protestant Bishop of Orkney married the pair by the Protestant ceremony on May 15. For Bothwell Mary temporarily deserted even her Church. But few nobles were present; du Croc, representing France, declined to attend. Already was Mary's a life of tears and bitterness. Bothwell was brutally jealous of her, saying that he thoroughly understood her love of licence; she was still jealous of Lady Bothwell. On her wedding-day she told du Croc that she longed to die. Later, being alone with Bothwell, she was heard, says du Croc, to call for a knife to slay herself.<sup>27</sup> These facts may be regarded as presumptions in favour of her reluctance to marry Bothwell, but they admit of another explanation—wretchedness, caused by jealousy on both sides.

Even before the marriage (April 27) the lords of the North, from Aberdeen, had offered to rescue Mary. By May 5 Drury announced that the lords, including Morton, Atholl, and Bothwell's accomplices, were banded at Stirling in a scheme to crown

little James VI. Robert Melville added that France had offered to aid them (for the purpose of renewing the old alliance), but that they preferred help from Elizabeth.<sup>28</sup> Kirkcaldy announced their purpose, to rescue Mary, guard the child prince, and avenge Darnley. He indicated the danger of a French alliance, and wished Murray to be in readiness on the coast of Normandy. Mary knew her peril: by May 31 Drury reports that she has coined Elizabeth's beautiful golden font and much of her plate. Ballads and caricatures against the queen were circulated. Mary hastened a Border expedition for the purpose of levying men: she and Bothwell were now deserted by Lethington (June 7). He joined Atholl, and with him entered Edinburgh. Mary and Bothwell moved to Borthwick Castle, tending towards a Border tour, while Lethington had a long interview with Balfour in the castle, and detached him from Bothwell. On the night of June 10-11 the hostile lords surrounded Borthwick. Bothwell slipped away, Mary issued a proclamation; but on the night of June 11 rode to join him on the road to Dunbar, in male attire. From Edinburgh the lords issued their proclamation; they would rescue Mary, guard James, and avenge Darnley. They accused Bothwell of the murder, many of them, as accomplices, knowing the truth. He had bewitched Mary, they said, "by unlawful ways"; had hypnotised her, as it were. Her own innocence of the murder was not disputed.<sup>29</sup> The best account of what followed is in papers sent to France by du Croc, the French Ambassador.<sup>30</sup> Mary was clad in a short red petticoat, kilted to the knee. She marched on Edinburgh with Bothwell's retainers; the lords, in about equal force, some 1000 men, manœuvred on the old cock-pit of Scotland, the banks of Esk, near the scenes of Pinkie fight and Prestonpans. Mary occupied Carberry Hill (June 15). Du Croc tried to negotiate, but failed, and retired to Edinburgh. The hostile armies watched each other, but gradually Mary's men slipped away to look for provender. The lords knew that Mary's force must retreat for want of supplies. Bothwell now sent a challenge to single combat: Tullibardine took up the gage; Mary denied his quality. Lindsay offered himself, but Mary could not be persuaded to let her lover hazard his life. The lords' army now advanced under a banner painted with Darnley dead, and little James praying to heaven for vengeance. The captain of Inchkeith, a French officer whose report du Croc sent to his Government,

says that Mary offered to surrender herself if Bothwell was not pursued. James Beaton, writing to the Archbishop of Glasgow, rather gives the idea that Mary "drove time" till Bothwell had a start of two miles.<sup>31</sup> Mary herself alleged that the lords promised loyalty if she joined them.<sup>32</sup> But to what extent the lords made promises, which, if made, were broken, remains uncertain.<sup>33</sup> It certainly seems that, as regards Bothwell, the lords were glad to be rid of so compromising a captive. Mary, in her red petticoat, rode into Edinburgh, threatened and threatening. She was lodged in the house of Henderson of Fordel, a Fifeshire laird of her acquaintance, the house being then occupied by the Provost. The rabble howled at her: she appeared at the window dishevelled and half clad, and her aspect bred some pity. She is reported to have written a love-letter to Bothwell, which was betrayed by the bearer. If this were true, the letter would have been produced with the casket letters. But the story, with Lethington's statement that, in conversation with him, she declined to abandon Bothwell, gave the lords an excuse for holding her as a prisoner.<sup>34</sup> According to Melville, Grange resented her treatment: it was to him that she had yielded herself. The letter, however, impeded Grange's desire to help her. The circumstances are obscure, but may partly account for Grange's later attitude.

Here it is to be remarked that Nau, Mary's secretary, gives an account of the whole circumstances which cannot be neglected. Mary, when taken at Carberry, accused Morton of a hand in Darnley's murder, and of this fact we have independent evidence. Nau also alleges that Bothwell, at their last parting on the field, gave Mary a copy of the murder band with signatures. Thus informed, Mary, on the day after Carberry (June 16), accused Lethington of his part in the deed. There is good reason to believe, from Mary's letters to Sir James Balfour, before the fall of Morton (1581), that Mary did not possess the murder band. But some document she had. At Lochleven, in prison, she was heard to say that she possessed "that in black and white which would cause Lethington to hang by the neck"; so a letter in the Lennox MSS. declares. Therefore, on June 16, in an interview with Lethington (says Nau), she told him what she knew of his guilt. A few weeks ago she had saved his life at her own peril, placing her body between him and Bothwell's dirk, in the *ruelle* of her bedroom. And now Lethington was the most cruel of her



captors. As a fact, she detested him henceforth, alive and dead, as is proved by the Memoirs of Nau. Lethington of course gave a very different account of their interview on June 16, while she was a prisoner in Edinburgh. He posed as a man reluctantly obliged to leave her cause, but most anxious to serve her if he could. Nay, he presently did try to conciliate her, but (as Randolph plainly told him in a letter of a later date) not till he had failed to induce the lords to put her to death. As she lived, and as she had proof of his guilt in Darnley's murder, he was compelled to conciliate her. We shall find that, while he showed the casket letters, *privately*, to the English commissioners at York (October 1568), to attain a special end, he next tried to shake the belief of Norfolk in the authenticity of the letters, and opposed their public production at Westminster. Once the letters were widely known, Lethington had shot his bolt, while hers, her proof of his guilt, was in her quiver. Thus he was forced into her service later, and died in it, unforgiven. By this theory, previously unknown to our historians, the strangely tortuous later policy of Lethington may be explained. His ruin was the signing of the murder band, a thing which he should have foreseen to be hostile to his interests, as it left Mary at the mercy of Bothwell, his deadly foe. Meanwhile, in Edinburgh, after Carberry, Mary found in Lethington a measure of ingratitude which made him, of all men, the most hateful in her eyes. He produced, on the mind of du Croc, the impression that Mary was guilty. "*The unhappy facts are only too well proved.*"<sup>35</sup>

Later, Mary was led to Holyrood under an escort bearing the banner painted with the death of Darnley. She tried to send a message to Sir James Balfour, praying him to keep the castle for her, but that wretch had been making his peace with the lords. She begged her maid to implore for the pity and kindness of Lethington, whom she had saved from the brutal threats of Bothwell. So wrote James Beaton to his brother, the Archbishop, in Paris.<sup>36</sup> At midnight she was hurried to the Castle of Lochleven, on the little island near the northern shore of the loch. The lord of the castle was Sir William Douglas, half-brother of Mary's own half-brother, the Earl of Murray. Here, in the narrow chambers of the tower on the islet, she could draw breath, and know herself deserted, stripped of everything, insulted, and in peril of death, all for "a little of dear-bought love." That Mary parted from Bothwell readily, and did not love him, is the

argument of Mr Hosack. What evidence exists looks contrary to this opinion. The lords were now safe for the moment. Bothwell had fled to Spynie, the castle of his aged kinsman, the Bishop of Murray, whence he retired to his new duchy, the Orkney Islands. Mary was secured in a prison, where she soon fascinated Ruthven (she declared, through Nau, that he insulted her by his passion), and won over most of the dwellers in the little isle. Elizabeth was writing severe letters to Mary, and threatening the lords if they injured her. Presently she sent Throckmorton, an unwilling envoy, to see Mary, if possible, and to take measures for her protection. Elizabeth wished the child prince to be conveyed to England; du Croc desired that he might be removed to France: the lords could play alternately on French and English ambition. This was their strength, at once against the queen's party (the Hamiltons, with Argyll and Huntly) and the anger of Elizabeth. But their legal position was bad: they were certainly rebels, and in danger while Mary lived and was uncondemned. That she should die, after or before legal condemnation, was the eager desire of the populace and the preachers.

At this critical moment (June 19-21) Dagleish, a servant of Bothwell's, visited the castle, was arrested, and was found in possession of a small casket, silver gilt, a present from Mary to Bothwell. The casket, according to a formal statement of Morton's before Elizabeth's commissioners in December 1568, was forced open in the presence of himself and of many gentlemen, including Lethington, Atholl, Home, and Archibald Douglas, cousin of Morton, and one of Darnley's murderers.<sup>37</sup> The contents of the coffer were the celebrated incriminating "casket letters" of Mary to Bothwell, her "sonnets," and a promise of marriage. The question of the authenticity of these MSS. is discussed in an appendix (A). Meanwhile, genuine or not, they furnished a secret reserve of strength to the lords, as justifying their treatment of the guilty Mary. Dagleish's deposition contains no word of the casket, but this is unimportant. He could know nothing of its contents.<sup>38</sup> An important point to note, though our historians have overlooked it, is this: on June 21, the day of the inspection of the casket papers, a messenger was sent post-haste, "on sudden despatch," by the lords to Cecil. He bore a letter from Lethington, who, since Bothwell carried him and Mary off on April 24, had not sat in the Privy Council: his name does not occur even in the list of June 21. From Lethington's letter, and from the circumstances, it is plain that the messenger, George Douglas, carried

a verbal message about the contents of the casket to Cecil, and also to Robert Melville, who had been sent to London by Mary and Bothwell on June 5. He had also, secretly, carried messages from the lords, who were preparing to rise in arms. Melville argued with Elizabeth on Mary's side. Probably it was he who induced Elizabeth to express to the Spanish Ambassador her disbelief in the authenticity of the letters, and her opinion that Lethington had "acted badly in that matter." Nor is it impossible that Lethington had tampered with the papers. For several days Lethington had been in touch with Sir James Balfour, the custodian of the casket, and Randolph accuses Lethington and Balfour of opening a small casket or coffer of Bothwell's, covered with green velvet (as we know that such coffers usually were), and of abstracting the band for Darnley's murder. They who abstracted one paper could insert or alter others.<sup>39</sup>

As late as July 21, a month after the capture of the casket, the lords still proclaimed that Bothwell had "treasonably ravished her majesty's most noble person," though, if they believed the letters, he had done nothing of the kind.<sup>40</sup> Probably they were keeping back their strongest card; but their conduct was highly inconsistent. Presently they were obliged to play their card. By July 14 Throckmorton was in Edinburgh, to save Mary if he could. He found himself in hard case. He dared not attempt, as Elizabeth desired, to prevent Parliament from meeting (in December). Lethington let him see that France counterbalanced England at this juncture. The general rage against Mary was violent. A movement of the Hamiltons had come to nothing: they really threatened action, the ambassador thought, merely to drive the lords to kill Mary, and leave only her child between them and the crown. Throckmorton and de Lignerolles, the French envoy, were not allowed to visit Mary. She refused to be divorced from Bothwell, urging (it seems truly) that she was with child by him. The lords at first spoke "reverently and charitably" of Mary; but on July 24 Lindsay visited her at Lochleven, and extorted her signature to her abdication, and to the appointment of Murray as Regent, or, failing him, of a Council. As early as July 18 Throckmorton reported that Mary had herself proposed, in a letter, thus to "commit the realm" to Murray, or to the same committee.<sup>41</sup> She did not even reserve her nominal queenship. This, if true, is curious, and does not suggest that threats were needed on July

24, when the abdication was signed. Had the casket letters been used to put pressure on Mary? This we do not know. Murray's wife was with her, on very friendly terms. On July 25 Throckmorton wrote that, if Mary would not abdicate, the lords meant to charge her (1) with "tyranny" for not keeping the laws of the illegal Parliament of 1560; (2) with incontinency with Bothwell "and others"; (3) "They mean to charge her with the murder of her husband, whereof they say they have proof by the testimony of her own handwriting as also by sufficient witnesses." The Lennox MSS. speak of witnesses who saw Mary in male costume at her husband's murder. They were never produced: it was a fable. The lords invited Throckmorton to the coronation of James VI. at Stirling on July 29. Throckmorton declined to go, Knox preached, and the preachers had already attacked him.<sup>42</sup> But this, of course, was not his motive for refusal. In his opinion he had preserved Mary's life.<sup>43</sup>

On August 11 Murray, who had taken London on his way from France, reached Edinburgh. On the 15th he revisited Mary at Lochleven. He had not come too early.<sup>44</sup> Tullibardine (apparently a man of honour) and Lethington separately informed Throckmorton that envoys had come from the Archbishop of St Andrews, and that Duncan Forbes had been sent to the lords by Huntly. The queen's party, by these messengers, promised to join the lords if they would kill the queen.<sup>45</sup> Murray, after his arrival, spoke as bitterly as any man "against the tragedy" of Darnley "and the players therein" (August 12). He had, however, stayed at Whittingham with the brother of Archibald Douglas, one of the murderers, on his way to Edinburgh.<sup>46</sup> He was "in great commiseration for the queen, his sister," though he knew, and had told de Silva, about her alleged long murderous letter to Bothwell,—a letter never produced, for it is not letter ii. of the casket series.<sup>47</sup> As to Murray's dealing with his sister, Throckmorton informed Elizabeth on August 20. First, Murray, Atholl, and Morton together met the queen, who wept, and drew Murray apart. Murray spoke in darkling and ambiguous terms. They had a later conversation, till an hour after midnight, Murray behaving "like a ghostly father rather than a counsellor." He left her to go to bed "in hope of nothing but God's mercy"—that is, with a prospect of imminent death. Next morning he promised her life, and, as far as he could, "the preservation of her honour." Thereon the poor

queen kissed him, and asked him (it was her only chance) to be Regent. So he yielded: he *would* take the regency, and also take care of her jewels. (Some he sold, others of the best he intrusted to his wife.) All this Murray told Throckmorton, adding that the promise of life was conditional—and depended on his power to assure her safety. The affair was adroitly managed, but historians differ as to the candour and disinterestedness of Murray.<sup>48</sup> Mr Froude speaks of Murray as “the one man in all the world who loved her” (Mary) “as his father’s daughter, who had no guilt on his heart, like so many of those who were clamouring for her death.” Murray had guilt enough on his heart: he had been made privy to Riccio’s murder, and few can doubt that he concealed his foreknowledge of the plot to murder Darnley. Then as to the “others,”—Lethington, Morton, Balfour, and the rest, who were conspirators, active or passive, to kill Darnley,—what had Murray to say to Mary? He warned her to bear no “revenge to the lords and others *who had sought her reformation.*”<sup>49</sup> Murray himself actually told Throckmorton that he had lectured Mary about “the lords who sought her reformation”!

“Thenceforth,” says Mr Froude, “she hated him with an intensity to which her past dislike was pale and colourless.” It is no marvel if she did hate him, as men hate Pecksniff or Tartuffe. Murray cannot have been ambitious of the regency, Mr Froude thinks, because “a less tempting prospect to personal ambition has been rarely offered.” Yet for the regency, or the crown, with authority over a poor, fierce, treacherous, and now hypocritical band of high-born ruffians, Houses and men were ready to brave all perils and to attempt all crimes. The feeble Lennox presently grasped at the same power, and his ambition had the same end. Much has been written about the character of Murray; but no minutely critical account of his life and character exists. He has fascinated some students; in others, not especially favourable to Mary, as in Tytler and Monsieur Philippon, he has excited either suspicion or loathing. At this moment, and during his regency, he had a most invidious task. His courage and his self-restraint have never been doubted: his character was free from the sensual vices, and it is probable that his religion was sincere. In accepting the regency, and steering the State through perilous passages of time, he did his duty with patience and fortitude. It was a duty that some one must do. But when he plays “the ghostly father,”—

when he tells his sister that the lords desired her "reformation,"—we must regard him either as innocent beyond the innocence of childhood or as an accomplished hypocrite. He came to Mary from the Council, where he sat with men banded to procure her late husband's murder, and with men who, knowing that the deed was planned, as he himself must have known it, had cowardly held their peace. He himself, on his passage through England, had not concealed his sister's shame. On the strength of a report of a letter of Mary's, a letter which, as described by de Silva from Murray's report, never was in existence, he had revealed her guilt (Mr Froude informs us) to the ambassador of an "Idolatrous" Power. This was the kinsman who, Mr Froude tells us, assured her that "if possible he would shield her reputation, and prevent the publication of her letters."<sup>50</sup>

Mary's own account of her interview with Murray, in Claude Nau, naturally differs much from Murray's version to Throckmorton. The part which Murray played, in his private relations with his sister, cannot be made to appear graceful or magnanimous. But he could not possibly release her from prison without provoking civil war. Lethington and he made Throckmorton understand that, if hard pressed by Elizabeth, they had no refuge from ruin except by justifying their conduct (with the aid of the casket letters probably) and proceeding to extremities. Elizabeth might, and did, intrigue with the Hamiltons, but "we have in our hands to make the accord" (with the Hamiltons) "when we will." Lethington doubtless meant to repeat his previous statement, that if the lords put Mary to death, the Hamiltons would join them.<sup>51</sup> Murray declared that he would spend his life in the cause of reducing all men to obedience in the king's name. He kept his promise; and for the hour he saved Scotland from the civil war which Elizabeth would fain have lighted. He awed the western and northern malcontents, and Throckmorton withdrew to England. Murray then secured his authority by prudent measures. Balfour, for a large consideration, resigned Edinburgh Castle, of which Kirkcaldy, to his undoing, was appointed captain. He had just failed to catch Bothwell in the Orkney Isles. Dunbar Castle, strongly held for Bothwell, capitulated on October 1. A few days later Bothwell was summoned to appear at Parliament in December, and Sir William Stewart, the herald, was sent to Denmark to demand Bothwell's extradition. This Stewart was later burned on a

charge of sorcery at St Andrews, doubtless, really, for some political reason.

Presently (October 28) Drury reported that Mary was on too good terms with George Douglas, younger brother of William Douglas of Lochleven, her jailer. Not much is ascertained as to their love-affair, if love-affair there was, but Mary had already found and won the author of her deliverance. That the lords would keep her prisoner while they could was assured in the Parliament of December, when they acquitted themselves of rebellion by an Act announcing that they had proof of her guilt in the casket letters.<sup>52</sup> They declined to allow her to appear in person, and plead her own cause. She would have exposed Morton and Lethington, perhaps with others.

Before this Parliament Murray had tried to restore order on the Marches by hanging and drowning a number of rieviers at Hawick.<sup>53</sup> The Black Laird of Ormiston, one of Darnley's murderers, made his escape. The severities of Murray, however needful, did not increase his popularity, which was probably still more diminished by the public confession of Hay, younger of Talla, when executed for Darnley's murder on January 3, 1568. He declared that Huntly, Argyll, Lethington, Sir James Balfour, "with divers other nobles," had signed the band for Darnley's murder, "whereto the queen's grace consented," according to the 'Diurnal.' Public indignation caused the men denounced to leave Edinburgh, so that the alleged destruction of the band had been of no avail, the secret was out, and Murray's party was now rent by internal suspicions.<sup>54</sup> Moreover, the intolerance of Murray, in re-enacting the penal statutes of 1560, helped to break Scotland into divisions. Catholic noblemen like Atholl were driven into the arms of the Hamiltons. Murray's oath, as Regent, bound him to "root out all heretics and enemies to the true worship of God, that shall be convicted by the True Kirk of God of the aforesaid crimes."<sup>55</sup> But presently we find Murray offering to renew the ancient league with idolatrous France, and offering his humblest service to the French king and Catherine de' Medici. Murray was not "a consistent walker."<sup>56</sup> He was soon selling Mary's pearls secretly to Elizabeth.<sup>57</sup> Ballads about the shielding of the chief conspirators to murder Darnley, now members of the Government pledged to avenge Darnley, rained upon the Regent.

In Lochleven Mary had found means to write, and send letters,

though rarely, and at peril of her life. On May 1 she wrote entreating aid from Elizabeth and Catherine de' Medici. She had no opportunity save at the dinner-time of the Douglas family, "for their girls sleep with me." Her friend, George Douglas, had been banished from the islet after her failure to escape (March 25) in the disguise of a laundress. Her letters were sent on the eve of her escape, on May 2. The romantic details—the stealing of the keys by "little Douglas" (William, a foundling lad of seventeen); the casting by him of the keys "to the kelpie's keeping"; the landing, under the protection of George Douglas; the meeting with Bothwell's kinsman, Hepburn of Riccartoun, who was sent, too late, to secure Dunbar; the wild ride to Seton's house of Longniddry, and the tryst with the queen's party at Hamilton—are too well known to need a minute narrative. If we believe Claude Nau, the queen's secretary, the key was thrown into the mouth of a cannon, natheless the keys were long after recovered from the lake. It seems probable that the lady of Lochleven, Murray's mother, was no stranger to the plot.

Murray at once summoned the king's party to meet at Glasgow. He collected the forces of the Protestant lords in general, though Argyll was with Mary. There exists a curious proclamation, drawn up by her or for her—at all events it is attributed to her. Murray is referred to as a "beastly" and "bastard" traitor: the Hamiltons are "that good House of Hamilton." The language used about Lethington is copious and florid. Yet at this date (May 6) Lethington and the other "beastly traitor" were reported to be on bad terms.<sup>58</sup> Probably the proclamation is a hoax, or never was issued. Dr Hay Fleming publishes a reasonable and clement proclamation of May 5.<sup>59</sup> Willingly, or unwillingly (accounts differ), Mary on May 13 tried the ordeal of battle. She approached Glasgow, on her way to the strong Castle of Dumbarton; she was met at Langside, and the tactics of Kirkcaldy, the better discipline of Murray's men, and a fit of epilepsy or cowardice on the part of Argyll, caused her entire defeat. Murray occupied Langside Hill, "the western division of Queen's Park" to-day; while Kirkcaldy, mounting 200 musketeers behind horsemen for better speed, stationed these marksmen under cover in the cottages and enclosures of Langside village. Murray followed with his infantry, his left wing extending behind the farm of Pathhead. The right wing held the village of Langside, at the crest of the Lang Loan. Mary had been anticipated in



seizing the hill, and from Clincart Hill there began an artillery duel. Under cover of the fire the Hamiltons, first passing behind Clincart Hill, advanced to storm the village, supported by the cavalry under Lord Herries, Warden of the Western Marches. Drumlanrig led Murray's horse against Herries, who had one successful and one disastrous charge. Routed by the archers, Herries could not aid the Hamiltons, who, climbing the long narrow lane, were galled by Murray's musketeers. Finally the infantry of both parties drove at each other with levelled spears, so serried, owing to the narrow space, that the missiles thrown, pistols and daggers, lay as on a floor of interlaced lance-shafts. Kirkcaldy led fresh troops from the village, charged the Hamiltons on front and flank, and drove them pell-mell downhill on the queen's main body. The rout began, slaughter being checked by the activity and clemency of Murray. Many prisoners were taken, such as Seton and the Masters of Eglinton and Cassilis. Knox's father-in-law, Lord Ochiltree, and his successor in the affections of Mrs Knox, Ker of Faldonside, were severely wounded. From the Court Knowe of Cathcart, a hundred yards from Cathcart Castle, Mary probably looked on at her own defeat.<sup>60</sup>

Mary fled south to Herries's country, covering sixty miles in the first day, and writing to Elizabeth from Dundrennan on May 15. She implored leave to visit Elizabeth at once: next day she most unadvisedly crossed the Solway to Workington, accompanied by Herries, George Douglas, and fourteen others. She had entered without a passport the realm of her deadliest foe: the rest of her life was a long imprisonment. From this hour Mary became a kind of centre on which concentrated every wave of all the electric forces of European politics. Nothing could stir, in France, Spain, Rome, England, or Scotland, but it offered her chances. It is not possible, in our space, even to condense the record of each of the hourly wavering policies. The position was, and remained, one of extraordinary perplexity. But one point was fixed, in Elizabeth's name, from the first. "Let none of them escape!"<sup>61</sup> While Mary lay in Carlisle, first under Lowther, then under Knollys, acting for Northumberland, Cecil drew up balanced memorials which contain the pros and cons of the situation. Mary deserved help as a voluntary suppliant who had received many promises of aid. Her subjects had seized and condemned her unheard. She offers to acquit herself of Darnley's death in Elizabeth's presence. No private person

even should be condemned unheard. She offers to accuse her subjects. But she is guilty of all the sins imputed to her.<sup>62</sup>

If she were, we may say, that was no affair to be judged by Elizabeth. England was reasserting the old claim of Edward I. to judge Balliol, and that, of all things, would most infuriate the Scots. Mary was asking for one of two things: a personal meeting with Elizabeth, when she would exculpate herself, or leave to go free and seek aid elsewhere. It was highly unjust and dishonourable to reject both pleas, but it was inevitably expedient. If set free, she might go to France and revive the old claim to the English crown, an offence unexpiated and unforgiven. The ancient league would be restored: French forces would again enter Scotland: Protestantism in both countries would be endangered. If she returned to Scotland, under whatever limitations, the dangers to England were manifest. If she remained in England, she would make a party among the Catholics, and revive her claim to the crown, while France or Spain might intervene. Such were the three courses; and the last alternative, to keep Mary prisoner, was resolved upon as manifestly the least dangerous. But this policy might be less unfavourably coloured by drawing Mary into any kind of suit against her rebels. Before Elizabeth Mary must not be heard in person: her subjects must be heard; and Mary might be so much discredited, without injuring the common cause of royalty by a verdict of "Guilty," that she would be ruined in the eyes of Catholics. But how was Mary to be led into consenting to any kind of trial before Elizabeth? Clearly by leading her to believe that an appeal to Elizabeth could only end in her restoration.

On May 28 she accredited Herries to Elizabeth, and sent Fleming, in the hope that he would be allowed to go to France. This Elizabeth forbade: Fleming was captain of Dumbarton Castle, the French gate to Scotland. As to Herries's mission, Elizabeth (June 8) told Mary that she could not see her till her case was clear. "You put in my hands the handling of this business." Now Mary had only said (May 28) that she desired an interview with Elizabeth, and to tell her the truth, "against all their lies."<sup>63</sup> To Murray, on June 8, Elizabeth wrote that Mary "is committing the ordering of her cause to us." She then bade Murray drop military and legal proceedings against Mary's adherents, which he did not do. Herries was led to believe that Elizabeth "intends to proceed in my sovereign's cause."<sup>64</sup> One

Middlemore was now sent to see Mary, and go on to Murray. As Mary found his messages dilatory and discouraging, she avowed that she "had no judge but God." Elizabeth was allowing Murray to come, as an accuser, into her presence. Mary, the accused, she would not admit. Mary expressed her desire to meet Lethington and Morton, before Elizabeth, face to face.<sup>65</sup> She openly said that she would prove the guilt of Lethington and Morton as to Darnley. Nothing of her prayers was ever granted: the entire proceedings were a tissue of duplicity and dishonour. Mary's attitude throughout is expressed in one line, "I have offered you Westminster Hall." There, before the peers of England and the foreign ambassadors, she would retort on and expose her guilty accusers. She would accuse her rebels face to face, but she would not plead her own cause against them. Yet she drifted into the shuffling inquiry which followed.

Leaving Carlisle, Middlemore joined Murray, who was persecuting Herries and Lochinvar in Galloway. Murray informed Elizabeth that, as she meant to hold a solemn trial, he and his allies were loath to accuse their queen. But what would Elizabeth do if they proved their case? Would the casket letters, of which he had sent a Scots translation, by John Wood, his retainer, be held as full proof if the originals, when presented, agreed with the translations.<sup>66</sup> Murray's proposal is of June 22. On June 19 du Croc reported that Elizabeth had publicly discoursed with Herries. She said that she was determined to restore Mary, or reconcile her to her lords. She therefore wished each party to send to her one commissioner. Herries said that he did not think Mary, a sovereign herself, would accept Elizabeth as a judge. He was ready to assent to a visit by Murray and Morton. They would be answered, if they spoke of the murder.<sup>67</sup> On June 28 Herries wrote to Mary. Elizabeth had said that she would never act as judge, but would do for her what she would do for herself (restore her), or make a reconciliation. At a meeting with Elizabeth (June 22) Herries made (and he reports to Mary) this strange inquiry: "Madame, if, which God forbid, there were appearance otherwise" (namely, against Mary's innocence), "what then?" "Still," said Elizabeth, "I would do my best for a reconciliation, consistent with her honour and safety."<sup>68</sup> Nothing, of course, can raise a stronger presumption of Mary's guilt than Herries's "s'il y'avoit autrement? que Dieu ne veuille!"

But Mary now thought herself safe, Elizabeth, in any case, would befriend her, and thus she drifted into an arrangement which she

expected to end in a compromise to be managed by Elizabeth for her restoration. Under this delusion she submitted to what she could not resist, removal from Carlisle, so near the freedom of the friendly Border, to Bolton, near York, where neither Buccleuch nor Ferniehirst could rescue her. Thither she was taken by Knollys on July 13. The least disreputable of Bothwell's friends, Riccartoun, attended her: at Carlisle one of Bothwell's lambs, one of the actual murderers, "Black Ormiston," had been wont to visit her—so Willock averred. She had not yet cast off Bothwell. In precisely the same way a member of the band to murder Darnley was in favour with Murray, to the general disgust.<sup>69</sup> While she now amused Knollys and Elizabeth by playing at Anglicanism, and at a purpose to substitute the surplice, in Scotland, for the Genevan gown; while she was writing in half-friendly fashion even to Murray,—she was at the same time appealing for aid to all Christian princes; she was assuring the Queen of Spain that her presence in England helped the Catholic cause, which she would never desert; and, in an hour of wild hope of French assistance, she was urging her Scottish partisans to secure her child, and take and slay her chief enemies.<sup>70</sup> We are not to ask for sincerity from a betrayed prisoner, but we may admire the dauntless confidence of Mary in her emissaries. Herries was communicating to Huntly the terms on which he expected Elizabeth to pilot Mary through the breakers, "after this reasoning" with Murray or his commissioners (July 31). Scotland was an armed anarchy, barely checked by Elizabeth's and Mary's orders for a provisional peace. But Murray held his Parliament on August 16, forfeited Hepburns and Hamiltons, safeguarded himself for his sale of Mary's personal property, her jewels, and passed persecuting statutes.<sup>71</sup>

Mary appointed Châtelherault, still in France, as her lieutenant of her realm. "Howsoever I be kept a prisoner," she told Knollys, "yet my party will stand fast against my lord of Murray."<sup>72</sup> Not a jot did she bate of hope or heart: she was in the toils of Elizabeth and of Fate, but she could only be tamed by death. "Sincere" she was not: who could be sincere when matched with the inveterate mendacity of Elizabeth? Mr Froude observes: "To the French Ambassador, to de Silva, and Lord Herries, Elizabeth distinctly and repeatedly said that at all events, and whatever came of the investigation, the Queen of Scots should be restored. She made this positive declaration because, without it, the Queen of

Scots would not have consented that the investigation should take place. Yet a memoir of Cecil, dated on the 23rd of September, states, with an emphasis marked by the underlining of the words, that "*it was not meant, if the Queen of Scots should be found guilty of the murder, to restore her to Scotland, however her friends might brag to the contrary.*"<sup>73</sup> Cecil said more than Mr Froude has quoted. In any case Mary was to remain a prisoner at Elizabeth's pleasure. *Let none of them escape* was the ceaseless refrain. "Nor shall there be any haste made of her delivery," wrote Cecil, "until the success of the matters of France and Flanders be seen."<sup>74</sup> Mary might have been innocent: guilty she was never proved to be in the shambling and shuffling inquiry. But, guilty or innocent, *Let none of them escape!*

While the queens were rivalling each other in lack of sincerity, the arrangements for a meeting of envoys of both parties at York, before Elizabeth's commissioners, drew to their close. Elizabeth had appointed three representatives, Norfolk, Sussex, and Sadleyr, who had no love of the perilous task. Their instructions bore that if mere presumptions of guilt were alleged against Mary, Elizabeth would need to think about restoring her. But if plain proof be brought, Elizabeth will regard Mary as "unworthy of a kingdom."<sup>75</sup> Many stipulations were made in case an agreement was concluded, but these, of course, came to nothing. In Mary's instructions the point of interest is her remark on incriminating writings of hers which her rebels may say that they possess. Her commissioners must demand the production of the originals for her own inspection, and reply, "For ye shall affirm in my name that I never wrote anything concerning that matter to any living creature. And if any such writings be, they are false and feigned, forged and invented by themselves; . . . and there are divers in Scotland, both men and women, that can counterfeit my handwriting, and write the like manner of writing which I use as well as myself, and principally such as are in company with themselves."<sup>76</sup> Mary refers to the new-fashioned Italian or Roman hand, which Murray did not write, though Bothwell did. Perhaps this is the only passage where Mary deliberately and publicly denounces the letters as forgeries. But then she never, despite her earnest entreaties, and even applications to the French Ambassador, was allowed to see the alleged originals of the letters. The lords of her party on September 12, 1568, declared the letters forged, or garbled "in substantious clauses."

On October 6 Elizabeth's representatives reported preliminary discourses with Mary's men, chiefly Bishop Lesley (who had no belief in her innocence, and no courage) and Herries, and with Murray and Lethington. With these, among many others, was George Buchanan, who had taken the part of an accusing advocate. His 'Detection' and his 'Book of Articles' already existed, it is probable, in manuscript; early forms of them are in the Lennox MSS., and are very instructive. Lennox himself was in York; since June he had been drawing up indictments against Mary; drafts of these, with many variations and some absurd mythical inventions, exist in MS. in the University Library at Cambridge. Murray and Lethington, very early in the proceedings at York, spoke of what they could reluctantly reveal, if they must. The necessity would arise if Mary did not accept an arrangement by which she should reside in England, with a large pension (in addition to her dowry from France), while Murray would keep the regency. This is stated by Robert Melville, who managed the transaction. The MS. of this report is unluckily fragmentary.<sup>78</sup> Mary's lords accused Murray and his accomplices of rebellion. Murray then asked to be told, among other things, how Elizabeth would act if Mary were proved guilty. Would she hand her over to him, or would she hold her a prisoner? On October 11 Lethington and Buchanan, unofficially, showed the English lords the casket letters. Doubtless they saw the originals, but their extracts were made from the Scots translations.<sup>79</sup> Norfolk and the others were horrified, and expressed their feelings in a long letter, which they altered in passages, so as not to indicate complete conviction.<sup>80</sup>

Now Mary, up to this moment, had reason to think Norfolk favourable to her, and the idea of their marriage had been mooted. Lethington, by showing the casket letters, and by letting Lesley and Boyd, and, through them, Mary, know that he had done so, had put pressure on Mary. She would be more likely to accept a compromise, the letters would be hushed up, and nothing would come out to implicate Lethington himself. But it was also his game that Norfolk should marry Mary. He therefore, during a long ride with Norfolk (October 16), deliberately shook his belief in the letters, as Norfolk later confessed; urging, apparently, the ease with which Mary's handwriting could be imitated.<sup>81</sup> During the same ride Norfolk told Lethington that it was Elizabeth's

secret design to make Mary's accusers say their worst, which did not suit Lethington: for if Mary were allowed to reply, she would certainly convict *him* of a share in Darnley's death. What did suit Lethington was a quiet compromise, Mary wedded to Norfolk, and, as to himself, silenced by gratitude, and the necessity of never reopening the dangerous question. Lethington's plan was astute: he well knew Mary's ardent hatred of himself, her ungrateful and treacherous Minister, whose very life she had saved, and who had then turned against her. But Lethington had succeeded only too well in shaking Norfolk's belief in Mary's guilt. The Duke presently bade Mary refuse all compromise, not wishing to marry a bride with such a stain on her reputation. This we learn from Robert Melville's MS., already cited. Lethington had overreached himself. This interpretation of his strangely tortuous action is unfamiliar to our historians, and is offered as not an inconsistent hypothesis on the evidence.

Meanwhile Norfolk was dealing secretly with Murray, to what extent is doubtful, as to his own marriage with Mary.<sup>52</sup> Sussex (October 22) wrote to London, expressing his strong opinion that Mary's defence, and her accusation of her accusers, "will judicially fall out best."<sup>53</sup> Sussex thinks that, for dynastic reasons, Murray and Lethington will use Robert Melville "to work a composition," the regency being confirmed to Murray. "Neither will Murray like of any order whereby he shall not be Regent styled," despite his lack of ambition. Murray and the Hamiltons "care neither for the mother nor the child (as I think before God), but to serve their own turns." In any case, Sussex would have Mary detained in England. Elizabeth, "by virtue of her superiority over Scotland" (the old song!), may find Mary guilty, if Murray proves his case. But Sussex fears that Murray cannot prove his case; that it will not "fall out sufficiently (as I doubt it will not) to determine judicially, if she denies her letters." This is probably the best evidence of the weakness of proof from the casket letters. If Mary denies them, they are, Sussex fears, not legally evidence. Unsigned, and undirected, proof would rest on handwriting, or on evidence of the bearers. Of these, Beaton was with Mary at Bolton. Where was the other, Paris, Bothwell's servant? On October 30, a week after Sussex wrote, John Clerk, an agent of Murray, acknowledged receipt of the person of Paris at Roskilde, in Zealand. He was not hurriedly conveyed to England as a witness. According to

Murray, he did not arrive in Scotland till June in the following year; and (after confessions) he was executed at St Andrews on August 16, 1569.<sup>84</sup> Thus the lords had no evidence except the casket letters, which Sussex thought inadequate, and certain to be met by a stronger counter-charge.

At this moment Elizabeth seems to have heard the rumour of Norfolk's marriage with Mary,—an amazing marriage indeed, after Norfolk's letters of October 11.<sup>85</sup> If so, nothing appears of it in her letter to Norfolk of October 16. She transfers the case to London. Mary's commissioners are to be flattered with hopes, and imagine that only her restitution is intended.<sup>86</sup> On October 22 Mary wrote to Elizabeth, assenting to the change, but refusing to discuss *new* propositions, if advanced by her adversaries.<sup>87</sup> Mary now sent Robert Melville to Elizabeth.<sup>88</sup> At Hampton Court, on October 30, Cecil and the Privy Council were arranging traps for the Scots of both parties. Mary's commissioners were to be put off with generalities, lest they should suspect a regular inquest and break off. Murray's representatives were to be told that they were in no danger from Elizabeth, if they produced good evidence, and that Mary, in that case, should not be restored; but even this promise was to be "hedged." Mary, for fear of escape, ought to be taken to Tutbury. Additional peers were to be called in, if Murray produced valid proof. Was it necessary that Mary, on demand, should be heard in person? In that case some expert in civil law should be consulted.<sup>89</sup> Experts *were* consulted. They, or some of them, decided that all Mary's demands for a public hearing, in London, before Elizabeth, the peers, and the French and Spanish Ambassadors, ought to be granted. They were never granted.<sup>90</sup> The refusal was an infamy. On November 22, from Bolton, Mary wrote to her commissioners. The York Conference, she said, had been only for reconcilment and reconciliation. Now the commissioners may approach Elizabeth, and say that Mary is still ready to be reconciled, saving her crown and honour. If this is not accepted, her commissioners are to break off negotiations.<sup>91</sup> Mr Froude represents this as "sending word to Murray."<sup>92</sup> On the same day Mary sent her friends their commission. If Murray is admitted into Elizabeth's presence, so must she be. She will appear publicly, as the experts declared that she ought to be allowed to do. Now she is a prisoner, and remote: if she is not admitted, her envoys must break off the negotiations. These things were written



after Mary learned, on November 21, from Hepburn of Riccartoun, that Elizabeth was "bent much against her," and thought of removing her from Bolton.<sup>93</sup> Obviously she was wise, in the circumstances, when she made her demands.

Meanwhile Murray, on arriving in London, found that his own affairs were perplexed. According to Robert Melville, in his MS. deposition, the alliance struck between Murray and Norfolk at York had been betrayed to Elizabeth, while Mary informed Melville, as we saw, that a message to her from Norfolk forbade her to resign her crown. Was Murray to betray Norfolk, or to break with Morton (who was all for an extreme course), and disoblige Elizabeth, by keeping back his accusations? He waited on events. On November 23, at Hampton Court, the parties met Elizabeth. Mary's letters (November 22), of course, had not reached Lesley and the rest. Châtelherault was present. Mary's men demanded Mary's admission: as Murray had already seen Elizabeth. Protests against judgeship by Elizabeth were made, and accepted.<sup>94</sup> On November 26 Murray was assured that, if Mary be found guilty, the proceedings of the lords would be approved, and James regarded as king, Murray as Regent. These concessions were carefully "hedged," but the purpose of judging and trying Mary was avowed.<sup>95</sup>

There followed an extraordinary scene. After Murray, as usual, had expressed reluctance, he produced his "eik," or addition to his charges, a formal accusation of Mary.<sup>96</sup> It is Sir James Melville who tells how Wood, a creature of Murray, had this document "in his bosom"; how the Bishop of Orkney snatched it from him; how, amidst laughter and banter, the deed was done at last. Lethington, who was outside at the moment, came in and told Murray that he "had shamed himself." All but Lethington were laughing, and Murray went to his rooms "with tears in his eyes."<sup>97</sup> On November 29 Lennox appeared as an accuser of Mary. Mary's commissioners were shown the "eik," and asked for time to consider it. Lesley consulted the French Ambassador, La Mothe, who glanced at the hypothesis that Mary had been "bewitched," but advised delay. On December 1 Mary's men cited her open instructions, not her letter as to a compromise of November 22, reiterated her appeal to be heard, and asked for an interview with Elizabeth. On December 3 they visited her at Hampton Court. The conference, they said, had been broken by Murray, but the

slander remained. They demanded the arrest of Murray's party and the admission of Mary to a free hearing.<sup>98</sup> Elizabeth next day said that she must first hear the lords' proofs. Mary's commissioners declined to proceed on these terms.<sup>99</sup> So far, Mary's commissioners were in the right. The meanest amateur of petty larceny could not be tried on the conditions proposed for their queen. But as she was absent, as communication could not be held with her save after long delays (part of the infamous injustice of the whole proceedings), they ventured on ill-advised steps.

First, before seeing Elizabeth, they had held a private interview with Leicester and Cecil. Here they once again spoke of a reconciliation, and asked Cecil to carry their words to Elizabeth. Cecil carried the commissioners to Elizabeth; they repeated their desires for accommodation. Throughout, Lesley and Herries did not behave as if convinced of Mary's innocence. "*Suppose, which God forbid, appearances are otherwise!*" But had they known her stainless, it was still their interest to end a discussion which would certainly never be handled with common fairness and honour. Their proposal for a reconciliation gave Elizabeth her chance. It would be inconsistent, she said, with her sister's honour. So it would have been, if her sister was to have a fair common chance of retrieving her honour. But against *that* the determination of Elizabeth was adamant. She promptly involved herself, to be sure, in a contradiction in terms. She told the commissioners, now that "I think it very reasonable that she should be heard in her own cause, *being so weighty,*" now that she did not wish Mary to appear in person, "without their accusation might first appear to have more likelihood of just cause than she did find therein."<sup>100</sup> Such, at least, is the story of the Scottish negotiators. The case was at once so weighty that Mary ought to be heard, and, so far, seemed so ill bottomed that Mary need not take the trouble to appear.<sup>101</sup>

Mary's commissioners replied that their last request for a reconciliation was of their own motion. Mary did not, and could not, know anything of the matter. Mary herself, we know, had told Knollys that, if charges against her were once made, "they were past all reconciliation." On December 6 Mary's commissioners begged that proceedings might be stayed till they heard from their mistress, and put in a protest that she could not be compromised. That "probation" should be taken by Elizabeth, of Murray's charges,

before Mary was summoned, they justly declare to be "preposterous." Cecil and his assessors refused to listen to this: Lesley and his friends were obliged to withdraw to amend their protest, and before the English would receive it, Murray, Morton, and the rest came in, and Morton made his declaration as to how he obtained the casket with the letters.<sup>102</sup> Then the chivalrous Murray and his friends, expressing their absence of pleasure in their duty, produced, first, a book of "Articles containing certain conjectures, presumptions, likelihoods, and circumstances," making the guilt of Mary seem probable.\* What these Articles were, in what terms the lords accused Mary, and by what arguments, we are not allowed to know. Documents, indeed, exist, but (as may be seen in the footnote) the accuracy of criticism will not permit us to allege that the lords relied on these inconsistent and incorrect attempts

\* This document has been published by Mr Hosack from a manuscript at one time in the possession of Lord Hopetoun, and now in the British Museum (Add. MSS., 35,531). Mr Bain, in his Calendar (ii. 555-559), says that, in his opinion, the MS. is in the hand of Alexander Hay, the Clerk of the Privy Council. A writer in the 'Quarterly Review,' January 1902, p. 240, says that it bears no indorsement or authentication of any kind to indicate that it was ever adopted or approved by the Scottish commissioners who went to York and Westminster, or by any other body, or that it was ever laid before a court or conference of any description. We know that "articles" against Mary *were* put in, and this document, apparently in the hand of the Clerk of Council, is the most elaborate form of such articles now known. Others exist in the Cambridge MSS. with the papers of Lennox. The articles bear traces of the influence of the never-produced letter which Murray in 1567, and Lennox in 1568, quoted from, as if it were by Mary, though the writer of the articles also knows our casket letter ii. It will be seen that the lords have no established official connection either with Cecil's copy of the Ainslie band, or with this document published by Mr Hosack as the "Book of Articles," or with the chronological list of events called "Cecil's Journal," or "Murray's Diary." Thus, by way of representing their charges against Mary, we have nothing indorsed as official, nothing to which we can pin them down. It is always possible, and, in the lords' interest, it is highly desirable, to disconnect them from "Cecil's Journal" and the "Book of Articles." Both, like Buchanan's 'Detection,' are open to destructive criticism; indeed Buchanan's 'Detection' now agrees with, now varies from, the "Book of Articles." As to that document, Mr Hill Burton writes: "If this paper really was the one tabled by Murray's party, it does little credit either to their honesty or their skill." Meanwhile we shall not criticise the thing; but the lords prosecutors have left nothing better by way of an accusation of Mary. If they ever "found a set of articles to satisfy them" (in the words of the 'Quarterly' reviewer), they have not bequeathed that valuable document to us; and if they were content with the 'Articles' and 'Diary' that have reached us, they were very easily satisfied. The papers are worthless, and, if put forward by the lords (as I do not doubt that they were), are fatal to their case.

at demonstration. What they did rely on, of this kind, must remain a mystery.

On December 7 the English Commissioners, in answer to a question of Murray's, declined to say whether they were satisfied by the arguments in the Articles or not. The casket was then produced, and Morton swore to the veracity of his account of its discovery. Two contracts of marriage between Mary and Bothwell, found in the casket, were then produced, and casket letters i. and ii. in French. On December 8 the other six casket letters and the "sonnets" were shown, copied, and collated. Next came the depositions, under examination, of Bothwell's accomplices,—Talla, Powrie, Dalgleish, and Bowton. The deposition of Bowton was mutilated, to shield Murray's associates.<sup>103</sup> On December 9 the Commissioners read the casket letters, "duly translated into English." They were very badly translated, in two cases not from the French; the Scots translations were merely anglicised.

On December 9 a written deposition by Nelson, a servant who escaped unhurt from Kirk-o'-Field, was put in. Then came a written deposition by a retainer of Lennox, Crawford, who had been with Darnley when Mary visited him at Glasgow in January 1567. Crawford's business was to corroborate the account of a conversation between Mary and Darnley which Mary is made to describe in the second casket letter. His deposition rather invalidates the authenticity of the letter than otherwise.<sup>104</sup>

Finally, at Hampton Court, on December 14, six great peers being added to the commissioners, a summary was given of the proceedings at York and Westminster, and the originals of the casket letters were compared with genuine letters by Mary. "No difference was found," says Cecil.<sup>105</sup> We hear of no other examination of handwriting, nothing but this scrutiny on almost the shortest day. We shall later find that in another case (1609) letters, *confessedly and undeniably forged*, deceived seven honest witnesses, familiar with the hand of the alleged writer, and bringing into court genuine letters of his for comparison (see Appendix B., "Logan of Restalrig and the Gowrie Conspiracy"). On the following day (December 15) the Articles (whatever they may have been) were read, "a writing in manner of Articles." Whether they were Mr Hosack's published "Book of Articles," or a set more logical, lucid, and accurate but no longer to be found, we do not know, though the present writer has no doubt that the Articles read were the

Articles published. Some other papers, and a new statement by Crawford, followed. Crawford reported that Bowton and Talla, on the scaffold, confessed to *him* that Mary urged Bothwell to slay Darnley.<sup>106</sup> This special confession, to a friend of Darnley, is not referred to elsewhere. It may have been noted that Lennox, by aid of Crawford, and certainly of Buchanan (who undeniably had access to Lennox's papers), played a great part in the prosecution. After these two days spent in the rapid investigation (too rapid, for who could criticise a set of Articles merely read aloud?) the nobles were told that Elizabeth, in the painful circumstances, could not admit Mary to her presence. The lords agreed, "as the case now did stand," the rather as "they had seen such foul matters." And that was all.<sup>107</sup>

An inquiry more disgraceful was never conducted on an absent prisoner. Guilty or not guilty, Mary was foully wronged. Without dwelling further on meetings, discussions, and equivocations, it must suffice to say that efforts were then made to frighten Mary into resigning her crown. Of the means to this end a list, in Cecil's hand, is extant.<sup>108</sup> Mary was not to be terrified; her last words, she said, would be the words of a Scottish queen. On January 10, 1569, Murray and his allies were told by Elizabeth that, while nothing to their discredit was proved, they had produced no evidence "whereby the Queen of England should conceive or take any evil opinion of the queen, her good sister, for anything yet seen."<sup>109</sup> As Murray construed all this: Elizabeth "allowed their doings, with promise to maintain the king's government, and our regiment." So he wrote to the laird of Craigmillar.<sup>110</sup> That was practically the result. It was the fate of Elizabeth and of Murray to make Mary's appear the better cause by the incredible dishonesty and hypocritical futility with which they handled her case. Murray was to resume his regency: Mary was to be a prisoner,—a discredited prisoner, as Elizabeth hoped. Then began new scenes of intrigue.

## NOTES TO CHAPTER VIII.

<sup>1</sup> Laing, ii. 325. Henderson, Casket Letters, p. 115; Morton's account of the discovery of the casket.

<sup>2</sup> Laing, ii. 295, 296.

<sup>3</sup> Labanoff, ii. 3, 4.

<sup>4</sup> Stevenson, pp. 173, 176.

<sup>5</sup> Privy Council Register, i. 498.

<sup>6</sup> Privy Council Register, i. 500.

<sup>7</sup> Hosack, i. 282-286.

<sup>8</sup> Cf. Drury to Cecil, April 15, 1567, Cal. For. Eliz., viii. 207.

<sup>9</sup> Drury to Cecil, Border MS., Tytler, vi. 99; Calendar, ii. 319, 320.

<sup>10</sup> Knox, ii. 539.

<sup>11</sup> For. Cal. Eliz., 1566, p. 212.

<sup>12</sup> Act Parl., ii. 546 *et seq.*

<sup>13</sup> Stevenson, p. 175.

<sup>14</sup> Calendar, ii. 317.

<sup>15</sup> Morton Papers, Bannatyne Club, i. 19; Hosack, i. 293.

<sup>16</sup> Keith, ii. 562-569; Hay Fleming (on the whole subject), pp. 446, 447.

<sup>17</sup> Spanish Calendar, i. 662.

<sup>18</sup> Anderson, i. 112; Calendar, ii. 322; Keith, ii. 562-569; Goodall, ii. 87, where the production of the warrant at Westminster seems to be asserted by the Scottish commissioners.

<sup>19</sup> Calendar, ii. 341.

<sup>20</sup> Calendar, ii. 322.

<sup>21</sup> For. Cal. Eliz., 1566, pp. 213, 214.

<sup>22</sup> Calendar, ii. 323.

<sup>23</sup> For. Cal. Eliz., 1566, p. 224.

<sup>24</sup> Labanoff, ii. 41.

<sup>25</sup> For. Cal. Eliz., 1566, p. 215.

<sup>26</sup> Lost Chapter in the History of Mary Queen of Scots discovered.

<sup>27</sup> Teulet, ii. 155.

<sup>28</sup> For. Cal. Eliz., viii. 223-225.

<sup>29</sup> Privy Council Register, i. 520.

<sup>30</sup> Teulet, ii. 152-182.

<sup>31</sup> Laing, ii. 113 *et seq.*

<sup>32</sup> Teulet, ii. 244.

<sup>33</sup> Melville, pp. 183, 184, 1827.

<sup>34</sup> Teulet, ii. 169. Lethington said that Mary spoke to him from her window. This, on June 17, he told to du Croc. Compare Claude Nau, pp. 46-48. See also 'Mystery of Mary Stuart,' p. 382.

<sup>35</sup> Teulet, ii. 170. The references to the various documents may be found in 'The Mystery of Mary Stuart,' pp. 188-192, 360, 362.

<sup>36</sup> Laing, ii. 114, 115.

<sup>37</sup> See Morton in Calendar, ii. 730.

<sup>38</sup> Laing, ii. 249-251.

<sup>39</sup> Spanish Calendar, i. 657-659; Bain, Calendar, ii. 336; For. Cal. Eliz., ix. 354, 355.

<sup>40</sup> Privy Council Register, i. 530.

<sup>41</sup> Stevenson, p. 220; Calendar, ii. 355.

<sup>42</sup> For. Cal. Eliz., 1566, pp. 297, 298.

<sup>43</sup> Calendar, ii. 368.

<sup>44</sup> Diurnal, p. 119.

<sup>45</sup> August 9, Calendar, ii. 374, 375. Mr Hosack disbelieves these statements.

<sup>46</sup> Calendar, ii. 380.

<sup>47</sup> See Appendix A., The Casket Letters.

<sup>48</sup> Keith, ii. 734-739; Hosack, i. 367-370.

<sup>49</sup> Keith, ii. 739.

<sup>50</sup> Froude, viii. 250.

<sup>51</sup> Keith, ii. 742-744.

<sup>52</sup> See Anderson, ii. 206-230; "Collections relating to the History of Mary," 1727.

<sup>53</sup> For. Cal. Eliz., 1567, pp. 366, 367.

<sup>54</sup> Diurnal, pp. 127, 128.

<sup>55</sup> Anderson, ii. 253.

<sup>56</sup> Teulet, ii. 941.

<sup>57</sup> Teulet, ii. 214.



## CHAPTER IX.

## REGENCIES OF MURRAY AND LENNOX.

1568-1572.

THE only point of national importance in the murderous intrigues between the death of Riccio and Mary's flight to England was, that Protestantism in Scotland now breathed more freely. The incubus of a Catholic queen was removed from Presbyterianism. But while the evolution of Presbyterianism towards a theocracy was the trend of the current of national life, the deep main stream was broken, thwarted, and parcelled by the obstacles of new personal and party intrigues. These have no historical interest except as illustrations of the treachery and ferocity which, here as in the Corcyra of Thucydides, were bred by revolution. A creed, an order of society, had been overthrown: the men who survived among its ruins were, whatever their nominal shade of theological opinion, selfish, false, bloodthirsty, desperate, almost beyond parallel. The only partisans who held a straight course were men like Craig and Knox, and the other leaders among the Presbyterian clergy. They knew what they wanted, and what they did not want: their motives were national and theological, not merely personal or dynastic. The triumph of the Kirk and of a severe morality they desired: as to Mary, the stake or the block were all that they would consent to grant her; though, perhaps, some of them wavered at one juncture.

Mary was now an exile, a prisoner, and discredited, Elizabeth hoped, by the public inspection at Hampton Court of the casket letters. But not even yet could Presbyterianism, still less could Elizabeth, feel secure. The scene at Hampton Court had been but a shadowy triumph. We do not know what the assembled



English nobles really thought as to the genuineness of the casket letters. They pronounced no opinions.<sup>1</sup> Mary persisted in asking for a view of the letters : her entreaties were backed by those of the French Ambassador. At one moment he thought that Elizabeth had consented ; but no, the Scottish queen was denied the right of the humblest accused person.<sup>2</sup> In these circumstances, no just man could conclude, on the evidence of the letters shown at Hampton Court, that she was guilty. As we show later, in another case, the forgers were too skilful for the experts of that age, or at least for persons perfectly familiar with the handwriting of an accused man whom forgers implicated in crime.<sup>3</sup> On the other hand, the actions of Mary's agents, Lesley and Herries, provoked suspicion. They were obviously unconvinced of her innocence. They misread or did not choose to act on her instructions. She said that she would accuse her accusers *after* she had once seen the originals of the papers on which they based their charge. Herries at once brought a vague accusation against the accusers ; this led to those offers to settle the question by single combat, which then were frequently exchanged, but almost never acted upon.<sup>4</sup> There was a deadlock. Mary would take no steps without seeing the *pièces de conviction*, and these she never saw.

The problem of the disposal of Mary was as threatening as ever. She had assuredly not been found guilty, and the cloud under which she lay was so thin and fleeting that the old question of the succession to Elizabeth was already being complicated with Mary's existence and her claims. No one knew this better than Cecil. On December 22, a week after the scene at Hampton Court, he set down his projects and his perplexities on paper. Mary was, he said, "a lawful prisoner." She must repair her wrongs to Elizabeth (her pretensions to the English crown) before she could be allowed to depart. Elizabeth has "just claim to superiority over Scotland." Mary "is bound to answer her subjects' petitions," those of Murray and his accomplices. Mary's guilt will be published to the world : if she proves that Murray, or his party, are also guilty, that will not clear her. These and other threats are to be used for the purpose of driving Mary into a compromise. She must, under these menaces, assent to certain propositions : "the child" (James VI.) "being for education brought to England." <sup>5</sup>

The threats were hinted to Mary, by Elizabeth, in a letter of December 21. Lesley, Bishop of Ross, was highly praised, the

idea being that Lesley and Knollys, Mary's jailor, would induce her to accept Cecil's propositions.<sup>6</sup> These were—

1. That Mary should ask leave to stay in England ; that her son, though remaining king, should be educated in England ; that Murray should remain Regent.
2. Or, Mary shall remain titular queen : if James dies young, "then the Government shall be in her name" ; if she dies first, James and "her issue" shall retain the crown.
3. Or, Mary shall be titular and actual queen, joined with James in the title ; Murray continuing Regent till James is eighteen.

Mary is to be removed to Tutbury and more closely guarded : Lesley is to be secretly informed, and urged to persuade Mary to consent.

Mary's commissioners on January 7 declined to carry any such terms to their mistress.<sup>7</sup>

Mary, between the York and Westminster Conferences, had consented to a similar compromise, which she abandoned at the suggestion of Norfolk. But now she had been disgraced by the exhibition of her real or alleged casket letters. Therefore the worst was over. Without an ally, a counsellor, or a friend, Mary stood at bay. She would never yield her crown, "and my last word in life shall be that of a Queen of Scotland."

Lesley, a creeping thing who had never believed in her cause, and whose shufflings had severely damaged it, was employed to whisper assent. On February 10, from her new prison, Tutbury, in the jailorship of Lord Shrewsbury, Mary wrote to Elizabeth : " I pray you never again to permit propositions so disadvantageous and dishonourable for me as those to which the Bishop of Ross has been persuaded to listen. As I have bidden Mr Knollys tell you, I have made a solemn vow to God never to retreat from the place to which God has called me."<sup>8</sup>

To this end had the intrigues of Murray, Cecil, and Elizabeth come. Mary stood on her innocence and her right, and henceforth there would be a queen's party, a king's party, and civil war more or less open in Scotland. Mary, or her agent, despatched letters warning her adherents (with gross exaggerations) that Elizabeth meant to do what Henry VIII. had aimed at while she was a baby, to seize the child prince and the fortresses. The Hamiltons, Argyll, and Huntly were in arms, and though Châtelherault and Herries were still detained in England, Murray would

find the Border beacons lighted as he returned, and ambush laid for him on the English Border by Westmoreland and the Nortons.

This posture of affairs alarmed Murray, who in January still hung, much in debt, about the English Court. From his situation arose a new intrigue. England was seething with plots. Leicester, Throckmorton, and other Protestants were anxious about the succession, and jealous of Cecil. The Northern nobles, no less anxious, but more Catholic, and jealous of Norfolk, worked for a marriage between Mary and Don John of Austria, which could only be secured by open civil war. Norfolk himself was still anxious to wed Mary (though to Elizabeth he denied it), and had a foot in each camp. Elizabeth was being pressed by Spain for restitution of spoils piratically taken by Hawkins. Meanwhile Scotland might be in a flame if Murray did not return, and if he tried to return, his throat would probably be cut on the Border.

In these circumstances Murray approached Norfolk. They had been in touch before at York, when Norfolk distantly hinted at his desire to marry Mary. Murray now proposed to secure his own safe return by reviving the subject, and gaining Norfolk to secure Mary's assent to peace on the Border and to his own safety from Westmoreland. The man who, in company with some of Darnley's murderers, had just accused his sister of Darnley's murder, now sought the grace of the man who had admitted his strong belief in her guilt, and who desired to take her for his bedfellow! The Norfolk marriage could not conceivably be approved of by Murray. Whatever strengthened Mary weakened him, whatever helped her cause threatened Presbyterianism, and Murray was godly. But the danger from the marriage was remote; Elizabeth assuredly would not consent to it: the danger in Scotland, and to Murray's own throat, was imminent. He therefore sought an interview with Norfolk, of which, when Norfolk was under suspicion, Murray later made his own report to Elizabeth (October 29, 1569).

He says that in his private discourse with Norfolk, at York in October 1568, he did not "smell" what the Duke intended; he partly smelt it from the Duke's language, but now he understands. Before leaving England he met Norfolk in the park at Hampton Court, told him that his sister's marriage to a "godly personage" would reconcile him to her, and that, of all godly and honourable personages, he preferred Norfolk. Murray also sent in a letter of Norfolk's, which was produced against the Duke later, at his trial.<sup>9</sup>

Lesley, Bishop of Ross, professing to set forth what Norfolk told him, represents Murray as pressing the marriage on the Duke with great fervour.<sup>10</sup> It is, unhappily, impossible to believe any of the three, when not corroborated. In any case, Murray certainly led Norfolk to believe that he approved of the nuptials, and afterwards revealed the whole (or as much of it as he pleased) to Elizabeth. Among the Lennox MSS. at Cambridge is a curious account of a statement which Murray desired Leicester to impart orally to Elizabeth. It was sharpening the axe for the Duke's neck.

As a consequence of Murray's conversations with him at Hampton Court in the park, Norfolk induced Mary to quiet her own party, sending to her Robert Melville. On January 30 she certainly wrote to Hamilton, Archbishop of St Andrews, bidding her party hold together closely, and watch Murray well, "who, as I hope, will not use extremity so hastily."<sup>11</sup> Probably her hope was based on Murray's conversation with Norfolk. Murray (by February 8) was safely back in Stirling Castle, and if he had any debt of gratitude to his sister, paid it by sending to Cecil a letter from her to Mar of a kind which she could not wish Elizabeth to see.<sup>12</sup> This letter Cecil was to return, as Mar (a man of honour) would not have her letter exposed to her injury. In a week Murray convened the forces of the realm south of Tay to meet at Glasgow, where, in Lennox's absence, Argyll was apt to be powerful: Mary's party, indeed, was attacking Lennox's retainers, especially the laird of Minto, a Stewart, and an active agent for Darnley's father. Murray was also trying to obtain the extradition of Bothwell from Denmark, where, so far, he had been bragging and promising to secure the Orkneys for the Danish crown. By March 11, for which day he had summoned his levies, Murray had to tell Elizabeth of his failures, and of the excesses of Mary's friends. Châtelherault held her commission: the queen's and king's parties were at strife, and Murray was at Stirling. He offered, if the queen's men would acknowledge the king's (that is, his own) authority, to submit all to an assembly of the whole nobility. He uttered a proclamation to the effect that "Satan had persuaded the king's mother to enter England," where he and his party had been honourably acquitted of all wrong, in consequence of their accusing her of murder, a fact proved by her letters. All this proclamation is put into the mouth of her innocent child.<sup>13</sup> Thus disinterestedly had Satan worked for the triumph of the godly.

Articles of compromise were drawn up, but never agreed upon, by the queen's lords at Glasgow (March 13).<sup>14</sup> But at Stirling Cassilis, Herries, and the Archbishop of St Andrews entered themselves as hostages to Murray (March 14), so says the 'Diurnal'; but Murray names Châtelherault in place of the prelate. A convention of the nobles was fixed for April 10 at Edinburgh.<sup>15</sup> Murray then executed justice on robbers on the lower Tweed, and released Lord Seton, who had been his prisoner. At the Edinburgh Convention of April 10 Herries was seized and imprisoned in Edinburgh Castle; Châtelherault followed him thither, and Murray had thus executed a *coup d'état*.<sup>16</sup> His excuse was that they declined to sign a paper acknowledging the king. Murray had just sent his favourite agent, Wood, to Elizabeth, who doubtless "allowed" his new proceedings. Mary deeply regretted the events. She had hopes from France, however—the eternal vain Stuart hopes. Among the English nobles there had been a plot to arrest Cecil and marry Mary to Norfolk; and Norfolk was also mixed up in another plot, to reach his ends by the aid of Spain and the Spanish Ambassador. Cecil discovered, and with much tact stopped, the perils to himself: Norfolk's marriage project remained alive, flattered by many of the English lords, and by Mary's old friend, Throckmorton, but concealed from Elizabeth. For the success of these schemes it seemed desirable that Mary should become an Anglican: she actually listened to three weekly British sermons all through Lent; and even Mr Froude, usually pitiless, writes, "It is frightful to think of what she must have suffered."

Despite, or in consequence of, Murray's *coup d'état* in Scotland, despite Huntly's surrender to him on May 10, Elizabeth began once more to try to emancipate herself from her embarrassing captive. Lesley, who was deep in the intrigues against Cecil, with Norfolk, and with the Spanish Ambassador, de Guereau, was chosen to negotiate with Elizabeth for Mary's release. He says that he drew up a long list of articles. They secured the English succession for Mary, and restored her, with an amnesty, and punishment of Bothwell, if he was extradited.<sup>17</sup> Cecil offered other projects, only one of which was a slight advance on what Elizabeth had vainly suggested after the reading of the casket letters. Mary, writing to Châtelherault, bade him be of good hope. To La Mothe Fénelon she said that, whatever promises she might sign to get out of England, she would always be France's friend.<sup>18</sup> She

had a slight illness after taking medicine, and, perhaps lest she should be accused of poisoning her prisoner, Elizabeth seemed ready to let her go. Certain articles were sent by Elizabeth to Murray in the care of John Wood, an extreme Puritan and deadly enemy of Mary. At the same time Mary sent, by Lord Boyd, to her party the Duke of Norfolk's marriage proposals. She had not accepted them with enthusiasm, though backed by Leicester, Pembroke, and most of the English Council. To win Norfolk meant, for Mary, to lose France and Spain; moreover, she would not wed Norfolk without Elizabeth's consent. Meanwhile Elizabeth was not apprised of the Norfolk marriage,—her lords seem to have expected the idea to be mooted to her by Murray. But Murray was putting down the North, reducing Huntly to obedience, insulting Mary in proclamations, and in no mood to secure her freedom, or comply with the suggestions carried to him by Wood (May 16).<sup>19</sup>

Though Wood was despatched on May 16, he does not seem to have hurried, for Murray, at Aberdeen, did not answer Elizabeth till June 5. He said that Elizabeth's ideas of the terms for Mary's release were "utterly unlooked for," which might be rendered "utterly unwelcome." He asked for delay; he would try to find a fit negotiator.<sup>20</sup> He sent Wood to Lethington (June 10), who was at home, suffering from "an infirmity in his feet," the beginning of his fatal paralysis. Wood informed Cecil that Lethington was willing to come as negotiator "if other impediments do not hinder." Murray was "driving time" as to arranging the unwelcome compromise on which Elizabeth was insisting. Murray also wrote to Norfolk in such terms that Norfolk tells him on July 1, "You have not only purchased a faithful friend, but also a natural brother"—that is, brother-in-law. Norfolk says that he is betrothed to Mary; he has gone so far that he cannot "in conscience" draw back. Indeed we find Mary writing affectionate letters to Norfolk (August 24).<sup>21</sup> The tone of submission is disagreeably like that of the casket letters to Bothwell. But if Norfolk cannot retreat, neither can he go on till Murray removes the "empêchements"—that is, consents to the annulling of Mary's marriage with Bothwell, which now she herself recognised as illegal, a thing she could not well do at Lochleven when she was (Nau says) with child by him. Norfolk therefore asks Murray to make haste, and to receive Mary's commission from Lord Boyd. This was the letter which Murray later

sent to Elizabeth as evidence against Norfolk, his "faithful friend and natural brother."<sup>22</sup> It is evidence that, as late as July 1, Norfolk thought Murray his friend, and an advocate of his marriage with Mary.

Boyd met Murray at Inverness, and Lesley says that Murray received the terms of compromise very well, and called a convention to consider them at Perth.<sup>23</sup> The convention met on July 25-28; but Murray was hesitating, as Throckmorton learned from Wood, and from a letter sent by Lethington. Throckmorton therefore, in a cyphered letter, advised Murray to trust Lethington, "who is undoubtedly the wisest and sufficientest man to provide for him and all the rest. For if he leaves to be advised by him, he and his country will be in the greatest peril and confusion" (July 20).<sup>24</sup> But Murray had made up his mind not to trust Lethington, who was on the side of Mary; for the very good reason (as he told Morton frankly) that he expected her return to power.

Lethington was also much influenced by his wife, one of the queen's Maries; moreover, he was, as the phrase runs, "in a cleft stick." His part in Darnley's murder was well known. Any quarrel with a powerful lord might bring on him an indictment. Mary also held proofs against him, as Wood had informed him on June 11, 1568. But it seemed safer to make his peace with Mary by procuring her restoration (he appears by this time to have received "assurances" from her), than to take the chance of what might come out against him in Scotland. Again he had, for the hour, Elizabeth to back him in Mary's restoration, and he perhaps hoped for the success of his really unique public object, the union of the crowns of the two countries. Throckmorton, who was in favour of the Norfolk marriage to secure the succession, therefore advised Murray to be guided by Lethington. Had Lethington known Mary's mind, he would have learned that he was unforgiven.

A glance at the names of the assembly in Perth (July 28) shows that Mary's enemies were in force. Here were Mr Froude's "small gallant knot of men who had stood by the Reformation through good and evil." There were Murray, Morton, Glencairn, and the Master of Marischal; with Lindsay and Ruthven, Sempil, and the traitor Bishop of Orkney; James Makgill, the enemy of Lethington, and Bellenden, the Justice - Clerk. The burghs, under the influence of the preachers, were hostile, and the Provost of and member for Glasgow was Stewart of Minto, Lennox's trusted retainer,

while Erskine of Dun represented Montrose. On the other side, Argyll (though named), did not appear; Châtelherault and Herries, taken prisoners "under trust," were locked up in Edinburgh Castle: the temper of the gathering was shown by the fact that Lethington needed an escort of Huntly's and Atholl's men.<sup>25</sup>

Lesley declares that Murray and Wood made a fair show of backing Mary's restoration, but secretly urged their partisans "to cry out against the same."<sup>26</sup> Murray thus saved his credit with Elizabeth. The assembly rejected the proposal for Mary's "equality of government."<sup>27</sup> Mary's demand for an assent to the annulment of her marriage with Bothwell (without which she could not espouse Norfolk) was refused by forty votes to nine, offence being taken at her styling herself "Queen," and the Archbishop of St Andrews "Head of the Church," a truly Stuart-like error of judgment. Lethington argued for Mary against Makgill, and taunted the adversaries with refusing now what they had imprisoned Mary for not granting two years earlier. The Treasurer, Richardson, took note that Lethington, his brother, and James Balfour had "opposed the king's authority," and that whosoever did so in future would be deemed a traitor.<sup>28</sup>

Mr Froude represents Murray as now influenced against Lethington by the statements of Paris, Bothwell's valet, engaged in the Darnley murder. He implicated Lethington, but Murray and every one knew Lethington's guilt. Moreover, Paris was not examined (or, if examined, his statement of an earlier date is not produced) till twelve days *after* the convention at Perth. After the convention was over, on August 9 and 10, Paris was examined at St Andrews, apparently before Wood, George Buchanan, and Ramsay, a retainer of Murray, who wrote the depositions in French.

The whole affair was suspicious. Paris had been extradited, as we saw, and handed over to Clark, captain of the Scots in Danish service, on October 30, 1568. He might have been sent home in time to be examined before the English commissioners in mid-December of that year. Nay, in an early form of Buchanan's 'Detection of Queen Mary,' which was ready in manuscript for the Westminster Commission, it is urged that Paris ought to be produced as the man who knows most about the murder.<sup>29</sup>

But Paris was not produced. He would have exposed the damning fact that some of Mary's accusers and Murray's associates were themselves guilty. According to Murray's report to



Elizabeth, Paris did not reach Leith till June 1569, and his examination was put off during Murray's northern progress. Elizabeth (August 22) tried to stop the execution of Paris. Murray replied that Paris had been executed on August 16 at St Andrews. But Murray, as we shall see, did not send Paris's "authentick" depositions to Cecil till the end of October, when he found that he and Lethington (whom Paris implicated in Darnley's murder) had irretrievably broken with each other.<sup>80</sup>

As for Paris, he had made a declaration on August 9. He then accused Bothwell and others, but not Mary. On August 10, "interrogated," and probably under fear of torture, he accused Mary. His depositions are, in many points, irreconcilable with each other, with probability, and with the dates of events as presented by whomsoever did present "Cecil's Journal." In one or two other points they singularly corroborate statements in the Lennox MSS. Whatever their value as against Mary, the depositions put an invaluable weapon in the hands of the enemies of Lethington, now Mary's chief supporter.<sup>81</sup>

While the charges of Paris hung over the head of Lethington, Elizabeth was upbraiding Murray with his conduct of the assembly at Perth, and with its results. Unless he behaves better instantly, Elizabeth "will proceed of ourselves to such a determination with the Queen of Scots as we shall find honourable and meet for ourselves. . . . We doubt how you will like it" (August 12).<sup>82</sup>

Norfolk also expressed his disgust (August 14). On the 20th August Elizabeth wrote, forbidding Murray to besiege Mary's best strength, the Castle of Dumbarton, held for her by Lord Fleming. Murray replied (September 5) by a temporising letter to Elizabeth from Stirling. On the same day he answered Cecil's remonstrances about Murray's altered behaviour to Lethington. "The fault thereof, as God knows, was never in me."

The bolt had fallen: some news of Paris's confessions had reached Lennox, and Lennox was thought to have caused his retainer, Thomas Crawford, who generally did the denunciations for him, to accuse Lethington. The Secretary, with Atholl and others, had held a Highland hunting meeting near Dunkeld, doubtless for political purposes. They were summoned to a meeting at Stirling by Murray on September 2. Next day Crawford entered the council-chamber, fell on his knees, and impeached Lethington and James Balfour of Darnley's death. This might have been done long ago,

on Hepburn of Bowton's confession, but that had been suppressed by Murray's party. Now was the convenient season. Lethington offered to find sureties for his appearance when summoned; these were refused, and he was locked up in Stirling Castle.<sup>33</sup> Hunsdon thought that he was imprisoned, really, for intriguing on Mary's side north of the Highland line. Lethington, later, learned that Cecil had discovered that Lennox gave Crawford no commission to accuse him. In that case Crawford either acted on his own motion, not on that of Lennox, or was moved by Lethington's many enemies.<sup>34</sup> In no long time Maitland, in Edinburgh Castle, then held by Kirkcaldy of Grange, his friend, was in cipher correspondence with Mary. He even hoped to bring the preachers to her side, "howsoever I think Nox is inflexible."<sup>35</sup>

Mary had once again the Flower of Wit for her partisan, and henceforward Lethington wavered no more. But Mary never forgave him; she hated him living, and when he was dead her detestation pursued him. Ever since she was taken at Carberry Hill she had loathed him. Lethington had committed some inexpiable offence. "Yourselves," wrote Randolph to Lethington and Kirkcaldy, "wrote against her, fought against her, and were the chiefest cause of her apprehension, and imprisonment, and demission of the crown." These acts had Lethington committed immediately after Mary saved his life from the dagger of Bothwell. But Randolph adds, "*With somewhat more, that we might say, if it were not to grieve you too much herein.*"<sup>36</sup> If the falsification of the casket letters is hinted at, it is not the only case in which Kirkcaldy was accused of forgery, not that his hand could have forged the casket letters.

On the unhappy Mary, and on Norfolk, another bolt was falling. About September 6, just after Lethington's arrest, Elizabeth heard of Norfolk's marriage project. He had ever been too timid to speak to her and ask for permission. The idea of another woman being married, most of all Mary, always drove Elizabeth into fury. She heard of the thing we know not how, and summoned Norfolk to her presence. What she said may be guessed: Norfolk retreated to Andover, warning Cecil that Murray had broken out, and was aiming at the crown of Scotland; "God send him such luck as others have had that followed his course." Such luck had Murray in no long time.<sup>37</sup> Elizabeth instantly removed Mary to Tutbury, which was garrisoned, to prevent her from being liberated by the

Catholics of the north. Dan Ker of Shilstock Braes was her rider on the Border, but by September 18 the Border was overawed by Murray with a great force. The Regent's position was not, however, wholly enviable. Elizabeth, angry as she was, now wished, once for all, to be rid of Mary, to send her into Scotland to take her fortune. But she stipulated that she must have six hostages—three earls and three lords—as sureties that Mary “shall live her natural life without any sinister means to shorten the same.”

Elizabeth also bade her envoy, Henry Carey, ask Murray bluntly whether he had treated, behind her back, for the Norfolk marriage (September 21).<sup>38</sup> Norfolk was sent for to Windsor, but feigned himself too ill to travel. Several English partisans of the Norfolk marriage were held to examination, including Throckmorton. Lesley was also examined. The bishop told as much truth as he thought was already known, and as many fables as he deemed likely to pass undetected. Murray, in a letter to Elizabeth of October 29, told what he deemed convenient about the business, and enclosed Norfolk's brotherly letter to himself. But there was a point beyond which even Lethington could not go, and that point had been passed by Murray. He invited Lethington to accuse Norfolk; but Lethington, he says, “flatly denied to me in any sort to be an accuser of the Duke of Norfolk, thinking he shall escape these storms.” Not being so sanguine, Murray *was* an accuser of the duke. Murray ends by communicating the blessed news that a Catholic gentleman “has become a good Christian man, and a favourer of the Gospel.” Finally, as Lethington, being altogether reprobate, will not betray Norfolk, Murray sends, what he had kept back for two months, Paris's confession accusing Lethington of Darnley's murder, “in authentic form.” Perhaps he had, less formally, sent it before.<sup>39</sup>

Meanwhile Lethington, arrested at Stirling, had been carried to Edinburgh, and lodged in the house of one David Forrester, a friend of Murray's. It was not deemed safe to place him in the castle, commanded by his friend Kirkcaldy. Morton hated Lethington and James Balfour, who, however, was allowed to live in Fife under heavy sureties. But Maitland did not long remain in durance. James Kirkcaldy visited him while at supper at Forrester's, and the same evening Kirkcaldy of Grange brought a letter, forged in Murray's name, obtained Lethington's release, and carried him to the castle, where he was safe. Robert Melville, under examination

in October 1573, said that he thought Kirkcaldy of Grange was himself the forger. Lethington was in the castle by October 23. "A day of law" was set for him on November 21, but by November 5 Drury knew that he had called all his friends to back him in the old Scottish way,—indeed he was sending out his circulars on October 31.<sup>40</sup> He professed himself ready, after his trial, to undergo English justice, as an English subject, regarding his traffic with Norfolk.

There was no day of law for Lethington. Morton was afraid to appear as accuser; though he says that Lethington had confessed to him his guilt.<sup>41</sup> The town was full of Lethington's armed supporters. Murray convened their chiefs, pointed out that they had invited him to be their Regent, and now opposed him. He prorogued the trial, awaiting instructions from Elizabeth. Civil war was thus postponed. He had heard (November 22) of the rebellion of the North of England, which had risen without Norfolk. The English Catholics—Northumberland, Westmoreland, and the rest—failed to rescue Mary, who was transferred from the care of Shrewsbury to that of Huntingdon, and after a vain parade the leaders fled across the Border. On December 8 Murray mustered his forces to resist the entry of the English rebels; he again summoned them to Peebles, to resist "the abominable mass" on December 20. The English chiefs, in sorry state, fled to the Black Laird of Ormiston, one of Darnley's murderers, to the Laird's Jock, and Jock o' the Side (December 21).<sup>42</sup> Murray marched to Hawick. The English Government hoped to capture the fugitives by bribing the Black Laird with a free pardon for Darnley's murder.<sup>43</sup> But even Ormiston, a man stained with every crime, could not be bought to break the law of Border hospitality. Possibly he did not get the chance. A convenient traitor was found in Hector Armstrong, whose name became a proverb for perfidy. Aided by Martin Elliot, he beguiled and took Northumberland, despite a gallant attempt at rescue by Borderers of both countries. Black Ormiston seized his moment, and robbed Lady Northumberland of all her own and her husband's jewels, clothes, and money.<sup>44</sup> Northumberland was handed over to Murray, but the Kers honourably entertained Westmoreland at their strong Castle of Ferniehirst, near Jedburgh. On January 2 Northumberland was sent to occupy Mary's old rooms at Lochleven.

Having now, in Northumberland's person, something to offer by

way of exchange or barter, Murray asked Elizabeth to hand over Mary, her life being guaranteed by the delivery of hostages. Among others, Morton and Mar signed the request, and Ruthven, who, says Nau, had been making love to Mary when she was in Lochleven. John Knox, "with his one foot in the grave," on January 2, 1570, advised Cecil that "if he struck not at the root" (Mary), "the branches that appear to be broken" (her party) "will bud again with greater force."

In exacting hostages for Mary's safety, Elizabeth might have done worse than stipulate that Knox should be one of them. In the instructions of the bearer of Knox's letter, Elphinstone, were comprised Murray's terms for the bargain. Lesley heard of the affair from Mary herself, as did La Mothe Fénelon, and the exchange did not take place.<sup>45</sup>

Lesley, however, was imprisoned in the Tower, he thought because Murray revealed his part in the negotiations with Norfolk. All Scotland, wrote Hunsdon from Berwick, was infuriated by the demand for Northumberland's extradition. Sadleyr did not believe that Murray would dare to give him up. Murray, who had behaved with humanity to Lady Northumberland, rescuing her from the Black Laird, made an attempt to take Dumbarton, held by Fleming for Mary, but failed. He was at Stirling on January 14. On the 23rd, as he rode through Linlithgow, Mary's birthplace, he was shot, from the window of a house in the street, by Hamilton of Bothwellhaugh. The miscreant occupied a house belonging to Archbishop Hamilton: he covered the floor of the little room wherein he lay with a feather mattress, to deaden the sound of his booted feet; he darkened the room with a black curtain hung behind him; barred the door opening on the street, and had a swift horse saddled at the back door. He fired: Murray reeled in his saddle: Bothwellhaugh mounted and spurred. He cleared a fence which stopped his pursuers, by dint of sticking his dirk into his horse's flank, and galloped into Hamilton, where the Archbishop and Arbroath, son of Châtelherault, received him with acclamations. The Regent died with calmness and fortitude, slain by a man whom he had spared after Langside fight.

The character of Murray has been debated with superfluous fury. To Mr Froude he seemed "noble" and stainless; through Mr Froude's pages he moves crowned with a halo. "He impressed de Silva with the very highest opinion of his character."<sup>46</sup> We turn

to de Silva. He reports that Murray promised "to do his best for his sister. I am more inclined to believe that he will do it for himself, as he is a Scot and a heretic."<sup>47</sup> That was the very high opinion of Murray's character which de Silva conceived, and it was proved correct.

The sentimental defenders of Mary speak of Murray as a bastard, *un grédin*, a lickspittle, a hypocrite, and a "beaten hound." He was a Calvinistic opportunist. Believing in union with England, and in Protestantism, he steadily did his best for these causes. He had a pension from Elizabeth, and took a rich present from France. He was undeniably grasping: Kirk land's or maiden's lands came alike welcome to him. He was ambitious, but it is vainly asserted that he schemed to win the crown. An opportunist of that age had to "look through his fingers" at crime. He had a guilty foreknowledge of Riccio's murder, with the danger involved in it to Mary and her unborn heir. He was involved in a band between Bothwell, Morton, and other nobles against Darnley; but this band was probably not of a homicidal character. He left Edinburgh on the day of Darnley's murder. He entertained the murderers at a little dinner. To accuse his sister of the assassination he employed her accomplices,—if she was guilty. He backed, by his oath, Morton's oath that the casket papers had been in no respect tampered with. In Mr Froude's opinion they had been tampered with, the band for Darnley's murder had been removed. "If it was done with Murray's fullest consent, his conduct might well be defended." Perjury is not easily defended, and Murray cannot have been ignorant that Hepburn of Bowton's confession, which he put in against his sister, had been mutilated to shield his associates.<sup>48</sup>

An opportunist, in an age of public crime, has an uneasy course to steer. But Murray was brave; in private life without reproach; sagacious; honourable in his tutelage of his ward, the little king; and he would have made an excellent ruler, had he not been debarred by the accident of his birth. His murder, over which Mary rejoiced, pensioning the criminal, was a blunder. Nothing but discredit was gained by herself or her fickle false partisans. Their first act was one natural to the Border clans, and highly injurious in its results to Mary's interest. The day after the murder of Murray, Buccleuch, Ferniehurst, and the English exiles swept across the Marches with 2000 horse, took a large booty,

burned, and ravaged. This, later, gave Elizabeth an excuse to invade Scotland, and wreck the country as far as Lanarkshire, under the pretext of punishing her rebels and their allies—a terrible blow to Mary's cause.<sup>49</sup> Elizabeth's obvious policy was now the old Tudor policy, so well conducted by Dacre, under Henry VIII. She must keep Scotland distracted, and to that end sent Randolph to Edinburgh. On the first news of the Regent's death, and before Randolph arrived, the horror of the cold-blooded crime had gone near to reconciling Scottish parties in opposition to the Hamilton assassins. Hunsdon, from Berwick, reported that Kirkcaldy and Lethington were reconciled to Morton: the reconciliation, as far as Lethington and Morton were concerned, was mere appearance. Between these old allies was now an inveterate hatred. Morton was asking Elizabeth to send down Lennox, who could at least be relied on not to spare the slayers of his son.<sup>50</sup> He and his impetuous wife (afterwards so strangely reconciled to Mary) were even asking Elizabeth to secure the person of their grandson, the child James VI.<sup>51</sup>

On February 14, Grange bore the banner in front of the funeral procession of Murray, whose body was laid to rest where Argyll (Gillespie Gruamach) and the limbs of Montrose are lying, in St Giles's Church. Knox preached the sermon: a prayer of his preserves its spirit. Murray had no fault but clemency: he had not put to death Mary and her accomplices. "Oppose thy power, O Lord, to the pride of that cruel murderess of her own husband; confound her faction and their subtle enterprises, of what estate and condition soever they be."<sup>52</sup> The Hamiltons and Argyll, meanwhile, held a counter-meeting at Glasgow, and Drury advised Randolph to "bait with a golden hook," which he did when he arrived in Edinburgh, distributing bribes. Buchanan published his 'Admonition to the True Lords,' raking up all that could be said, truly or falsely, against the Hamiltons, since the time of the ruffian Sir James Hamilton of Finnart.<sup>53</sup> Randolph's instructions contained a hint that Elizabeth wished to secure James's person,<sup>54</sup> which neither party was likely to grant. The lords heard Lethington, who in "ane perfite orratione" cleared himself of any share in Murray's death, and was readmitted to the Council—not, we may presume, to the pleasure of Knox.<sup>55</sup> The lords who had gathered to Murray's funeral withdrew, being of different minds, and fixed a new convention for March 24. Elizabeth bade Randolph give

assurances that she would never restore Mary, but no one trusted Elizabeth.

On February 25 the two parties tried to reach an understanding. Argyll and Boyd met Lethington and Morton at Dalkeith "anent the hame-bringing of the queen." But Randolph heard of the conclave, apparently from Archibald Douglas, Morton's agent, one of Darnley's murderers, and hurried to Dalkeith. The conclave then broke up: Randolph succeeded in making civil war inevitable.<sup>56</sup> He himself was in high spirits, as always when mischief was in hand. He reported that Lethington was very ill, "his legs clean gone," and was dreading the cloud from the south, "which, if it falleth in this country, wrecketh both him and all his family." The cloud was Lennox, who had a blood-feud with Lethington, to avenge Darnley (March 1).<sup>57</sup> Randolph was taunted with the approach of aid from France: the despatches of La Mothe Fénelon prove that this was contemplated. But it was the old story of Stuart hopes from France. Still, the hopes, and the arrival of Verac from Charles IX., had their effect. By March 17 the two factions of lords at Edinburgh broke up: the queen's men used to meet at "the school," Lethington's rooms; the king's men at Morton's house. Elizabeth announced (March 18) that Sussex was about to invade Scotland, to punish Buccleuch and Ferniehirst and the abettors of her rebels. Her promises on one hand, those of France on the other, helped the intrigues of Randolph. Both parties went to muster their forces: the queen's lords decided to meet at Linlithgow in April. Lethington (March 29) warned Leicester that Elizabeth's action would drive his party into the arms of France. On April 5 Randolph withdrew to Berwick "for safety": he had succeeded; Scotland was in two hostile camps, and the great devastations by Sussex, with the horrors of "the Douglas wars," were soon to begin.

By mid-April Sussex was about to devastate the land, and a remonstrance from Mary's party in Edinburgh was of no avail. Lennox offered his services to Elizabeth: they were presently accepted. By April 21 Sussex was destroying Branxholme, or so much of it as Buccleuch had left unburned. These ferocities—he laid all the Border waste—appear to have determined Kirkcaldy: he set Lord Herries free, and now, as Sussex writes, became "vehemently suspected of his fellows," the king's party, with whom he had not yet absolutely broken.<sup>58</sup> Elizabeth could not make up



her mind to acknowledge James VI. as King of Scotland, and the ravages of Sussex, with Elizabeth's fickleness, were deemed not unlikely to unite the Scots. Morton now intended to have advanced from Dalkeith to Edinburgh in James's name, and as the ally of Sussex. But he was deterred by a threat from Kirkcaldy, who in the end of April "was clean revolted" from James's party, "without any further hope."<sup>59</sup> This was a great accession to Mary's side, for Kirkcaldy was highly esteemed as a commander: he had previously been Mary's inveterate opponent, and he was more respected for honesty than perhaps he deserved. Morton declared that Mary bought him by the gift of the revenues of St Andrews, vacant by the death of Murray,—“a device of Lethington, for *Judas non dormit.*”<sup>60</sup> Kirkcaldy denied the report to Randolph, who had bantered him on being a prior. He still professed loyalty to James.

Meanwhile Scrope harried Herries's western estates. Home Castle was taken, and by April 27 Lennox was at Berwick with forces to wreak his feudal vengeance on the Hamiltons.

Elizabeth (April 30) began to fear the intervention of France and Spain, and told Sussex to comfort and encourage her party in Scotland. But not even now would she promise to Morton that she would acknowledge the child king.<sup>61</sup> The laird of Drumquhassel was sent to Sussex to urge firmer resolutions on Elizabeth. The Lennox MSS. also prove that he had a private mission. He was to endeavour to obtain the signature of Lethington to the band for Darnley's murder, which Mary was known or believed to possess.

On May 14 "the cloud from the south" appeared: Lennox rode from Berwick to Edinburgh with 1600 Englishmen, led by Drury. They marched to Glasgow and parleyed with Dumbarton Castle. Meanwhile Lethington, as Sussex heard, was threatening to make Elizabeth "sit up,"—"sytt on her tayle and whyne." He believed in French intervention. He also denied to Leicester that he had spoken unseemly words, and affirmed that the strength of the nobles was united to aid Mary (May 17). But Lennox and his English drove Châtelherault from the Castle of Glasgow, where Mary had nursed Darnley, and now Lennox proposed to take Dumbarton. He devastated the whole Hamilton country, and sacked and burned Hamilton Palace and Kinneil. The lands of Fleming and Livingstone, Mary's personal friends, were also destroyed, Lennox suspecting Livingstone of a share in the murder of Darnley. Dumbarton, however, was not to be sieged. On May 21 La Mothe Fénelon, in

his king's name, bade Elizabeth withdraw her troops from Scotland.<sup>62</sup> She wrote to Sussex next day, telling him to leave Dumbarton alone, and Drury retired to Berwick. By the last of May, Elizabeth, in fear of France, again desired to arrange some compromise in Mary's interest. In a week she had begun to change her mind. Morton dealt with her (June 16) for the appointment of Lennox as Regent, adding a hint that, if Elizabeth again failed his party, they would turn to Mary or to France.<sup>63</sup> Meanwhile they appointed Lennox Lieutenant of the Kingdom (June 28): Elizabeth had replied that she could not nominate a regent, but would welcome the election of Lennox. On July 17 Lennox was appointed Regent, and this meant war to the knife. He was the implacable feudal foe of the Hamiltons, and pined to avenge Darnley on Lethington.

A correspondence, to which we have already alluded, now passed between Randolph and Kirkcaldy and Lethington. Randolph plainly told the chiefs in the castle that they had been the cause of all Mary's misfortunes, as she herself averred. They had taken her at Carberry, caused her imprisonment and abdication, and counselled her execution. Something more and worse they had done against her, which Randolph, as we have already seen, hinted at darkly<sup>64</sup> (p. 222 *supra*).

He may mean the handling or mishandling of the casket letters. And why, he asked, were they now Mary's chief supporters? Probably Randolph knew the reason: Lethington was in Mary's power. To anticipate events, Sussex on July 29 addressed Lethington in a similar strain. Lethington at York had privately accused Mary of murder, had privately shown her letters to Sussex himself. "I would be glad to admit your excuse that you were not *of* the number that sought rigour to your queen, although you were *with* the number, if I could do it with a safe conscience. But I will say, it is not mine to accuse, and therefore I will not enter into these particularities." Lethington, we remember, used the casket letters, unofficially, to force on a compromise. He resisted their public disclosure, as then his bolt was shot, while Mary still could discharge her own against him. But, Sussex added, had Mary's accusers, of whom Lethington was one, obtained their desire from Elizabeth, "there had been worse done to your queen than either her majesty or any subject of England that I know . . . could be induced to think meet to be done." To do the worst to Mary, at the time to which Sussex refers, would have suited Lethington well. When the worst was not

done, when there was a chance of Mary's restoration, Lethington was compelled to keep her on the safe side.<sup>65</sup> He made no reply to this part of the letter of Sussex, beyond denying his consent to the scheme for killing Mary: the reasons for his final change of sides he could not reveal. Indeed they have puzzled historians. "How had Maitland become so changed?" Mr Froude asks, and supposes that he reckoned, as he certainly and confessedly did, that Elizabeth would at last let Mary go free. Mary and he could then complete his national ambition, and the two crowns would be united on the head of herself and of her son. But what Lethington, as he told Morton later, desired was to escape "*particular* evil will" from Mary, if ever she was restored. He knew what he had deserved: "more particular evil will than he had already at her hands," as Morton replied, he could in nowise merit. For this reason, because she "had in black and white that which would cause Lethington to be hanged by the neck," he was compelled to propitiate her, and at last, Nau says, obtained "assurances" from her. This was the motive, this and not the influence of his fair wife, or hatred of Knox, which bound Lethington to the only cause which he could not desert.

While the Sussex-Lethington correspondence passed, the queen's lords intended to meet at Linlithgow; but Huntly was checked by Lennox and Morton, who took his castle at Brechin, and shocked Sussex, a man of honour, by hanging many of the garrison. Any spark of the old national sentiment that still smouldered in Scotland was now apt to be revived. Huntly had denounced the new Regent, Lennox, as an English subject. Lennox had denied the imputation, but it was accurate. On September 23 Elizabeth licensed Lennox to remain in Scotland till she should send for him!<sup>66</sup>

There could be no peace under an English Regent of Scotland, but affairs dragged on indecisively. Politicians picked idly at the Gordian knot. Elizabeth was dallying with the idea of restoring Mary, and securing, by way of exchange, the principal Scottish castles. Lethington was ready to concede almost anything; the one object was to secure Mary's freedom, but he told Lesley that Elizabeth would never let her cousin go. Mary, in fact, had too many friends. She had hopes from France, hopes from Spain, hopes from Catholic England, and as her intrigues with these Powers were always discovered, and always infuriated Elizabeth, Mary's chances from *her* weariness, or awakened conscience, were

dashed again and again. Norfolk, indeed, was now set at liberty, but this only added another to the clashing strings on Mary's bow. Her friend, Herries, was so punished by a new invasion under Sussex that he seems to have lost heart. In mid-September a truce was settled between the king's lords and Mary's party.<sup>67</sup> On September 19 Elizabeth sent Cecil to deal with Mary, then at Chatsworth: we have, unluckily, no personal details about the strange interview. Elizabeth intended to bring Mary to accept her conditions by a threat of publishing the casket letters, but this was delayed. Lethington had bidden Mary and Lesley "yield in everything." He would even give up Dumbarton and the little prince. These letters of August 17 were intercepted by Lennox and sent to Cecil, with an enamelled jewel, representing the triumph of the Scottish lion.<sup>68</sup> Mary negotiated with Cecil, while Sussex was protesting, as a man of honour, against Lennox's attempt to forfeit Lethington during the truce (October 8).<sup>69</sup> Mary, maliciously, where Cecil had put forward a clause as to Elizabeth's possible "issue," inserted "*lawful* issue." She entirely declined to deliver up Elizabeth's rebels who sought sanctuary in Scotland. She refused to pursue Bothwell *except* "according to the laws of the realm," by which Bothwell had already been acquitted. Under conditions she would send her child into England. She "desired most instantly" to see her boy. As the negotiations bore no fruit, it is needless to enter into other details.

Cecil pretended to Lesley that he rather liked the idea of the Norfolk marriage: this was a mere ruse to encourage Mary in an intrigue which must be fatal.

The party of Lennox ought now to have sent representatives to England to ratify or reject this informal treaty of Chatsworth. But Morton "was much appalled."<sup>70</sup> Mary, in fact, held a sword over the head of Morton as well as of Lethington. Moreover, the queen's party were circulating an old "band," which, they said, involved even Murray, as signatory of the contract for Darnley's murder. The band was probably that of October 1566, and was, at most, a union against Darnley in certain contingencies, in appearance a relatively constitutional document.<sup>71</sup> Lennox (October 16) showed the alarm of his party by imploring Elizabeth not to proceed "with any treaty to the advantage of the Queen of Scots."<sup>72</sup> They were "all so amazed and astonished that they do not know what counsel to take." Morton ingenuously objected

to allowing two of Mary's party to enter England as commissioners, as they might happen to be (like himself) of Darnley's murderers. In Paris Norris warned Cecil that if Mary returned home she might marry the Duc d'Anjou.<sup>73</sup> Guereau, the Spanish Ambassador in London, "knew for certain" that Anjou was about to propose to Mary: the English Catholics preferred him to Norfolk (October 15).<sup>74</sup> But there had recently been schemes for marrying Anjou, brother of the French king, to Elizabeth.<sup>75</sup> This plan smouldered on, though Anjou himself, a lad of seventeen, cried out against the dishonour of marrying a woman of thirty-seven, whose character, as he knew, had been totally lost through her doings with Leicester. Anjou was still young enough to have scruples, but they were overcome; Elizabeth was proved chaste as ice, and through 1571 she coquetted with the boy.

But before this, in November, a famous retainer of Lennox, Thomas Crawford, was mercilessly despoiling the poor tenants of the Hamiltons. The preacher Craig, a just and courageous man, induced Lennox to make some amends, but Crawford was still plundering. On November 14 Robert Pitcairn was sent by Lennox to deal with Elizabeth, and William Livingstone, with the Bishop of Galloway, followed, to act for Mary.<sup>76</sup> Elizabeth gave Pitcairn scant satisfaction. Scotland rang with an extraordinary and ingenious murder, perpetrated by a preacher on his wife; and on December 21 there were notable doings in Edinburgh. Retainers of Kirkcaldy beat an enemy of his, and one of them was put in prison: Kirkcaldy broke open the Tolbooth and rescued his client. Knox thundered against his old friend, Kirkcaldy, who complained of being called a "murderer" (which he was); Knox paltered and equivocated, and civil war was clearly at the doors again.<sup>77</sup>

Meanwhile the arrangement between Mary and Elizabeth, the treaty of Chatsworth, made no progress. Under hope deferred, and the horror of private news from Scotland, Mary's health became perilous. Lennox had given to little James, as tutor, his own clansman, Buchanan, the writer who had accused Mary not only of murdering her husband but of designing to murder her child. This infernal act had the natural results: the child was reported to defame his mother; to have been taught parrot-cries against her.<sup>78</sup> "No man believed any other thing of her to come but death."<sup>79</sup> Her illness was in mid-December; by February 6 Mary was convalescent. She then wrote to Lesley, and to Eliz-

abeth, not to wait for Lennox's commissioners. If delay was prolonged she would seek aid abroad.<sup>80</sup> In truth, Mary was beginning a new plot for her release. This time the string to her bow was an Italian banker, Ridolphi, settled in London, an agent between the Duke of Norfolk and Spain. Mary knew of the Anjou-Elizabeth marriage project, which was nothing to her advantage. France was pretending to favour Mary's marriage with Norfolk. On the whole, Mary now leant most towards Spain, whither she wished to fly. Meanwhile she desired Ridolphi to go to Spain in her interests, and to assure Spain and the Pope that they might rely on Norfolk.<sup>81</sup> If we may believe a Buchanan (Thomas) who wrote to Cecil from Copenhagen, Mary kept up her correspondence with Bothwell.<sup>82</sup> Far too many strings had Mary to her bow, far too many irons in the fire.

But it does not seem that Anjou was one of the strings, or that Mary wished to marry her husband's brother, aged seventeen. Mr Froude, indeed, writes, "Suddenly, with overwhelming surprise, she learned that her false lover" (Anjou) "was going over to the English queen." But Mr Froude is "confounding the persons," as he not infrequently does, never to Mary's advantage. It was Elizabeth who felt "overwhelming surprise," and was "stung to fury," on learning from Walsingham, who invented the story as a *ruse*, that *her* "faithless lover was going over to the Scottish queen."<sup>83</sup>

Among these embroilments Morton came to England, at the end of February, with his palladium, the silver casket, to negotiate against the Chatsworth treaty. Elizabeth appointed commissioners. Fénelon tried to bring Morton round to Mary's side: he failed, but found the Earl desperately afraid of Mary's restoration. He entirely refused Elizabeth's terms: he held by Mary's abdication at Lochleven (a point distasteful to Elizabeth as a queen), and she answered angrily that Morton had been prompted by some of her own Council, probably Bacon and Cecil, who deserved to be hanged.<sup>84</sup> Morton returned to Scotland: the treaty of Chatsworth was a mere futility, and it was time for Mary to try her chance with Spain, by help of Norfolk and Ridolphi. In Scotland Kirkcaldy was fortifying the castle and enlisting troops, civil war raged round Paisley, and a heavy loss was about to fall on Mary's party. Meanwhile Mary sent Ridolphi to Spain and the Pope, pleading the hardship of her case,

and what she might do, if restored, for the Church, with the aid of Norfolk and the English Catholics.<sup>85</sup> The Pope had been painfully shocked by her Protestant marriage with Bothwell. She therefore threw Bothwell over, described her marriage with him as forced upon her, and asked the Pope to release her from the hated tie.<sup>86</sup> If Buchanan (Thomas) happened to tell the truth, if Mary had just been dealing with Bothwell, she certainly now carried opportunism very far, especially as she was protesting her entire obedience to Elizabeth (March 31, 1571).<sup>87</sup> But deceit is excusable in a woman placed where Mary was.

Now, while Ridolphi was on his mission, a heavy blow fell. Dumbarton Castle, held by Lord Fleming, was the open gate of Mary's friends: here they received supplies from France. The rock seems impregnable to forces not armed with modern artillery, but on April 2 it was seized for Lennox by Thomas Crawford and Cuningham of Drumquassel. The place was sold by a traitor within. The Archbishop of St Andrews was captured, and on April 7 was accused by Ruthven and George Buchanan of being a party to Darnley's murder, and of other crimes. The evidence had been known to Lennox, by hearsay, as early as June 11, 1568. It was the testimony of a priest, and based on what he had heard in the confessional from one John Hamilton. The Archbishop denied all the charges, but on the scaffold is said to have admitted being art and part in Murray's murder. He was hanged without any recorded form of trial.<sup>88</sup> It is not certain, nor in any way proved, that the Archbishop was concerned in Darnley's murder. It suited Lennox to say so, and George Buchanan was Lennox's man.<sup>89</sup> If we may believe Buchanan and the 'Diurnal,' it is a comfort to know that the priest who revealed, or pretended to reveal, the secrets of the confessional, was soon after hanged for celebrating mass. Whether mere intolerance or a desire to remove this worthy witness was the motive for killing him, we may guess.

Undaunted by the loss of Dumbarton, Kirkcaldy held Edinburgh Castle for Mary, and formally renounced allegiance to the Regent Lennox. He was joined by the Hamiltons and many of Mary's friends, including Argyll. On May 11, the Hamiltons being in Edinburgh, Knox made the last of his retreats, finding asylum in St Andrews, where he was not popular. The old college, St Salvator's, was more or less for the queen's party. St Leonard's

was, as it had ever been, extremely Protestant. The well of St Leonard's was the fountainhead of the Scottish Reformation. At St Andrews was Mr John Colville, second son of Colville of Cleish, a natural branch of the House of Easter Wemyss. He was a minister, but a man of secular ambitions. In July, when Knox was dwelling in the Novum Hospitium of the Abbey, John Colville wedded Janet Russel. James Melville tells us that a play was written, to grace the marriage festival, by one of the Regents of St Leonard's, Mr John Davidson. In this drama, "according to Mr Knox's doctrine, the Castle of Edinburgh was besieged, and the captain" (Kirkcaldy of Grange), "with one or two with him, hanged in effigy."<sup>90</sup> This agreeable interlude illustrated Knox's prophecy that his old friend and new enemy, Kirkcaldy, would come to be hanged; and hanged he was, that the prophecy of Knox might be fulfilled.

The play is mentioned because this occasion introduces us to two persons of singular fortunes, the bridegroom, John Colville, and the author of the play, John Davidson. Colville, abandoning his ministerial duties, became a politician and diplomatist. We shall find him engaged in important missions to England for the king, working with the Presbyterian party among the nobles, an associate of the Earl of Gowrie (Ruthven), and on his fall an adventurous partisan of the wild free-lance, Francis Stewart, Earl of Bothwell. When Bothwell's cause grew desperate, he is reconciled to James, loses his favour, continues to be a spy of Cecil and Essex, abandoned by them, lives miserably abroad, still acting as a double spy, still conspiring, reconciles himself to the Catholic Church, takes alms from the Pope, and dies a wretched heart-broken outcast early in the seventeenth century. John Davidson, the author of the play, on the other hand, becomes the satirist, in verse, of the unfriends of the Kirk, beginning with Morton, is the irreconcilable leader of the extreme left of the Kirk party, is a voice crying in the desert when King James overcomes the preachers, and, as minister of Liberton, has personal wrangles with the encroaching king.

Having introduced these new persons in the drama, we return to the siege of Edinburgh Castle. Lennox with his party lay at Leith, but held within the bounds of Edinburgh a Parliament in which they forfeited Lethington and others of their foes. Kirkcaldy fired on them from the castle, and held a Parliament in Mary's interests.<sup>91</sup> The Kirk showed her political tendencies.



Craig and other ministers visited Kirkcaldy and Lethington in the hope of proving peacemakers.<sup>92</sup> Nothing was to be got from Lethington. Neither he nor any one, he told the clergy, had originally dreamed of discrowning Mary, or crowning James. "For my own part, plainly I confess that I did very evil and ungodly." Mary's rebels in 1567 had found themselves in a quandary; "the setting up of the king's authority was but a shift or fetch to save us from great inconveniences." Craig apparently told Lethington that God had only used him and his fetches as an instrument. "Are you of the Deity's Privy Council?" asked Lethington. He had never believed in the pretensions of the preachers; now he spoke out.

Elizabeth now sent Drury as an envoy to both factions, but chiefly to encourage Lennox, who with his party was occupying Stirling. He was hated by his own side as "an Englishman, cruel and extreme where he has the upper hand, nothing liberal; suspicious, and nothing affable," says Drury.<sup>93</sup> Lennox's days were numbered. He asked Elizabeth for artillery, men, and money to reduce the castle. This Elizabeth could have done at any moment: she dallied for two years longer, and we may hasten over a wretched period of civil war. Lethington told Elizabeth that when James came of age he would find "a confused chaos, and the country divided into two or three hundred petty kingdoms, like Shan O'Neil's in Ireland."<sup>94</sup> Elizabeth returned to her old proposal of a truce, and consideration of the treaty of Chatsworth (June 7). Now, in answer to Kirkcaldy's queen's Parliament, Lennox held another at Stirling, that of which little James, pointing to a flaw in the roof, said, "There is a hole in this Parliament" (August 20). Argyll, who had long been wavering, now deserted Mary and made terms with Lennox (August 13). Cassilis, Eglintoun, and Boyd also turned their coats. Morton, who had wavered on the other side, received a bribe from Elizabeth, and was on better terms with Lennox. He "turned over the leaf" not a day too soon. On September 4 Kirkcaldy, on information from Archibald Douglas, sent Buccleuch, Ferniehirst, and Huntly with a force of Border mosstroopers, who surprised Stirling, and seized all the nobles before dawn. But Morton held out bravely in his house, and caused such delay that the soldiers of Stirling Castle and the burgesses came on the scene, rescued the prisoners, and drove out the mosstroopers, who, of course, were busy plundering. Lennox

was shot when a rescue seemed inevitable, despite the chivalrous attempts of Spens of Wormiston, his captor, who was slain in defending him. Calder, who fired the shot, confessed that Lord Claude Hamilton had bidden him avenge the Archbishop, but this was said under torture.<sup>95</sup>

Few tears were shed for Lennox, a mean-souled man in all his conduct from the first. He had begun by betraying the party of Mary of Guise, and stealing money which France had sent to Scotland. In the Riccio affair he and Darnley had aimed at Mary's crown, and, as Randolph heard, at her life. His one desire was to put the Lennox Stewarts in the place of the Hamiltons. His religion depended on circumstances. He, a Regent of Scotland, was a subject of England. "The sillie Regent was slane," says Bannatyne, and the king's lords elected Mar, who, as commander of Edinburgh and Stirling Castles, had played an honest part.

The murder of Lennox was, as usual, a blunder, and, for Mary's party, a misfortune.

The late Regent had become a source of weakness to his own faction. In the Parliament of Stirling he seems to have been willing, but unable, to conciliate the preachers. The overbearing Morton was already treating them as impertinent knaves, merely because they demanded that provision which was their legal right. He and his fellows were reintroducing the odious names of bishops, deans, chapters, abbots, and so forth. Morton had even secured the parsonage of Glasgow for his kinsman, Archibald Douglas, of the House of Whittingham, a man notorious for his share not only in the Riccio but in the Darnley murder, and for treachery to Morton, to Mary, to all who trusted him. This wretch made a mockery of the examination for the place of a minister, owned that he "was not used to pray," declined to adventure himself in the Greek Testament, and, instead of preaching, read portions of the Bible. The Kirk tried to dismiss him, but the Privy Council supported him against the Kirk.<sup>96</sup> He was also, though a murderer, forger, and traitor, a judge, or Lord of Session, thanks to Morton, whose *spadassin* he was. Such proceedings caused many of the barons, or lairds, to separate from the king's lords; and they were soon to be more severely tried by the appointment of another Douglas, John, a pluralist, to the nominal archbishopric of St Andrews. Not being made an archbishop (which was probably his ambition), Archibald Douglas now began to betray Morton. The new simoniacal arrangements recalled the

worst features of corruption in the ancient Church. The tendency of things was in favour of the more austere and sincere adversaries of Mary, the lairds, burgesses, and preachers, but for the moment they were alienated from Morton, and even from Mar.<sup>97</sup> The Kirk was pressing its claims to do justice on homicide, adultery, witchcraft, and incest, "with which the land was replenished," and preachers, as usual, made the pulpit the source of political harangues. But in the din of civil war the Kirk received comparatively slight attention.

Worse than the death of Lennox, for the queen's party, was the discovery of Mary's and Norfolk's intrigue, through Ridolphi, with the Pope, Alva, and Spain. This plot was the result of Mary's despair of the treaty of Chatsworth. It had promising elements: Spanish forces from the Netherlands, money from the Pope, a rising of Catholic nobles, would perhaps not only liberate Mary, but set her on the throne of England. But in April, Lesley's messenger, Charles Bailey, had been arrested at Dover, ciphers had been seized, the legerdemain of Lesley, in substituting one packet for another, had failed: the rack and a *mouton*, or prison spy, named Herle, had extracted much of the truth from Bailey. On May 13 Lesley was examined by Cecil (now Burghley, but the old name may be retained), Sussex, and others, "to whom I answered as seemed most reasonable and convenient to me." Lesley was handed over to the custody of the Bishop of Ely, with whom he hunted. Greek and Hebrew he studied under Ninian Winzet, the honest adversary of Knox, a man not compromised, as far as we know, in these transactions. But in October, when Cecil began to rack the secretaries and servants of Norfolk, the truth came out. On October 16 Lesley was removed to the Tower. Legists were found to assure Cecil that Lesley, though Mary's ambassador, was subject to English law. De Guereau, the Spanish ambassador, was merely sent home, as Randolph had been by Mary, in 1566. But Lesley, threatened with the rack, revealed not only the truth, but perhaps more than the truth, as to the intrigues at York in October 1568. His "anguish of mind," and casuistical attempts at self-defence, are clearly to be read in his letters to Cecil. Between Lesley and the earlier revelations of Murray, Norfolk was betrayed; his trial and execution were postponed. But Mary was strictly secluded; her correspondence for some time is a blank.<sup>98</sup>

Thus the great affair, which seems to have involved the assassina-

tion of Elizabeth, was overthrown, while the Anjou marriage and the league of England with France were still being negotiated. Cecil now arranged to damn Mary's reputation by the publication of Buchanan's 'Detection,' with the casket papers. To the English edition was added an Oration, probably by Dr Thomas Wilson, who had examined Lesley, and learned from him that Mary had poisoned Francis II., murdered Darnley, taken Bothwell to Carberry that he might perish there, and so forth. "Lord, what a people are these, what a queen, and what an ambassador!" cries Wilson.<sup>99</sup> That Lesley was wont to speak very ill of Mary in private we learn from Lethington's son in his MS. of 1616.

Charles IX., through La Mothe Fénelon, vainly protested against the publication of the 'Detection.' Fénelon thought the sonnets the worst things in the book. The tone of Charles and his ambassador by no means implies that they thought the casket papers forged or contaminated.<sup>100</sup>

In Scotland, meanwhile, the castle was besieged in a desultory way, and the people of Edinburgh were distressed, or driven out. In the North, Adam Gordon, commanding for Huntly, defeated the Forbeses, and, himself or by an agent, burned the House of Towey, famous in the ballad "Edom o' Gordon." Hunsdon negotiated with Lethington and Kirkcaldy for a peace, but their terms were too high, and their tone arrogant. Mar wished an end of the troubles; "but Morton," says Drury, "who rules all, unless he and his friends might still enjoy all they have gotten of the other party" (the forfeited lands of the Hamiltons, Lethington, Kirkcaldy, and the rest), "allows not thereof" (October 29).<sup>101</sup>

There were two insuperable causes of strife: Morton's avarice, and Lethington's certainty that peace meant his own execution for Darnley's murder. "Being already forfeited," writes Hunsdon to Cecil, "Lethington knows that there will be no pardon, but that *that*" (Darnley's murder) "will be excepted, and so he can have no surety, and therefore causes all these troubles" (November 25). For nearly a year this deadlock continued. Drury and du Croc, once more sent over by France, negotiated between the Castilians and the king's party throughout the summer of 1572. But there could be no advance. Morton and his hungry allies would not resign the forfeited lands of their opponents. The Castilians would not make peace till their lands and lives were assured, and an amnesty passed. Lethington especially saw that to acknowledge

“the king’s authority” meant death to himself and ruin to his adherents. The country, he said, was divided into factions: there could be no peace or safety if, on surrendering the castle, one of these factions, “the king’s,” was to govern all. He therefore proposed various kinds of coalitions, or Governments of all the Talents, by a commission chosen from both parties. But he was told that he aimed “at an aristocracy, or rather an oligarchy,” as if Scotland, during a minority, had ever been ruled by any other means.

While time was thus passed, the king’s party could scarcely pay their troops, Elizabeth providing a poor thousand pounds. The result was renewed inroads by Morton and Mar on the stipends of the preachers. Mar actually ventured to inform them that “the policie of the Kirk of Scotland is not perfitte.” Now the policie of the Kirk was a sacred thing, beyond the range of discussion.<sup>102</sup> Morton caused the ministers to elect, or rather accept, John Douglas as Archbishop of St Andrews in February 1572, to the vexation of Knox.<sup>103</sup> It was plain that there would be collisions between the authority of the prelates and the superintendents. It became one of the chief duties and pleasures of the Kirk to make the archbishops’ lives a burden to them: the true origin of these brawls was partly Morton’s avarice, but more, perhaps, the imperative need of money for the king’s party, who therefore set up tulchan bishops, so called from the mock calf or tulchan used to make cows yield milk. These bishops, without consecration or episcopal functions, merely drew the Church revenues and handed them in, minus their commission, to Morton.

For money the Castilians depended on Mary’s dowry in France, and on such French or Spanish supplies as Lord Seton could get from Alva, or James Kirkcaldy from France. Seton was driven to land at Harwich, and went through England disguised as a beggar. He received an alms of two shillings from Sir Ralph Sadleyr, who, of course, did not recognise him. His ciphered papers, however, fell into Cecil’s hands. Much of the money was apt to be appropriated *en route*, as by Archibald Douglas, minister and Lord of Session, who was at once acting as a spy for Drury, as Morton’s man, as an agent for the Castilians, and, it was said, as manager of a plot to assassinate Morton. This combination of industries being discovered, Archibald was imprisoned by Morton in Lochleven Castle. Later, he was warded in Stirling, and (Nov. 25, 1572) was to be tried, but he knew too much, and was re-

leased.<sup>104</sup> We have, in MS., an astonishing list of charges against him. Lochleven now yielded up the fugitive Northumberland, whom William Douglas sold to Lord Hunsdon for £2000 in gold; though even Morton was outraged by the infamous treachery—"was utterly against it," writes Lord Hunsdon. Lochleven had previously bargained with Lady Northumberland for the same sum. Northumberland was decapitated, and part of the £2000 went to pay the troops of the king's party.<sup>105</sup>

By mid-April the Castilians lost the support of Argyll, Cassilis, Eglinton, Crawford, and Herries. A war of skirmishes and house-burning raged between the castle and the Regent's troops at Leith: prisoners were hanged on both sides. In June the noted Thomas Crawford had a success near Glasgow, but "Gauntlets," as he was nicknamed, soon suffered defeat at the hands of the Hamiltons.<sup>106</sup> In July the English negotiators succeeded in bringing about a truce, which was fatal to the Castilians. Edinburgh town was to be open; but the king's party, unfairly, garrisoned it, so that Knox returned from St Andrews, and, dying as he was, preached political sermons, declaring that Kirkcaldy would come to be hanged. His prophecy, ridiculed by Lethington, was sacred, and had to be fulfilled.

At this time the English Parliament and bishops were urging Elizabeth to despatch Mary. But Elizabeth was now in league with France, which still, from sentiment, would not wholly abandon Mary: moreover, Elizabeth's belief in the sacredness of the anointed, and a grain of conscience as to her kinswoman and suppliant, held her hands.

But the news of the Bartholomew massacre came (August 24), and with it horror of France, and terror among the Protestants. Cecil, Leicester, and Elizabeth held a secret conclave, and sent Killigrew to Scotland. His instructions were to lead Morton and Mar to propose the surrender of Mary for execution. Scottish hostages were to be given to ensure the certainty of her death.<sup>107</sup> This was arranged on September 10. Killigrew negotiated through Nicholas Elphinstone, a favourite agent of the late Regent Murray. "As for John Knox, that thing, you may see by my despatch to Mr Secretary, is done," writes Killigrew (October 6).<sup>108</sup> But there were difficulties. Morton's terms were high, and he stickled for some kind of secret process, and military aid; even, perhaps, for a meeting of Parliament. But Elizabeth did not wish her hand to

be seen, and of course, when the thing was done, would have disavowed, as usual, her instruments. The negotiation fell through, as it was plainly impracticable. Elizabeth, if she was to make Morton and Mar her assassins, must pay them, and avow them. She must send troops to protect the doers of the deed, must make a defensive league with the king's party, take James under her protection, and promise that what befell his mother should not affect his English claims. She must help Mar to reduce the castle, and pay the arrears of his troops. Cecil saw that these articles could not be accepted, and on November 3 announced to Leicester the failure of his plot. The death of Mar at Stirling on October 28 would probably, in any case, have put an end to the scheme.<sup>109</sup>

The effect of the Bartholomew massacre on the Kirk was to make it clamour for the execution of all Scottish Catholics who did not recant their belief. Fortunately the ministers and commissioners of the Kirk were never permitted to have a Bartholomew of their own, and "proceed against" their fellow-Christians, "even to the death."<sup>110</sup>

The first step was to be excommunication, then confiscation and exile. If they remain in the country, "it shall be lawful for all the subjects of this realm to invade them, and every one of them, to the death." To the General Assembly which made these proposals "never one great man or lord came, except the Laird of Lundie, and some, but few, lairds of Lothian." The articles expressed only the Christianity of the preachers.<sup>111</sup>

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#### NOTES TO CHAPTER IX.

<sup>1</sup> Froude, viii. 464; Lingard, vi. 94, note 2 C., 1855.

<sup>2</sup> La Mothe Fénelon, i. 133-162.

<sup>3</sup> See Appendix B., "Logan of Restalrig and the Gowrie Conspiracy."

<sup>4</sup> Bain, Calendar, ii. 583, 585; Goodall, ii. 200, 201, 272, 273, 281, 307, 309; La Mothe Fénelon, i. 82; Mystery of Mary Stuart, pp. 283-286.

<sup>5</sup> Memoranda by Cecil, December 22, Bain, Calendar, ii. 589.

<sup>6</sup> Bain, Calendar, ii. 588.

<sup>7</sup> Goodall, ii. 300.

<sup>8</sup> Fénelon, i. 208.

<sup>9</sup> Hosack, i. 480-499; For. Cal. Eliz., 1569, ix. 131-138.

<sup>10</sup> Anderson, iii. 35-39.

<sup>11</sup> Labanoff, ii. 295.

<sup>12</sup> For. Cal. Eliz., ix. 28.

<sup>13</sup> For. Cal. Eliz., ix. 44; Fénelon, i. 343.

<sup>14</sup> For. Cal. Eliz., ix. 45, 46.

<sup>15</sup> Diurnal, p. 142; For. Cal. Eliz., ix. 46, 47.

<sup>16</sup> Herries to Elizabeth, July 5, For. Cal. Eliz., ix. 93; Diurnal, p. 45.

- <sup>17</sup> Anderson, iii. 36-39. <sup>18</sup> Labanoff, ii. 339-341.
- <sup>19</sup> For. Cal. Eliz., ix. 73. The terms suggested for the arrangement are in For. Cal. Eliz., ix. 74.
- <sup>20</sup> For. Cal. Eliz., ix. 84. <sup>21</sup> Labanoff, ii. 368.
- <sup>22</sup> Haynes, Burleigh Papers, p. 520. <sup>23</sup> Anderson, iii. 70.
- <sup>24</sup> Bain, ii. 661. <sup>25</sup> Bain, Calendar, ii. 663, 664, 666.
- <sup>26</sup> Anderson, iii. 70, 71. <sup>27</sup> Privy Council Register, ii. 1-9.
- <sup>28</sup> Hunsdon to Cecil, Berwick, August 5, Bain, ii. 666, 667.
- <sup>29</sup> Lennox MSS.; Hosack, i. 250, 251; Schiern's Bothwell.
- <sup>30</sup> Bain, ii. 697, 698.
- <sup>31</sup> Declarations of Paris, Laing, ii. 270-290. <sup>32</sup> Bain, ii. 668.
- <sup>33</sup> Diurnal, 147, 148; Hunsdon to Cecil, September 8, Bain, ii. 674.
- <sup>34</sup> Bain, ii. 691. <sup>35</sup> Bain, ii. 677.
- <sup>36</sup> Chalmers, ii. 486, 487, Note A. <sup>37</sup> Haynes, p. 522.
- <sup>38</sup> Haynes, p. 525. <sup>39</sup> Murray to Cecil, October 29, 1569; Bain, ii. 698.
- <sup>40</sup> Bain, ii. 699, 700. <sup>41</sup> Bannatyne's Journal, p. 481.
- <sup>42</sup> For. Cal. Eliz., ix. 152. <sup>43</sup> For. Cal. Eliz., ix. 155.
- <sup>44</sup> Diurnal, p. 154.
- <sup>45</sup> Anderson, iii. 84; Fénelon, iv. 6-9 (?); Labanoff, iii. 16.
- <sup>46</sup> Froude, iii. 165, 1866. <sup>47</sup> Spanish Calendar, i. 665.
- <sup>48</sup> Froude, iii. 1866, 200, 201; Goodall, ii. 90.
- <sup>49</sup> For. Cal. Eliz., ix. 185, 186. <sup>50</sup> For. Cal. Eliz., ix. 177, 178.
- <sup>51</sup> Haynes, pp. 576, 577. <sup>52</sup> Knox, vi. 569, 570. <sup>53</sup> For. Cal. Eliz., ix. 188.
- <sup>54</sup> For. Cal. Eliz., ix. 176, 177. <sup>55</sup> Diurnal, p. 158.
- <sup>56</sup> Diurnal, pp. 160, 161. <sup>57</sup> For. Cal. Eliz., ix. 196.
- <sup>58</sup> For. Cal. Eliz., ix. 226. <sup>59</sup> For. Cal. Eliz., ix. 230.
- <sup>60</sup> For. Cal. Eliz., ix. 230, 231. <sup>61</sup> For. Cal. Eliz., ix. 233, 234.
- <sup>62</sup> For. Cal. Eliz., ix. 252. <sup>63</sup> For. Cal. Eliz., ix. 269.
- <sup>64</sup> Strype, Annals, ii. Appendix ix. <sup>65</sup> Tytler, 332-334, July 29, 1570.
- <sup>66</sup> For. Cal. Eliz., ix. 343. <sup>67</sup> For. Cal. Eliz., ix. 338, September 16.
- <sup>68</sup> Randolph to Cecil, October 2; For. Cal. Eliz., ix. 348.
- <sup>69</sup> For. Cal. Eliz., ix. 351; Haynes, p. 608. The terms proposed by Cecil to Mary, October 5.
- <sup>70</sup> Sussex to Cecil, October 9. For. Cal. Eliz., ix. 352.
- <sup>71</sup> Randolph to Cecil, October 15; For. Cal. Eliz., ix. 354, 355. Archibald Douglas to Mary, April 1583 (?); Laing, ii. 331-336. Compare, in a form probably exaggerated, Claude Nau (Stevenson), pp. 35, 243.
- <sup>72</sup> For. Cal. Eliz., ix. 356. <sup>73</sup> For. Cal. Eliz., ix. 359.
- <sup>74</sup> Span. Cal., ii. 282. <sup>75</sup> La Mothe Fénelon, iii. 358. November 9, 1570.
- <sup>76</sup> Diurnal, pp. 194, 195. <sup>77</sup> Bannatyne, pp. 67-89.
- <sup>78</sup> Fénelon, iii. 403. December 18, 1570. <sup>79</sup> Diurnal, p. 196.
- <sup>80</sup> Labanoff, iii. 174-176.
- <sup>81</sup> Mary to Lesley, February 8, 1571; Labanoff, iii. 180-187.
- <sup>82</sup> For. Cal. Eliz., ix. 392.
- <sup>83</sup> Froude, iv. 145; Hosack, ii. 38; Fénelon, iv. 20, 21.
- <sup>84</sup> Fénelon, iv. 1-20. <sup>85</sup> Labanoff, iii. 222 *et seq.*
- <sup>86</sup> Labanoff, *ut supra*, p. 231. <sup>87</sup> Labanoff, iii. 260.
- <sup>88</sup> Diurnal, pp. 204, 205; Bannatyne, p. 121.
- <sup>89</sup> Compare Buchanan, fol. 215 and fol. 243. In the 'Detection' and 'Book of Articles' (1568) Buchanan does not accuse Hamilton: the plan then was to represent only Bothwell and Mary as guilty.



- <sup>90</sup> James Melville, Diary, p. 22.
- <sup>91</sup> Diurnal, pp. 214-217; For. Cal. Eliz., ix. 447.
- <sup>92</sup> May 20, Drury to Privy Council, For. Cal. Eliz., ix. 448; Bannatyne, 156 *et seq.*
- <sup>93</sup> For. Cal. Eliz., ix. 451. May 23.      <sup>94</sup> For. Cal. Eliz., ix. 460.
- <sup>95</sup> For. Cal. Eliz., ix. 526. Kirkcaldy and Lethington to Drury, September 6. Also p. 532.
- <sup>96</sup> Privy Council Register, ii. 79, 80, 114, 115.
- <sup>97</sup> Book of the Universal Kirk, pp. 120-128, 250, 257, 285.
- <sup>98</sup> Lesley's Diary, Bannatyne Miscellany, iii. 117-156; Murdin, pp. 1-150; Froude, iii. 210-299. 1866.
- <sup>99</sup> Murdin, p. 57. November 8, 1571.
- <sup>100</sup> La Mothe, vii. 275, iv. 301 *et seq.*      <sup>101</sup> For. Cal. Eliz., ix. 555.
- <sup>102</sup> Bannatyne, p. 292.      <sup>103</sup> Bannatyne, p. 323.
- <sup>104</sup> Privy Council Register, ii. 171.
- <sup>105</sup> For. Cal. Eliz., x. 61, 76, 94, 99, 110, 119, 124. For Archibald Douglas, cf. pp. 52, 56, 83, 89, 91, 100, 106.
- <sup>106</sup> For. Cal. Eliz., x. 127, 147.
- <sup>107</sup> Murdin, pp. 224, 225.      <sup>108</sup> Tytler, vii. 384.
- <sup>109</sup> The best account of these intrigues is in Tytler, vii. ch. iv. and Appendix xi. with letters. The 'Foreign Calendar' of Elizabeth (x.) is singularly inadequate at this point.
- <sup>110</sup> For. Cal. Eliz., x. 195.      <sup>111</sup> Bannatyne, pp. 406-411.

## CHAPTER X.

## REGENCY OF MORTON.

1572-1577-1581.

THE death of the Regent Mar was naturally followed by the Regency of Morton. Few stranger souls than Morton existed even in the Scotland of the Reformation. The open licentiousness of his private life is, comparatively speaking, a high light on the darkness of his character, and proves that, in hypocrisy, he was not absolutely consistent. Double murderer as he was, he talked the speech of the godly with skill and freedom. His avarice may have been overstated: he needed money for the king's government: he really had a care for the public weal, and his fall was partly due, like the unpopularity of Murray, to his salutary severities. He had the merit of detesting the interference of preachers with politics. Attached to his family, the Douglasses, he appointed nonentities, murderers, and forgers of the name to bishoprics, minor livings, and seats on the bench of justice. He robbed rich and poor with equal ruthlessness. But he had the virtue of personal courage and steadfast resolution. No man did more to keep the preachers within bounds. By a system of fines he discouraged disorder. When the end came, and he followed others among Darnley's murderers to the scaffold, the ministers were sincerely sorry, for he was as stout a Protestant as Bothwell himself.

The Regency of Morton meant the ruin of the Castilians and of Mary's cause in Scotland. He let Elizabeth know, in short, that she must make up her mind. She must aid him with money, a pension, and artillery, or he would look elsewhere for assistance.

On the day after Morton's election Knox expired (November 24, 1572). He had asked Morton if he had any knowledge of Darnley's murder, and Morton had lied.

Of Knox we may cite two contemporary opinions. The first is that of his secretary, Bannatyne: "This man of God, the light of Scotland, the comfort of the Kirk within the same, the mirror of godliness and pattern and example to all true ministers, in purity of life, soundness in doctrine, and in boldness in reprovng of wickedness, and one that cared not the favour of men (how great soever they were) to reprove their abuses and sins."<sup>1</sup> The other verdict is from the hand of the author of the 'Diurnal of Occurrents': "John Knox, minister, deceased in Edinburgh, who had, as was alleged, the most part of the blame of all the sorrows of Scotland, since the slaughter of the late Cardinal" (Beaton).<sup>2</sup> The most severe of modern verdicts on Knox is that of Mr Froude: "In purity, in uprightness, in courage, truth, and stainless honour, the Regent Murray and our English Latimer were perhaps his equals." As to Murray and purity, Knox had none of Murray's avarice: he betrayed no man: he took money from none, to none did he truckle. He even urged clemency on Murray, after Langside fight, and the Regent spared his future murderer Bothwellhaugh. But, as Lethington said, Knox "was a man subject unto vanity." As a historian, he is, necessarily, a partisan, and is credulous of evil about his adversaries, and apt to boast, as the heathen Odysseus declines to do, over dead men and women. As a Christian, Knox's fault was to confine his view too much to the fighting parts of Scripture, and to the denunciations of the prophets. The "sweet reasonableness" of the Gospel was to him less attractive. He laid on men burdens too heavy to be borne, and tried to substitute for sacerdotalism the sway of preachers but dubiously inspired. His horror of political murder was confined to the murders perpetrated by his opponents. His intellect, once convinced of certain dogmas, remained stereotyped in a narrow mould. How little his theology affected, morally, the leaders of his party, every page in this portion of history tells. He was the greatest force working in the direction of resistance to constituted authority,—itself then usually corrupt, but sometimes better than anarchy tempered by political sermons. His efforts in favour of education, and of a proper provision for the clergy and the poor, were too far in advance of his age to be entirely successful. He bequeathed to Scotland a new and terrible war between the Kirk and the State. He was a wonderful force, but the force was rather that of Judaism than of the Gospel.

The new year, 1573, was marked by the tragedy of the castle,

and the fall of Mary's party as a party in arms. In August 1572 Lethington had written to Mary in a tone almost of despair.<sup>3</sup> Without money and aid from France, the castle must fall. The town was in the hands of the enemy, and Morton poisoned the wells near the castle. Sir James Balfour turned his coat, gaining a pardon from Morton (January 9, 1573). He was thought to be the deepest in the secret iniquity of Darnley's murder: later his knowledge was used to ruin Morton.<sup>4</sup> Balfour, apparently, betrayed the Castilians just before their approaching fall. Like Knox, he had joined the assassins of Beaton, and with Knox had rowed in the galleys. He next alternately betrayed Mary of Guise and the Lords of the Congregation. As Clerk Registrar he is supposed to have prepared the band for Darnley's murder, and he betrayed the castle to Morton. In a meeting at Perth on February 23, 1573, he procured the pacification of most of Mary's party who deserted Kirkcaldy; *he* had refused to desert them; the Gordons and Hamiltons abandoned her, and the affair of Darnley's death was to be slurred over for the moment.<sup>5</sup> Balfour passed on to other treacheries: already, at a meeting of the Kirk and commissioners from the Three Estates, Episcopacy had been established, the beginning of countless evils.<sup>6</sup>

The Castilians alone, since the pacification of Perth, and the surrender of Huntly and the Hamiltons, now supported Mary. James Kirkcaldy, with a large sum in French gold, had succeeded in landing at Blackness; but thence he could not move. The castle garrison suffered from want of water. Lethington could not endure the vibration of the gun-fire, and was laid "in the low vault of David's Tower." Surrender he dared not; the gibbet awaited him; Morton would never have let him go. Lethington knew too much. He persistently hoped that, from parsimony and fear of France, Elizabeth would never aid Morton with men and artillery. But Killigrew kept urging this course on her, and English engineers from Berwick sketched the fortifications, arranged and organised the attack, and justly estimated that it would occupy but a short time. James Kirkcaldy was captured by Morton, it is said, through the treachery of his wife; his gold was seized. A treaty had been arranged by Ruthven with Drury on April 17 to the following effect. The Crown property in the castle was to be retained for the king. Grange, Lethington, Lord Home, Sir Robert Melville, and Logan of Restalrig, if captured, were to be "justified" by

Scottish law, "wherein her majesty's advice shall be used." It was not used in Grange's case; Restalrig, Hume, and Melville were more fortunate.<sup>7</sup> An English force, with abundant artillery, now entered Edinburgh on April 25 under Drury. Trenches and mounds were dug and erected at close quarters. By May 17 thirty heavy guns were in position. The castle guns were in part silenced, and on May 26 the assault was given at The Spur, an outwork looking down the High Street. The Spur was taken, and a parley was called. Kirkcaldy and Robert Melville came out and had an interview with Drury. On May 28 Mary's flag was struck; the castle surrendered. In losing The Spur they lost their last poor supply of water; the garrison was exhausted and mutinous.

Among the captives were Lord Home, Lethington, Kirkcaldy, their wives, Lady Argyll, and Robert Melville.<sup>8</sup> Morton would admit the chief prisoners (the whole garrison was but 200 men) to no terms; the Queen of England must decide their fate. They were carried to Drury's quarters as Elizabeth's prisoners. Morton, says Killigrew, "thinks them now fitter for God than for this world, for sundry considerations." They knew too much about Morton.<sup>9</sup> Elizabeth (June 9) asked for information about their offences; Kirkcaldy and Lethington were in vain appealing to their old ally, Cecil, saying, "Forget not your own good natural." Happily for himself, Lethington died, doubtless of "his natural sickness." His body lay unburied, some atrocities were intended against it; but his wife, Mary Fleming, successfully appealed to Cecil, supported by Atholl and Drury himself. Morton hanged Kirkcaldy on August 3. A hundred gentlemen of Scotland offered their services under "man-rent" to the House of Douglas, if Morton would be merciful; nay, even offered £2000 yearly, and £20,000 worth of Mary's jewels. The preachers, he thought, clamoured for blood, and blood they must have. The prestige of the dead Knox would have been shaken if Kirkcaldy, for whom he prophesied hanging, had not died.<sup>10</sup>

In a more fortunate age Kirkcaldy might have been as honest as he was valiant. Indeed, if we may trust Sir James Melville, who certainly was much behind the scenes of diplomacy, Kirkcaldy's whole conduct while in the castle was that of a Bayard. Murray could trust him, though he could not trust Murray. When Morton first became Regent, Kirkcaldy might have made his peace on the

best terms ; but Morton would not in that case admit Huntly, the Hamiltons, and the rest of the queen's party to terms. Kirkcaldy, knowing this, preferred to be betrayed rather than to betray. He was free, we are told, from avarice and ambition. There can be no doubt that, to Melville, Kirkcaldy seemed a very perfect gentle knight.

In any age Lethington would have been pre-eminent as a politician. It is almost impossible to conjecture why he made the fatal error of entering into the plot of murdering Darnley. That unhappy prince was then no longer dangerous ; and Lethington naturally, and for private reasons, detested Bothwell, from whom he had far more to dread than from Darnley. It has been guessed that he expected Bothwell to rush to ruin, and so himself to escape from two enemies by one murder. But Lethington's acquiescence in the deed of Kirk-o'-Field was his own bane ; it drove him fatally into Mary's fated party, and the castle was so gallantly held from no romantic attachment to the queen (of which we hardly find a trace in the history of the Scots of the day), but merely because for Lethington there was no safety beyond its walls. Outside the circle of Mary's personal attendants, her ladies, and such men as Arthur Erskine and George and Willie Douglas, with possibly Herries, and, as far as he dared, Robert Melville, romance in Scotland had no effect upon politics, though in England it was otherwise. Men acted as their personal interests, or seeming interests, inspired them ; and loving loyalty to the queen is a refraction from the Jacobite sentiment of a later time.

Lethington's brother, John, and Robert Melville were spared when Kirkcaldy died, Robert owing his safety to Elizabeth. He was for many months held a prisoner at Lethington Castle and elsewhere, continuing to intrigue for Mary after his release. His examination was taken on October 19 before the Commendator of Dunfermline and others, the questions asked covering the period since October 1568. We have quoted this document several times, in relation to the intrigues at York. If Melville spoke truth, Lesley in his examination before Cecil did not. Melville was closely examined as to Mary's jewels in the Castle, and Mary declared that Morton hanged Mossman, the goldsmith, to prevent her from learning where her jewels were. She acquitted the late Regent Murray of dishonest dealing as to these valuable objects, of which three great rubies, three great diamonds, and

the diamond-set jewel known as "the H" remained in the hands of the widow of Murray, who married Colin, the brother and successor of Argyll. Morton, in the course of the next years, actually outlawed Argyll for not restoring the jewels, which Lady Argyll professed to retain in pledge for money expended by Murray in the public service. The dispute was finally pacified by Elizabeth, Argyll restoring "the great H" and other diamonds to Morton.<sup>11</sup>

History, if closely interrogated, is rich in details about such personal matters as these, but about the economic conditions of a people is apt to be silent. We might suppose that "the Douglas wars," now ended, had reduced the country to distress and destitution. Edinburgh had for years been bereft of her richer citizens: many of their houses were burned: the timber-work of others had supplied the Castilians with fuel. Glasgow, not then commercially important, had been threatened and distressed by the Lennox-Hamilton raids. "Gauntlets" (Thomas Crawford) had despoiled the Hamilton tenantry: in the North, Huntly's brother, Adam Gordon, had conquered the Forbeses and ruled Huntly's country at his will. The Borders, where public robbery was the rule, not the exception, had not only been devastated by Sussex and by Homes and Kers, but by the raids which Elliots and Armstrongs, Bells, Croziers, and Nixons, had been known to push as far as Biggar. Of the Highlands we know that the new Earl of Argyll (the Earl of the Darnley murder died about this time) hanged over 180 caterans in one raid of justice.

Yet, despite war, anarchy, and plunder, Scotland had increased in wealth and population. Just after Mar's death on November 11, 1572, Killigrew wrote to Cecil, "Methinks I see the noblemen's great credit decay in the country, and the barons, boroughs, and suchlike take more upon them, the ministry and religion increaseth, and the desire in them to prevent the practice of the Papists: the number of able men, both for horse and foot, very great and well furnished; their navy so augmented as it is a thing almost incredible." Yet Drury found Berwick flooded with Scots silver, valued at fifteen pence, but worth only ninepence. "A Scotch merchant declared that £100 English put into the mint would yield £1000 Scots."<sup>12</sup>

It is probable that the prosperity noted by Killigrew, both now and later, was confined to the Lothians, Stirlingshire, and Fife. As we have seen, the preachers had been obliged to submit to a form of Episcopacy, and their liberties were more or less trammelled by

Morton, who also robbed them of their livelihood. But these things, after all, were the rebukes of a friend. Whatever else Morton might be, he was decidedly anti-papal; wherefore many sins were forgiven him by the preachers. He is reported to have said that they were meddlesome knaves who would be none the worse of a hanging. This tradition is more or less borne out by a report on the state of Scotland sent in 1594 to Pope Clement VIII. by the Jesuits in the country. They say that "Morton was a man of prudence, and exceedingly anxious that everything should be done for the public good of the kingdom. He did not persecute the Catholics, . . . but even showed them a certain amount of favour. As for the ministers of his own religion, he treated them as men of no character or consideration. He was in the habit of continually repeating that there was no room for comparing the most wealthy of the ministers with the poorest of the priests whom he had ever seen: that in the priest there was more fidelity, more politeness, more gravity, more hospitality, than in the whole herd of the others."

The writer goes on to say that Morton was "asked to give four parishes to each minister," obviously that the preacher might become "a bloated pluralist." He himself "was anxious that these useless beings should be reduced to the fewest possible." So he gave them four churches apiece, but kept the revenues of three.<sup>13</sup>

This is not an impartial view: the ministers, on the other hand, were anxious to "plant" new kirks, as the records of the General Assembly prove, and were concerned about the ruinous condition of the buildings, some of which were used as sheepfolds. The preachers were so poor that they were allowed to keep taps, or alehouses. There must have been wealthier men in their ranks, or it would have been needless to forbid them to wear "silk hats," and garments remarked for "superfluous and vain cutting out," and "variant hues in clothing, as red, blue, yellow, and the like, which declares the lightness of the mind." "Costly gilding of knives or whingers" was also forbidden to the clergy, who, to be sure, needed whingers, for they, and their parishioners, were often prevented from attending church because they were involved in deadly feuds.<sup>14</sup> Learning was not on a high level. Archibald Douglas declined to adventure himself in the Greek Testament when examined for the parsonship of Glasgow; and a gifted preacher might be elected though ignorant of Latin. There were, indeed, men of learning and foreign education, like Rutherford, Ramsay, Syme, Henryson, and Smeton, with David-



son, of St Leonard's (author of the play on Kirkcaldy's hanging), who wrote a poem against pluralists, calling Rutherford a goose :—

“Had gude John Knox not yit bene deid,  
It had not come unto this heid ;  
Had they myntit till sic ane steir,  
He had maid hevin and eirth to heir.”

Davidson was banished by Morton : his poem shows the distaste of many of the preachers to the innovations of the Regent.<sup>15</sup>

“This new ordour that is tane  
Wes nocht maid be the Court allane ;  
The Kirk's Commissionars wes thare,  
And did aggrie to less and mair,”

says the courtier, in Davidson's Dialogue.

“They sall be first that sall repent it,”

says the clerk, and the Kirk in 1575, and onwards, did repent of their concessions to Morton. As a result of his manoeuvres, the worthier clergy were starved and overworked, while scores of young men of family, intruded on parishes, exceeded in silk hats and gilded whingers, neglecting and dilapidating their cures. Out of twenty-seven summoned to render account of their conduct, only three appeared. Among these three was not the vicar of Carstairs, “who hath slain the Laird of Corston.”<sup>16</sup> Patrick Adamson of Paisley, later Archbishop of St Andrews, “waited not on his cure.” The new bishops aimed at being independent of the censures of the General Assembly, and at avoiding the care of any particular flock. They were in simoniacal dependence on the great nobles, and were accused of private immorality.

Under Morton, in fact, the Kirk was being reduced to the same condition as the Church before the Reformation. Ignorance, profligacy, secular robbery, under a thin disguise, of ecclesiastical revenues, were all returning : ministers sold their livings. The bishops had none of the sacerdotal and mystic character which attaches to them in the Catholic faith, and even to some extent in the Anglican community. As rulers and organisers they had little or no authority. Morton's personal attitude, considering what the Jesuits say of him, is hard to understand. Politically, he was anti-Catholic, and struggled hard at this time to secure a defensive league with England and assistance in money against France and Mary's party. This Elizabeth, though urged by Killi-

grew to assent, declined to provide. She finally deserted Morton, like her other Protestant allies in Scotland, France, and Holland. Mere need of money, doubtless, was one of Morton's motives in his dealings with the Kirk. He also foresaw their turbulent interference with the State. But possibly, despite the cant which he knew how to use, he was really averse by taste from the rugged austerity of Presbyterianism.

The Kirk, and the country, whose character needed the severity and righteousness of the Calvinistic dispensation, were thus in hard straits. The Presbyterian establishment was on the point of becoming the tool of profligate politicians.

A glance at the proceedings of General Assemblies will serve to show the ecclesiastical perils of Scotland at this moment of transition. In August 1573 the Assembly met at Edinburgh, earls, lords, barons, *bishops*, superintendents, commissioners, and preachers being present. A recent Assembly of 1572, as we saw, had been shunned by the nobles, who, perhaps, were not minded to forfeit, banish, and slay all the Catholics of the country. Severe measures, however, were taken. On May 4, 1574, "a priest was hanged in Glasgow for saying of mass."<sup>17</sup> This was probably the priest who accused Archbishop Hamilton of Darnley's murder, on the strength, as he averred, of something revealed to him under seal of confession. Thousands of Catholics were driven abroad—some of them men of learning; more were swordsmen, who took foreign service in France and Sweden.

To return to the Assembly: its proceedings usually began by "trial of superintendents and bishops." The democratic Assembly delighted to rake up episcopal misdeeds. Douglas, the "tulchan" Archbishop of St Andrews, and the Bishop of Dunkeld were "de-lated": the former for acts of negligence; the latter on suspicion of simony, perjury, and want of due severity against idolaters like the Earl of Atholl. Strong measures were to be taken against all who harboured excommunicated persons. The Bishop of Galloway, a most undesirable prelate in all respects, was accused of being of the Queen's party; of praying for Mary; of giving thanks for the slaying of Lennox; of comparing himself to Moses and David, and was ordered to do penance in sackcloth. Morton set forth a godly preamble as to his intention about due payment of ministers. Inquisition into the crime of witchcraft was ordained; with other matters.

In the Assembly of March 1574 the Archbishop of St Andrews was "put at" again,—for being a pluralist, for nepotism, for not preaching, and other misdemeanours. The Bishop of Dunkeld had not yet excommunicated Atholl, and had allowed a corpse with a super-cloth over it to be carried into a church "in popish manner." The Bishop of Moray was delated of an amorous intrigue with a young widow. Censorship of literature was attempted; the process lasted for some years. It was decided that the powers of bishops in their dioceses should not exceed those of the superintendents, and that they should continue to be subject to the discipline of the General Assembly. Morton, as we saw, had induced the Kirk to yield to him their thirds of the benefices; he would take care that the stipends to each minister should be duly paid within each parish. As soon as the preachers permitted this course, Morton simplified matters by assigning several kirks to each minister, and keeping the stipends himself. The Assembly remonstrated, but to no purpose. It continued to be troubled about the morals of the Bishop of Moray; about the singular reluctance of the Bishop of Dunkeld to excommunicate his most powerful neighbour; about the introduction of heretical books "by Poles, crammers" (keepers of stalls, or *crammes*), "and others"; and about the destruction of "monuments of idolatry." Many kirks were found to be ruinous throughout the country.

The assent of the Kirk to the arrangement made at Leith in 1572 had only been provisional, and subject to parliamentary alteration. At this juncture, 1575, a new Knox arose in the person of Andrew Melville, and the great question of Episcopacy became prominent, with all its consequences of civil war waiting to be developed. The quarrel is one which tempts to partisanship. It has been shown that Morton's new mongrel kind of Church government was of the most profligate and ruinous kind. The Scriptural and apostolic character of Episcopacy, with all the arguments from the New Testament and from ecclesiastical tradition, cannot here be discussed. Morton's kind of Episcopacy, at all events, was unscriptural, untraditional, and intolerable. Here is an example of the working of the system. Morton's children were all bastards, and were provided for thus. "Pension by William, Bishop of Aberdeen, of £500 to Archibald Douglas, son natural of the Regent." "Pension by Henry, Commendator of Dunkeld, to James Douglas, son natural of the Regent." "Pension by Robert, Bishop of Caithness,

of £500 to George Douglas, son natural of the Regent."<sup>18</sup> On the other side, the conduct of Andrew Melville and other opponents of Prelacy was marked by courage rather than by amenity and sweet reasonableness. The men were fighting for the Revolution of 1560, and as time went on, and James became king in earnest, they were fighting against foreign and Catholic intrigue. Melville was a warrior: he could wear corslet and carry spear like any old martial bishop of mediæval times. The rudeness of his manners repels sympathy, and the theocratic pretensions of the Kirk, which revived under his influence, were incompatible with the legitimate freedom of the individual citizen, and with the political supremacy of the laity in the State. The questions at issue could only be settled in a struggle for existence, which practically lasted for a hundred years. Out of the clash of these two forces, both fierce and intolerant, a *modus vivendi* was evolved after the fall of the Stuarts, whose tyranny, subduing the wild "high-flying" temper of the Kirkmen, made compromise possible.

The leader but for whom the Kirk might have sunk into a listless tool of the State, or rather of the party in power, must be described. Andrew Melville, son of a Fifeshire laird slain at Pinkie (1547), was born at Baldovy in 1545. At Montrose he learned Greek under Marsillier, and in 1559 proceeded to the University of St Andrews. Here he alone, in the university, read, not in Latin translations but in Greek, the Ethics of Aristotle, "which are the best." He appears to have known George Buchanan, and at twenty was the subject of Latin Elegiacs by a wandering Italian scholar, Pietro Bizzari. His "honeyed words" are praised: they were not his most notable characteristic. Proceeding to Paris, he read under Turnebus, and the revolutionary logician, Ramus. Edmund Hay, a Jesuit who was in Scotland at the time of Darnley's murder, and who had no illusions about Queen Mary, was organising the College of Clermont, and put Melville on his mettle. In 1568 Melville was at Poitiers during the siege, whence he went to Geneva, and was associated with Beza. He pursued his Greek and oriental studies, returning to Scotland, an accomplished scholar and ardent Calvinist, in July 1574. He was offered the place of tutor to Morton's children, but preferred the Principalship of Glasgow University, for which he secured new endowments, reorganising the studies, and establishing discipline. Spottiswoode's story about his desire to destroy the cathedral is not corroborated by records, though it has a strong hold

on tradition. A man of extraordinary energy, wedded to his own opinions, and better fitted to support them by scholarly argument than any other in Scotland, Melville in 1575, as a member of the General Assembly, and a member of the committee which met Morton's commissioners, "stirred up John Drury . . . to propound a question touching the lawfulness of the episcopal function, and the authority of chapters in their election."<sup>19</sup> Melville advanced the usual arguments about the *episcopos* and the *presbyter*. The chief result of the discussion was to allow for the present the name, and to curtail the authority, of bishops, who must each take charge of a particular "flock" and kirk within their dioceses. This Boyd, Archbishop of Glasgow, declined to do. There being a vacancy at St Andrews, Morton had Patrick Adamson, a man of some learning, and of an unhappy future, elected: the Assembly found that he refused their conditions, and meanwhile suspended him. Matters remained unsettled till the Assembly at Dundee (July 1580), for new troubles were vexing the State.

It is now necessary to glance back at the secular affairs since 1574. They are of an incidental sort, with little bearing on the main tendency of things. Killigrew in 1574-75 made no speed in "the great matter" of handing over Cecil's "bosom-serpent," the Queen of Scots, to execution in her own country. Elizabeth was coquetting with the Alençon marriage: her attention was distracted by the death of Charles IX., and in April 1575 Walsingham feared that Morton, neglected by England, was favouring the Hamiltons and looking towards France.<sup>20</sup> Killigrew and Davison, the secretary, later so unhappily connected with the execution of Mary, were on their way to Scotland when the Border peace was broken on July 7 by the raid of the Reidswire.<sup>21</sup>

At a Warden court, Sir John Forster and Sir John Carmichael presiding, a brawl arose among their followers; the Scots had the worse, but were reinforced from Jedburgh; Sir John Heron was slain, and the English Warden, with many gentlemen and some 300 followers, was captured. Sir John Forster behaved with tact and good sense, refusing to make a national quarrel out of a chance onset, but Elizabeth ordered Morton to meet Huntingdon in England. This Morton refused to do, and Elizabeth compromised for a meeting at the "Bond Rode" on the frontier, near Berwick.<sup>22</sup> Huntingdon, like Foster, was pacific, and sensible.<sup>23</sup> The affair, he said, was but "a brauble." Nobody was certain whether the Jed-

burgh people first called "A Jeddart! a Jeddart!" or whether the Tynedale men began to shout and shoot. Elizabeth's fiery messages were not delivered to Morton, who patched the quarrel up with Huntingdon on August 16-19.

Killigrew had entered on his embassy, and sent in a long report of Scottish affairs.<sup>24</sup> There was a kind of renewal of the king's and queen's parties. The laird of Lochleven, William Douglas, who sold the Earl of Northumberland, had laid an ambush for the Hamiltons, to avenge Murray on Bothwellhaugh; and Arbroath, son of Châtelherault, was in fear of his own responsibility for Murray's murder. He therefore aimed at marrying the widow of Buccleuch, a sister of Morton's nephew, the Earl of Angus, and at thus allying the Hamiltons with the Regent. This placed Argyll and Atholl, Buchan and Mar, in opposition to Morton and the Hamiltons, while old Châtelherault died, after a long and varied career of good-humoured and fickle incapacity. Arran was still confined in Draffen Castle as a lunatic; meanwhile Morton temporised as to the Hamilton-Angus marriage. Sir James Balfour was still tolerated by Morton, after his countless treacheries, and was used when the Regent "would *contrary* the ministers" or the citizens of Edinburgh. Morton, though not popular, was fearless, and went shooting or enjoying the contemplative recreation of angling almost unattended. The Esk at Dalkeith was not yet poisoned, and the Regent must have found it an ideal stream for trout and sea-trout. Because he "contraried" the burgesses, Morton, naturally, was popular with the working classes, whom Killigrew reckoned much more important. Morton's enemies admitted that "they could not find his like" as a ruler. Bothwell, in Denmark, was now reported to be "greatly swollen" and near his death. He had still a stroke at Morton in him, if his dying confession be authentic, and, if not, it was still useful. The country was peaceful and prosperous, and it is almost a comfort to learn that, in days when river-pollution was unknown, and Tweed poachers less skilled than in our day, "the fishing of salmon is this year utterly failed in Scotland, and at Berwick also." Corn was never so plentiful, so the want of rain cannot have been the cause of this dispensation, though a dry autumn may have prevented fish from running up. Our comfort lies in thinking that, as bad fishing seasons of old were followed by good, so it may be again, "who live to see it."

Killigrew found Morton apparently strong and prosperous. But the affair of the Hamilton marriage already indicated the chance of an Argyll and Atholl opposition. Spottiswoode also tells us that the Regent's cruelties were disliked. One of the queen's Maries, Mary Livingstone, had married John Semple of Beltrees. Morton tried to wring from him some lands given by Mary to his wife, and Semple had said something perilous. It was suspected that the Hamiltons had instigated him and his nephew, Whitford of Milnton, to shoot Morton. Threatened with torture, Semple, not a brave man, confessed; but Milnton, even under torture, denied the charge, and had public opinion on his side.<sup>25</sup> Whatever truth there may be in this anecdote, we observe after the Reformation the increased employment of torture to extract evidence. In the earlier part of Scottish history we seldom hear of this cruel and detestable practice, at least as exercised on gentlemen.

We now find Morton conscious that his position was imperilled. As early as November 1574 he was reported by the Spanish Ambassador to intend to marry Queen Mary.<sup>26</sup> He now looked in the same direction. On April 15, 1577, Lord Ogilvy wrote to Archbishop Beaton, Mary's ambassador in France, a letter unknown to Mr Tytler and earlier historians. It contained matter already touched on in July 1576 by Beaton of Balfour. Morton, in short, was anxious to deal with, or pretended to be anxious to deal with, Mary and France. When James should come to power Morton had reason for anxiety. He knew what befell the Boyds when the young James III. came to his own. He knew that his enemies would put at him, and use as their instrument his connection with Darnley's murder. Sir James Balfour, with Beaton, was intriguing for the queen, and as to Darnley's murder, Balfour knew everything. "Ane schamful bruit" as to Morton's guilt prevailed among the populace. Therefore Morton in 1577 spoke "reverently" of Mary, desiring her restoration, if James died. He would rather serve her and her race than any of the world, as God was his judge. Granted an amnesty, he would work for a restoration of the queen. Sir James Balfour was as friendly as Morton. Both only wanted assurances from Mary. The queen put no more confidence in Morton's professions than did her descendant, the King over the Water, in those of Robert Walpole when that Minister's power decayed. She feared a trap. But the advances of Morton prove that he knew the dangers of his position.<sup>27</sup>

We have already seen indications of a coalition between Atholl, Argyll, and Mar against the Regent, to whom Argyll was hostile because of the forced surrender of Mary's jewels. Atholl, too, could not well be content, as he was threatened with excommunication for idolatry. Mar, a very young peer, had not been intrusted with the guardianship of James, who was in the hands of his father's brother, Alexander Erskine. But for a while Argyll and Atholl were quarrelling, and attacking each other's countries, Argyll about the same time being at feud with Clan Donald. In this affair Argyll incurred Morton's displeasure, so he and Atholl again drew together.<sup>28</sup> Alexander Erskine also began to distrust Morton's intentions as to seizing James. He induced Argyll and Atholl to visit him at Stirling, where Argyll appealed directly to the boy king against the tyranny of Morton, and asked for an assembly of the nobles. Atholl urged the same advice: troubles were brewing, and Elizabeth, through Bowes and Randolph, attempted to reconcile all parties (January 30, 1578). In March Lady Lennox, the mother of Darnley, died in England, to all appearance reconciled with Mary, and a believer in her innocence. To Elizabeth Lady Lennox concealed this change of mind, if a change there was, but that she would have done in any case. We are left to conjecture as to whether the reconciliation was sincere, or whether Lady Lennox feigned cordiality for the sake of advantages to be drawn from Mary.<sup>29</sup> In any case, she had given Mary written assurances of belief in her innocence. The death of this lady opened the path for Stewart d'Aubigny in France, whom James later created Duke of Lennox. Meanwhile, in England, her granddaughter, Arabella Stewart, child of Charles, younger brother of Darnley, was to inherit the sorrows of the line. The Lennox estates in England remained for many years the desire of James's heart.

On March 4, 1578, the intrigues of the nobles against Morton came to a head. They had of their party the king's tutor, George Buchanan, who had quarrelled with Morton, says Sir James Melville, about a favourite horse, which the Regent seized. On March 4, Argyll at Stirling, backed no doubt by Buchanan, requested James to call a convention of nobles. Alexander Erskine, who held Stirling Castle, was of the same mind, with Atholl, Montrose, Livingstone, Lindsay, Ruthven, Ogilvy, the Chancellor (Glamis), the comptroller (Tullibardine), and the secretary, the lay Abbot of Dunfermline. Morton sent Angus, Herries, and Ruthven: he



announced his readiness to resign the Regency. His offer was accepted, he received a discharge, and resigned the Castle of Edinburgh, where a skirmish occurred. On the same day Glamis, at Stirling, was shot in a scuffle between his followers and those of Crawford. Alexander Erskine was to be keeper of Edinburgh Castle, held for James in the meantime by Drumquhassel and Seton of Touch. Atholl succeeded Glamis as Chancellor. The death of Huntly (sudden, and followed by hauntings of his castle, described by Knox's secretary) removed another of the chief conspirators against Darnley. Bothwell, Lethington, Argyll, were also dead, but vengeance still hung over Morton. He submitted to his fall with singular patience: he had his plan in reserve, and Randolph knew it. A council of nobles, the successful revolutionists, was appointed for James; and a Parliament proclaimed for July 10.<sup>30</sup>

Things were not to move peacefully: "all the devils in hell are stirring," wrote Randolph, to whom, as to Elizabeth, a Scotland quiet under Morton's heel was an ideal Scotland. From her English prison Mary was making a new party in Scotland. On April 26, 1578, the young Earl of Mar, jealous of his uncle, James's Governor, Alexander Erskine, came with armed men into Stirling Castle. Blows were dealt in the early morning, and Erskine's son was crushed to death in the mellay, where his father plied a halbert. Argyll pacified the tumult, James endured the first of his many terrors in his own palace, Alexander Erskine fell ill from grief and chagrin, and young Mar was master of Stirling Castle and of James, being backed by the laird of Lochleven, Angus, and the secret influence of Morton. In short, it was a Douglas *coup d'état* of the old kind.

A compromise was effected. Mar was retained in his father's office of governor of James and commander of Stirling Castle, and James really seems to have liked and trusted all the Erskines. Argyll, Atholl, and Morton met at the ex-Regent's house of Dalkeith, where they dined and slept. But at breakfast Morton was missing: he had ridden secretly to Stirling, joined Mar, and was as powerful as ever (May 28, 1578). On June 18 Morton at Stirling secured the appointment of a new Council, himself holding the foremost place. He desired the Parliament of July to be held at Stirling; his adversaries declared for Edinburgh, and sent Lindsay and Ruthven to Stirling to protest against the Parliament held there. There were

disturbances ; the anti-Mortonites raised the townfolk of Edinburgh. In brief, the two hostile parties armed, and the anti-Morton faction advanced with a large army, Lowland and Highland, to Falkirk. But Bowes, Elizabeth's ambassador, negotiated a peace, while Morton's foes were arrayed at Bannockburn. A reconciliation was made ; Argyll, Lindsay, and Ruthven were placed on the Privy Council, and after August 13 the hostile forces dispersed, and at the end of October a friendly dinner left the disputants in good humour.<sup>31</sup>

In these turbid waters Mary and Lesley, who was now abroad, had been fishing, and intriguing with the Guises. Her trust was that, by Atholl's aid, the Guises might secure the person of her son, whereas she suspected Morton of meaning to intrust him to Elizabeth. She had hopes from the Hamiltons, and, strangely, from Drumquassel, who, as a retainer of Lennox, had in 1567-70 been her bitter enemy. Now she dreamed that he might put Dumbarton again into the hands of her friends. She was especially anxious that Stewart d'Aubigny, a nephew of the late Regent Lennox, brought up in France, should not be employed by the Guises in the scheme of carrying James off to France. She did not trust him, and to employ him would be to alienate the faction of Arabella Stewart, Darnley's niece. She remembered that d'Aubigny's uncle, Lennox (Darnley's father), had been sent from France when she herself was a baby, and had revolted to England, carrying off the French gold intended for the party of Cardinal Beaton. Drumquassel was to manage all the intrigue as to handing over James to the Guises. Mary was sending a symbolic token, in enamelled gold, to James, by the emissary of the Guises, who must not be d'Aubigny, and must deal with Drumquassel and Alexander Erskine. She apparently regarded Atholl and Argyll as at her obedience, her bitterest hatred being reserved for Morton. All this Mary wrote to her ambassador in France, Archbishop Beaton, from Chatsworth, on September 15, 1578.<sup>32</sup>

Dreams, hopes, jewelled tokens, helpless intrigues of exiles and captives ! The letters of Mary, like the letters of James VIII. and Prince Charles, revolve in the same sad circle of impossible desires and frustrated designs. For years, in one form or other, Mary and her foreign and Catholic allies or well-wishers were to strain to win James to the French alliance and the Catholic faith. For this was blood to be shed, against this were myriads of sermons to be preached, till the young king, often a prisoner, always insulted by

the preachers, took that prelati- cal and despotic bent which was the ruin of his son and of his House, and the cause of the civil war. The letters of Mary and of Lesley were interrupted and deciphered. Elizabeth and Cecil always knew exactly the budding and blossoming times of the plots, and they held by Morton as their best security. Their confidence in Morton was not misplaced. Probably the most dangerous of his opponents was the Earl of Atholl. He had taken no part in, and had no knowledge of, the conspiracy to murder Darnley, which, save for Huntly, was an entirely Protestant arrangement, whereas Atholl was a Catholic. (While remembering this, we must not forget that the Catholic party wanted the lives of Murray, Argyll, Lethington, and Morton.)

On November 8, 1578, Bruce, a treacherous agent of Archbishop Beaton, describes Atholl as most loyal to Mary, and as keeping Argyll constant to her cause. But Lady Argyll appears to have been fickle. Bruce represents her as encouraging James in the love of his imprisoned mother; but James "is already very arrogant, and a great dissembler, and likely to resemble his father (Darnley) and grandfather (Lennox) in cruelty and want of judgment." Lady Argyll's own loyalty to Mary was suspected.<sup>33</sup> Atholl being thus the mainspring of Mary's plans, died suddenly (April 25, 1579) after a banquet given by Morton at Stirling to unite the assembled nobles. Accusations of poison always were bandied after a "natural" death: in Atholl's case there seem to have been some grounds for suspicion, his death being so extremely opportune for Morton. One Provend, or "Weirdy," was said to have bought the poison, and one Jerdan to have administered it. Weirdy fled to France.<sup>34</sup> On the other hand, dangerous surfeits after political dinners were common enough. In August 1580 both Morton and Lennox were "grievously troubled with the flux by surfeit lately taken at the Lord Lindsay's house." Atholl may have died of haggis, friar's partens, sheep-head, and cockie-leekie.<sup>35</sup>

The new Earl of Atholl, aged eighteen, and Montrose called for justice; but Morton and Angus, seizing the occasion of Atholl's death, marched against the Hamiltons (Lord Claude and the Lord of Arbroath), took Hamilton Castle, and hanged the garrison. The Pacification of Perth, as we saw (February 1573), left the charge of Darnley's murder still hanging over the Hamiltons. Now "that two-handed engine" was dragged out to smite Morton's foes: a little while, and it smote himself. The Lochleven Douglas, Mar,

and Buchan were avenging the Regent Murray, and would gladly have extirpated all Hamiltons. They took Draffen Castle, but Lord Claude and Arbroath had fled the country. The people about James had inflamed his anger against the Hamiltons, a thing easy to do, as they were his nearest heirs. Captain Arrington, whom Elizabeth sent to Stirling, "could not find in the king other than fervent hatred against them, and as it were a fear he had of them . . . to be dangerous to his person." George Buchanan had taught him that the Hamiltons, the Archbishop, and Lord Claude were the murderers of his father, as the House certainly was guilty of Murray's death, and Lord Claude was implicated in Lennox's destruction. A boy of thirteen is apt to dread men whom he believes to have killed his grandfather, uncle, and father. Elizabeth laboured and entreated for Lord Claude and Arbroath, but her remonstrances were not well received. With the Hamiltons was banished Sir James Balfour, who instantly began a correspondence with Mary through Archbishop Beaton, and presently had the satisfaction of bringing Morton to the block.

The ecclesiastical events of the summer of 1579 were important, but it seems better to introduce an account of them later, and at present to follow the course of political intrigue. In May Mary was anxious to communicate with her son, and hoped that Archbishop Beaton would be allowed to visit him (May 31).<sup>36</sup> On June 7 she wrote to Robert Bowes, Elizabeth's ambassador in Scotland, whose dry letters make us regret the lively Randolph. She announced the arrival of her secretary, Claude Nau, in Edinburgh. Elizabeth had given permission for his visit; but his packet of letters and the symbolic jewel for James were not accepted, because Mary could not bring herself to address her son as king. Thus it never was possible to bring about an understanding between Mary and James. Nau and others assured Mary that she was dear to her son, though "the poor child does not show it in the captivity he is, fearing therethrough, as there is great appearance, the hazard of his life" (July 4). Morton alone prevented the Council from permitting James to receive Nau's parcel.

In September Esmé Stuart d'Aubigny landed in Scotland. He was the son of Lennox's brother, Darnley's uncle, John; was a man accomplished, attractive, false, and instantly became a great favourite of James. He came to Stirling on September 15, and at once grew intimate with the captain of the guard, James Stewart,

a son of Lord Ochiltree, and brother-in-law of John Knox, a brave adventurer, soon to be the most powerful man in Scotland. On September 30 James at last visited Edinburgh: "he was ane great delyt to the beholderis," whose trade had long suffered from the absence of the Court.<sup>37</sup> James was welcomed in various ways by his loyal lieges, and attended a Parliament held on November 11 and 12. Here the Hamiltons, Lord Claude and the Lord of Arbroath, were forfeited, and that in despite of Elizabeth's wishes conveyed through Captain Arrington. On October 20 the captain had informed Cecil that d'Aubigny would probably receive the earldom of Lennox, with grants out of the lands of the ruined Hamiltons. The prophecy was fulfilled; d'Aubigny, now to be known as Lennox, obtained the rich Priory of Arbroath, and the custody of Dumbarton Castle, the old gate of France into Scotland. The captaincy nominally remained in the hands of Drumquhassel, once the foe, now the friend, of Mary. Naturally the preachers were alarmed,—“they cried out continually against atheists and papists, that would turn to his majesty's ruin, and the hurt of the trew professors.”<sup>38</sup>

The professors were in an undesirable position. They had to choose between Lennox, presumed to be an atheist or a papist, and Morton, whose private and public character gave opportunities to the ungodly. At that time the Press was beginning to exist in the shape of pamphlets, and of “placards,” a kind of leading articles, set up in public places. Calderwood, a rather soured divine, but an astonishingly industrious and learned historian, who lived into the age of Charles I., has preserved for us one of these placards directed against Morton, and fixed on the cross of Edinburgh. The public was invited to consider whether Morton “had ever, or yet hath, any regard to the glory of God,” and history must acknowledge that this was not his ruling motive. It was true, the placard admitted, that Morton had ruined the Hamiltons, a thing pious in itself, but it was done for private reasons; on the other hand, he had spared Buccleuch, who was with the Hamiltons at the death of the Regent Lennox, and had looked through his fingers at Ferniehirst, suspected of being art and part in Darnley's murder. The country, said the journalist, “ought first to pursue the king's cruel murder against the Earl of Morton.” Sir James Balfour, if he had been permitted, would have showed the band for Darnley's death, “as he will do yet, God willing, when time and place may serve.”

With all his faults, Morton was now, as a sound anti-papist, the darling of the Kirk which he had robbed. It was therefore necessary that Lennox should conciliate the Kirk. He professed to bring an open mind to the consideration of their tenets. His "little master," young James, was already a theologian, and it was a touching sight to see the young Josiah striving to win his elder kinsman from Baal and the Scarlet Woman. He lent Lennox books of controversy, and accompanied him to the sermons. On April 11, 1580, Arrington reported to Bowes a suspected plot of Morton's to seize the king at Stirling. On the 16th Bowes wrote to Walsingham with the news of a counterplot of Lennox and Argyll to carry James to Dumbarton, whence he might easily be taken to France. Thence Sir James Balfour was expected to arrive, with the eternal band that was to ruin Morton—a paper that either did no longer exist or was deemed by Balfour too dangerous to produce. Elizabeth sent Bowes to undermine Lennox: she was ready even to pay pensions to the lords—the only really efficacious argument.<sup>39</sup> Bowes on his arrival found that one class of men were not venal, the ministers. A single "reader" in James's household took a present, the tutor, Mr Peter Young, and the rest refused money. This is a crucial proof that the Reformation, which only added hypocrisy to the vices of the nobles, was really "working for righteousness." Of yore one man, Buccleuch, had spurned with curses the offers of Henry VIII.; now the real leaders of the people, the preachers, were of like mind.<sup>40</sup>

The mission of Bowes opened with intercession for the banished Hamiltons. Lord Claude had defended himself against the various charges of murder in a letter to Elizabeth (January 29, 1580).<sup>41</sup> Bowes touched on a scheme of Lennox's for placing near the king George Douglas, who organised Mary's escape from Lochleven, and was her trusted servant. There had also been a scheme to imprison Morton, and use against him his robbery of the Kirk. The revolution of the Court was to have been effected at Doune Castle, and James himself told Bowes some of the details. He feared the affair would end in a fight, and returned to Stirling. This was the intrigue at which Mary had been working: it was defeated, but James obviously disliked Morton.

It was more important that Lennox, and his retainer Henry Ker, "are now so earnest Protestants as they begin to creep into credit even with the ministers at Edinburgh, that have written in their commendations to the king's ministers" (May 10, 1580).<sup>42</sup> If the

godly accepted Lennox, Morton would indeed be in danger. James, in July, happened to be with Morton and Lennox in the New Inn, or *Novum Hospitium*, of St Andrews. As they looked from the gallery at a pageant, a lunatic seaman, Skipper Lindsay, began an amateur sermon in the open air. Morton was standing "gnapping upon his staff," when the crazed fellow "warned the earl not obscurely that his judgment was drawing near, and his doom in dressing."<sup>43</sup> But Morton, we shall see, was then in treaty with Lennox.

When the General Assembly met at Dundee in mid-July, Lennox wrote to inform the Brethren that he had now "been called to a knowledge of his salvation," and had already "made open declaration of his calling" in kirk at Edinburgh, and at Stirling. Mr Henry Ker had also "long lain in blindness," but now had seen a great light. Both gentlemen earnestly desired the services of a Huguenot preacher to confirm them in the truth.<sup>44</sup> A difficulty with Lennox was to get Dumbarton Castle into his own hands, for Bowes had now bought Drumquassel, the actual captain of the place, with a bribe.<sup>45</sup> Morton, too, was won over to execute a plot to get possession of James, as usual, in Elizabeth's interest, if she would plainly state her terms.<sup>46</sup> In short, through the summer of 1580 there was an English conspiracy flattered by Elizabeth, and a Marian conspiracy worked by Lennox, Archbishop Beaton, and Lesley, who was hanging about Dieppe in readiness to return. James met with an awkward accident in July: his horse fell on him, his attendants drew their swords to kill the beast, but both steed and monarch escaped unhurt.<sup>47</sup> In politics Morton was unable to move. Elizabeth would not show her hand, and Lennox and he were making overtures for amity, as Archibald Douglas, employed as go-between, reported to Bowes. This private negotiation prevented violent doings at St Andrews at the time when Skipper Lindsay prophesied to Morton.<sup>48</sup> A surfeit from overfeeding, which attacked both Lennox and Morton, delayed, *sine die*, their reconciliation.

The chief aim of Lennox, and of the Marian conspirators, had been to convey Dumbarton Castle into Lennox's own hands. This seemed to have been secured when Drumquassel, a Lennoxian, got the captaincy. But Bowes, as we saw, had purchased Drumquassel. Lennox was not defeated. On August 25 he caused the gates of Edinburgh to be closed, netted Drumquassel, who was in the town, excluded Morton, who lay at Dalkeith, and compelled Drumquassel to give up the keys.<sup>49</sup> Bowes sent intelligence to

Walsingham, who on August 31 commissioned him, first to remonstrate strongly with James, seeing that Lennox was "a professed enemy of the Gospel," and then, if remonstrance failed, to try murder. Elizabeth bade him conspire with Morton to "lay violent hands on the said" enemy of the Gospel.<sup>50</sup> Elizabeth would give all assistance. This was on August 31; on September 1 Elizabeth again sent contradictory injunctions. Force was not to be used, no assistance was to be promised till further notice. Walsingham deplored "our unthankfulness towards God," in thus withdrawing from a work so acceptable as murder. Godliness has its remorse.<sup>51</sup> Bowes was now merely to threaten James with loss of the heirship of England, and to accuse Lennox before the Council, in the absence of the accused, that being, as in Mary's own case, Elizabeth's idea of justice. It was not that of the Council. Bowes continued to plot, Morton to waver. The clergy denounced "Papists with great ruffs and wide bellies," Lennox and his company. Ruthven, with Robert Melville and Lethington's brother, John Maitland (who probably represented Lethington on the scene of Darnley's murder), were won over to Lennox's faction. Both Morton and Lennox rebuked the preachers, Morton speaking severely of the turbulent John Durie. By a letter of October 7 Bowes was recalled, to the consternation of Morton: Elizabeth had deserted him. A guard of thirty gentlemen was appointed for the king, including Mary's friend, George Douglas, and Captain James Stewart of Ochiltree, brother-in-law of Knox, a soldier of fortune who had been in France, Sweden, and Russia, and was to become practical Governor of Scotland.<sup>52</sup>

The recall of Bowes was Morton's death-warrant. His intrigues with Bowes, and the plot to kill Lennox (which Bowes had kept working at), were probably known. A man who dealt, as Morton did, through Archibald Douglas, was certain to be betrayed. That Archibald was the traitor may be inferred from his character, and, moreover, from the circumstance that Morton, on the last day of his life, openly declared that his cousin and retainer, Archibald, had been present at Darnley's murder. He informed against no other man, dead or alive. Aware of Morton's danger, Elizabeth in November instructed Lord Hunsdon to go to James, threaten him, bribe, form a new party, and rescue her accomplice. She then withdrew her instructions, and left the Earl, as was her wont, to his fate.<sup>53</sup>



Morton was to have been arrested on December 26. On that day James, either because "his better nature prevailed" (as Mr Froude conjectures) or with the Judas-like dissimulation which he later showed to Somerset, went out hunting with Morton, and treated him with special kindness. Lord Robert Stewart, Mary's brother, now Earl of Orkney, gave to Morton, as he had given to Darnley in Kirk-o'-Field, warning to fly. Morton would not be advised. Perhaps he did not know that throughout the year Sir James Balfour, in France, had been entertaining Mary with tales of his possession of the Darnley murder-band, implicating Morton. Mary had no confidence in Balfour's professions, but she kept him in hand, and now Balfour had secretly landed in Scotland, arriving on December 27. The probability is that his absence caused James to defer the arrest intended for December 26.<sup>54</sup> On the last night of December 1580 Morton was accused in presence of the Council.<sup>55</sup>

The scene was a repetition of that in which Crawford accused Lethington. Captain James Stewart of the Guards entered the council chamber, fell on his knees, and charged Morton with *fore-knowledge* of Darnley's death.<sup>56</sup> Morton rose disdainfully, protesting his innocence, and his past diligence in pursuing the murderers. "For that," said Stewart, still kneeling, "why did he prefer Mr Archibald Douglas, his cousin, to the place of a Senator of the College of Justice, who was known to have been an actor in that murder, if he himself had no part in it?"<sup>57</sup> Stewart sprang to his feet, both men laid hand to hilt, the burly Lindsay and Cathcart sundered them and took them forth from the chamber. Morton returned, Stewart again rushed in, a new ruffle began, and was again put down. Morton was locked up in a room of the palace, while Angus and Lennox declined to vote on the matter, and Eglintoun suggested that the king's Advocate should be consulted. He advised committal and trial, and on Monday, January 2, 1581, Morton was warded in Edinburgh Castle. Craig in his Sunday sermon inveighed against "false accusations." The accusation was perfectly true, but then Morton was a "professor," and that was enough. Stewart drew his dagger, and warned Craig that the pulpit should not protect one who slandered him.<sup>58</sup>

Meanwhile Archibald Douglas had been warned and had fled to Berwick, where he arrived on January 6. He professed his readiness to justify himself, if examined without torture. His absence

delayed Morton's case, and for once we may regret that Archibald was not treated with the boot, which must have extracted valuable historical information. On Monday, as we saw, Morton was committed to Edinburgh Castle. As he went he was cursed by a woman whose husband he had hanged for making a ballad. Many a man whom Morton had injured was glad, but professors regretted the fall of one who "had done so much for establishing of religion."<sup>59</sup> He had many private foes, however, and, even among the godly, Lord Ruthven was then at feud with him. On January 18, 1581, Morton was carried to Dumbarton Castle for greater security. On the next day Randolph arrived in Edinburgh: Elizabeth was moving in Morton's interest. She would try diplomacy through Randolph; she moved a force, under Hunsdon, to the Border, and Randolph in Edinburgh, Bowes at Berwick, intrigued with Angus and the Douglasses in favour of a plot to seize James and lay violent hands on Lennox. The go-between was Douglas of Whittingham, brother of Archibald, and, like him, a judge. Bowes's letters are full of expectations of a "strange masque at Holyrood," a new affair of Riccio.

But all was vain. Randolph (January 25) tried the effect of producing two intercepted letters of Archbishop Beaton to prove that Lennox was an agent of France and of the Jesuits. James told Randolph that the letters seemed to be forged, or written by Beaton, a partisan of the Hamiltons, to discredit a Lennox Stewart. The Estates assembled on February 20, and Randolph harangued them on the 24th. He produced no effect, the Estates voted supplies in case of an English invasion. Holyrood was guarded closely by James Stewart. On March 8 the king agreed to settle English disputes by a meeting of commissioners on the Border. Meanwhile a scheme had been contrived to enter James's rooms by false keys, kill Lennox, Argyll, and Montrose, and carry James to England. This appears to have been a plot of Angus; Randolph professed his disbelief in it when it was discovered. The conspiracy was brought to light through the arrest of Whittingham, Affleck, Jerdan, and other agents of Morton and Angus. Though not "offered the boots" (torture in the boot), Whittingham revealed the whole affair, and accused his ingenuous brother, Archibald, of forging the letters which Randolph employed to discredit Lennox. Bowes protested that when he forwarded the letters to London from Berwick, where Archibald was residing, he believed

them to be genuine. This was not the opinion of four of the Edinburgh preachers, who attested Whittingham's confession. "The ministers have seen it, and in their sermons give God great thanks therefor," writes Randolph to Hunsdon on March 20. If the very preachers admitted that Lennox was falsely accused, the case looks black for Archibald and the letters attributed to Archbishop Beaton, which he intercepted, and handed to Bowes. The confessions of Whittingham made Randolph's position perilous. A placard asked why he came from Elizabeth to complain of James's liberality to his kinsman, Lennox. Had Elizabeth not been liberal to Leicester and Sir Christopher Hatton? Elizabeth was now asking for the expulsion of Sir James Balfour. Why had she never objected to him through the years when he was Morton's chief adviser? Why did Elizabeth shelter Archibald Douglas, one of Darnley's assassins, while her conscience so suddenly stirred her against Sir James? If Elizabeth's Protestantism was alarmed by Catholics near the king, why was she treating for marriage herself with a Catholic, the brother of the King of France? Did Randolph take pleasure in the society of owls and nightingales? was that why he had nocturnal meetings with Angus and Mar?

These questions, in which we may guess the hand of Lethington's brother John, were fixed on Randolph's door on March 13. Affleck had confessed on March 12; so, probably, had Whittingham.<sup>60</sup> The astute Randolph had met his match at last. Some less ingenious disputant fired a shot through his window in his absence: he took the hint and retired to Berwick. Angus had been banished to Inverness: his castles were occupied, the people of Dalkeith were disarmed; there was left no force on Morton's side to co-operate with Hunsdon's men on the Border. Elizabeth disbanded them, and Morton's doom was sealed.

Lennox and James Stewart had managed their concerns with resolution and skill.<sup>61</sup> Captain James Stewart was rewarded with the tutorship of the mad Earl of Arran, and presently with his earldom. Morton was brought from Dumbarton at the end of May, and put to trial on June 1. It was deemed quickest to accuse him of Darnley's murder alone, out of nineteen charges. We have no full record of the trial, but a letter of Sir John Foster's to Walsingham shows that Morton's meeting with Bothwell and Lethington at Whittingham about January 19, 1567, was known to the judges.<sup>62</sup> On that occasion he was made privy to Darnley's

murder, but (he said in his confession) refused to sign the band without a written warrant from Mary, which he never obtained. We may reasonably conjecture that this evidence was extracted from Douglas of Whittingham, at whose house the plot was discussed. Whatever other testimony may have been produced (one part was the queen's accusation of Morton at Carberry), Morton was found guilty of "art and part of concealing of the king's father's murder." "Art and part! God knows the contrary!" Morton is said to have exclaimed. But in his confession to two preachers, Durie and Balcanquhal, he admitted enough to satisfy them of the justice of his sentence. He told the story of the Whittingham conference. "If I had gotten the queen's handwrite, *and so had known her mind*, I was purposed to have turned my back on Scotland." Yet he calmly assumed that he did know Mary's mind, and that it was murderous, though he had just said that he did not. He admitted that, knowing Archibald Douglas, by his own confession, to have taken active part in the crime, he continued to employ him, raising him to the bench. The preachers candidly remarked that he "confessed the foreknowledge and concealing of the king's murder," and so "could not justly complain of his sentence." To whom could he reveal it? he replied; "To the queen: she was the doer of it." Yet he confessedly did not "know her mind." Morton added, regretfully, that "he expressed not the fruits of his profession in his life and conversation." To his "profession" he returned, in a manner edifying, and perhaps sincere. One Binning, a servant of Archibald Douglas, who confessed that Archibald lost one of his velvet "mules," or slippers, in hurrying from Kirk-o'-Field, was also put to death. Morton died bravely: his head was spiked on a gable of the Tolbooth.

So ended the last of Darnley's murderers who died by the law, and of the men who, being guilty of the crime, accused their queen. Morton had one virtue—personal courage; and one political merit, a strong hand. His errors were conspicuous.<sup>63</sup> His title of Earl of Morton was held for a few years by the turbulent Lord Maxwell.



- <sup>47</sup> Bowes, p. 84. <sup>48</sup> Bowes, pp. 92, 93.  
<sup>49</sup> Bowes, p. 106. <sup>50</sup> Bowes, pp. 109, 111.  
<sup>51</sup> Bowes, pp. 111, 112. <sup>52</sup> Bowes, pp. 155, 156.  
<sup>53</sup> Thorpe, i. 415.  
<sup>54</sup> Balfour to Mary, January 31, 1581; Laing, ii. 314, 318; Froude, xi. 19, 382, note 1.  
<sup>55</sup> So Moysie, Calderwood, and others. Bowes, January 1, 1581, says that the arrest took place in Morton's own chamber. Probably Moysie and the others mean to place the *accusation* in the Council-room, the *arrest*, following, in Morton's own room. But see Bowes, pp. 157-161. <sup>57</sup> Spottiswoode, ii. 271.  
<sup>56</sup> Calderwood, iii. 481. <sup>59</sup> Calderwood, iii. 482, 483.  
<sup>58</sup> Bowes, pp. 158, 160.  
<sup>60</sup> Calderwood, iii. 506-510.  
<sup>61</sup> The letters and other sources are in Bowes, Calderwood, and the Appendix to Tytler, viii. 416-431.  
<sup>62</sup> Tytler, viii. 429, 430.  
<sup>63</sup> Cf. The Mystery of Mary Stuart, pp. 382, 385, and Calderwood, iii. 557-576.

## CHAPTER XI.

## KING AND KIRK.

1581-1584.

THE death of Morton was followed by that long struggle between the Crown and the Kirk which filled the reign of James VI. The Protestant party had never looked on their hold of the country as secure. In the historical perspective we see that their constant trepidations were really baseless, but it was impossible for men engaged in the strife to estimate correctly the chances of the old and the new faiths. The preachers justly resented the avarice of the lay holders of Church property, without perceiving that the lay abbots and parsons would never consent to imperil their wealth by a restoration of the ancient creed, and a redistribution of the Church lands. The very thoroughness of the robbery was the protection of the Kirk. England, that bulwark of Protestantism, had, in fact, little to fear from the disunited Catholic Powers. While Spain and France neutralised each other, and while England was anti-Catholic, the Kirk was safe. Neither distracted France nor Spain could seriously take hold of Scotland.

Perhaps that which favoured most the slender chances of a Catholic restoration north of Tweed was the extreme zeal of preachers who, not satisfied to live apart from Rome, were intent on building up a theocracy like that of Geneva. The king, though so young, was a precocious theologian, and could only be driven to tamper with Rome by the excessive severities of the Scottish Calvinists. It was not the interest of James to change his creed; he desired nothing less than subordination to his Catholic mother, or Catholic kinsmen of the House of Guise. By intellect, by education, and by conviction he was Protestant. Yet the

suspicion with which he was regarded by his own clergy, the sternness of their discipline, the outrages which he had to endure from them and the nobles of their party, forced him to think of seeking assistance from Catholic Powers, and perhaps would have made him change his creed, if anything could have produced that effect. Thus the real danger of Protestantism in Scotland, if danger there was, arose from the magnitude of the pretensions of the preachers. They occasionally drove the king into dealings with the Guises, with France, and with Rome,—traffickings which were contrary to his natural bent, and to those interests of his in England which he already understood very well. He filled the Presbyterians with fears; but Catholics of sagacity soon ceased to entertain hopes based on the letters and demeanour of this crafty and calculating young prince. As our latest historian remarks, "The absolutism of James was forced upon him in large degree by the excessive claims of the Presbyterian clergy," while "the special circumstances in which Andrew Melville found the country" offer "the explanation of those extreme claims which he and his fellow-ministers put forward in regard to the mutual relations of Church and State." By open policy and secret intrigue James appeared to be steadily working for the overthrow of the existing religious establishment. Thus the extreme claims of the ministers forced absolutism on the king, and the absolutism of the king explains "the extreme claims" of the ministers.<sup>1</sup> In brief, two mutually exclusive, intolerant, and intolerable theories of Church and State were in open collision.

But Morton, we must remember, though never suspected of Catholic tendencies, had, when Regent, been at least as high-handed towards the Kirk as the young king himself. Morton had resisted the right of the preachers to "convocate the lieges."<sup>2</sup> When requested to come to the General Assembly and "further the cause of God," he not only refused, but threatened some of the most zealous with hanging, alleging that otherwise "there could be no peace nor order in the country," a theory later acted on by Charles II.<sup>3</sup> The editor of Calderwood tells a story of Morton's short way with preachers. A certain Captain Cullen had been with Mary of Guise during her mortal illness at Edinburgh Castle, whence he corresponded with her brother, the Cardinal of Lorraine. After the siege of Leith he entered the Danish service, and after Riccio's murder was a captain in Mary's guard of arquebus-men. He was said to have advised the strangling of Darnley at Kirk-o'-



Field, as he had observed that the effects of explosions were capricious. He was captured by the lords, but it was not deemed wise to publish his revelations: he was allowed to escape, forfeiting his recognisances.<sup>4</sup> He later took service under Kirkcaldy when that knight held the castle for Mary. The captain, after a skirmish, was found hiding ingloriously in a meat-safe. He had a very pretty wife, so Morton hanged him and lived with his widow. For this Morton was rebuked by Andrew Douglas, minister of Dunglas. His reply, it is said by Calderwood's editor, was first to torture Douglas in the boot, and then hang him,—a story not easily credible.

Nevertheless, from 1576 onwards the ministers laboured, first to oppose the bishops, and next to "collect out of the Book of God a form of discipline and policy ecclesiastical; to propose it to the prince; and to crave it to be confirmed as a law proceeding from God" (1578).<sup>5</sup> This was the 'Book of the Polecie of the Kirk,' and confirmed it never was. In 1580 "the office of bishops was damned." Episcopacy, the Brethren declared, was "brought in by the folly of men's invention"; all bishops were discharged from all functions, and could not sit as simple ministers till admitted *de novo* by the General Assembly, under penalty of excommunication, which meant universal boycotting. We find Andrew Melville explaining to Beza in 1578 that the nobles maintain "that the sentence of excommunication shall not be held valid until it has been approved by the king's Council after taking cognisance of the cause." He adds that "civil penalties, according to the laws and customs of our country, accompany the sentence of excommunication."<sup>6</sup> This puts the case of the Kirk in a nutshell. They claimed the right to inflict the severest civil penalties independent of the civil power. The Brethren, the professors, were to be able, through their pulpiteers, to deprive the king's servants of their civil rights and to drive them from society.

It happened in 1581 that James's Ministers or rulers, Arran and Lennox, were either profligate or disloyal to the established religion of their country. But the claim of the Kirk to inflict civil destruction, contrary to the will of the State, was a thing utterly intolerable; and, as Morton said, there never was peace or order in Scotland "until some of the most zealous were hanged," and the rest after 1688 were content to abate their unendurable pretensions. Meanwhile several, at least, of the

bishops of 1572-82 were certainly knaves, corrupt and simoniacal, and justly opposed by the Brethren. It is a quarrel in which neither side can wholly merit our sympathy; the Court favourites and their bishops were as odious as the exaggerated desires of the Kirk to rule the State. A phrase of the Second Book of Discipline runs thus: "The ministers exercise not the civil jurisdiction, but teach the magistrate how it should be exercised according to the Word." The magistrate is to "submit himself to the discipline of the Kirk, if he transgress in matters of conscience and religion."<sup>7</sup> Now the preachers could persuade themselves that any part of State policy—say, a French or Spanish Alliance or marriage, or the supporting of Episcopacy—was "matter of conscience." Consequently they could and did interfere, scolding and libelling from the pulpit, excommunicating at their own wills, and yet pretending to restrict themselves to spiritual affairs.

Thus the dragon's teeth were sown which sprang up as armed men in the civil wars. On the other hand, thus the intrigues of Lennox for handing over James to a foreign land and a foreign faith were checked; while James, like Mary, was goaded by sermons into a hatred of the Kirk which produced its own baneful effects. It was a deadlock. Yet it is highly improbable that James, left to himself, would ever have returned to his mother's creed; for by training, by interest, and by vanity about his own gifts as a theologian he was Protestant.

To the political intrigues which followed Morton's death, and to their ecclesiastical embroilments, we now return. Just before Morton's head fell, Mary wrote to Archbishop Beaton about her hopes. James had sent her letters and a "token." She trusted that he would come into her devotion, and be a king indeed, for the Continent had never acknowledged him as king. Weary and outworn by thirteen years of prison, she only wanted to be at peace. Yet she was trying to establish relations between James and Spain, contrary, it seems, to the wishes of her ambassador at the Court of France.<sup>8</sup>

Presently (September 18, 1581) Mary resolved on the scheme of the "Association" (a shared royalty) between her and James. She had never acknowledged him as king. If she did so now, by the "Association," the effect would be, so the preachers and the Brethren thought when the plan reached their ears, to annul

the acts of James's reign up to that moment. "The approbation of religion,<sup>9</sup> and all other things done since his coronation, should be accounted null; such as had been the king's friends should be counted traitors, and his adversaries good servants," says Calderwood, speaking of the events of January and February in the following year.<sup>10</sup>

Meanwhile in Scotland, since Morton's death, Arran (James Stewart) and Lennox had not been on the best terms. Arran was playing for the support of the Kirk. He had, indeed, seduced the wife of Lord March—that is, of James's great-uncle, his grandfather Lennox's brother, who had been transferred to the Earldom of March, in the new Lennox's interest. The lady got a scandalous divorce and was married to Arran. But then the pair submitted to the censures of the Kirk, and, like Burns in later days, occupied the place of penitence. Lennox, of course, was intriguing against the Kirk: however, he and Arran were reconciled. James took pleasure in the society of the new Lady Arran, which cannot have been improving to his morals. At a Parliament in October, Angus, Archibald Douglas, and many others of the name were forfeited. The king, however, would not gratify Lennox by receiving Sir James Balfour, one of his father's murderers. Later, James was less scrupulous. Elizabeth sent Errington to Scotland, as usual to counterplot Lennox; but Errington was not allowed to cross the Border. Elizabeth, when she learned this, was heard murmuring her rage against "that false scoundrel of Scotland," who had called Morton "father" when he meant to have Morton's head. She fell back on an attempt to set Mary against her son, and to restore the exiled Hamiltons. Her interest in them was caused by their value as a counterpoise to Lennox and the Stewarts. But Mary was not to be entrapped. The wiles of a prisoner are *de bonne guerre*, and historians waste indignation on the duplicity of Elizabeth's victim.

Mary's plan was to deny to Elizabeth that she had any special relations with Spain, or expected any aid thence, while she was really treating for assistance with Mendoza, the Spanish Ambassador in England.<sup>11</sup> The queen, as usual, had "too many irons in the fire." She was regarding Mendoza and Spain as her chief hopes, but her affairs and those of Scotland became hopelessly embroiled through the enthusiastic efforts of Jesuit traffickers to sweep Guise, France, the English Catholics, and the Pope into an

impossible alliance with Spain. On the English Catholics Mendoza himself was working (September 1581). To them he pointed out that France would always prevent Spain from succouring them, out of jealousy, while Scotland was the true *point d'appui*. Six Catholic English lords, therefore, met secretly, and sent a priest on a mission to Scotland—or perhaps two were sent.<sup>12</sup> The envoy of the lords was to see Lennox, and tell him that if James turned Catholic many of the English nobles and people would declare him heir to the English crown, and would release Mary. If James declined conversion, they would oppose him and favour another candidate. These English lords “are all Spanish and Catholic at heart,” and desire nothing from France. If James came into their views, they would send their sons as hostages to him, and raise the North in arms, restore the Church, and release Mary. Mendoza actually “thought the business well founded.” Presently two of the six lords were in prison.

Though the subject is rather obscure, it seems that an emissary of the six English lords was taking their striking proposals into Scotland, while Father Parsons, or Persons, the famous Jesuit, was simultaneously, but independently, plotting there, first through Father Watts, and then through Father Hoit. Parsons had apparently despatched Watts and fled to France before the six lords sent their man. The Catholics at this moment were being furiously persecuted in England; it was the time of the martyrdom of Campian; they could not keep in touch with each other's plans, they blundered into each other's plots, and no business could be less “well founded” than that in which Mendoza placed his hopes. Watts met Seton, and had a secret interview with the young king, to what result he does not say. He had hopes of Lennox, Huntly, Eglinton, Caithness, Seton, Ogilvy, and Ferniehurst. But all of those were conspicuously broken reeds: they would not even pay the expenses of Catholic missionaries, if Parsons sent them!<sup>13</sup> The person sent by the English lords met the same noblemen in Scotland, who, unanimously and with enthusiasm, declined to be at any expense for the salvation of their souls. If somebody else would pay the Catholic missionaries, they would get them a secret hearing from the king. This envoy had little to do with Lennox, whom he found French, not Spanish, and “avowedly schismatic.” So Mendoza wrote on October 20, and it is really difficult to determine whether he is not speaking

of Watts after all. In any case, Father Parsons, and Allen, later cardinal, in France, heard of the results, which, we see, came to no more than this, that if the Jesuits would send missionaries to Scotland at their own expense, Seton and Ferniehirst and the rest would see what they could do. That was a very different thing from converting James by way of a *coup de main* and the offer of the English succession.<sup>14</sup>

Meanwhile Mary was keeping her faithful Beaton, her ambassador in France, in the dark, and was trafficking through Allen. Parsons now sent Father Holt into Scotland with the priest who had been the envoy of the English lords (two of whom were already in prison). On February 9, 1582, Mendoza reported to Philip a message brought by Holt from Scotland. He had met Lennox, Huntly, Argyll, and others, who suggested the following hopeful plan: (1) To convert James by disputations between Presbyterians and Catholics. (2) If he will not be converted by fair means, to get Mary's leave to convert him by force. (3) To carry him out of the country, if Mary approves. (4) Or to depose him till Mary arrives. For those purposes they need the aid of 2000 men in Spanish service. The puerile absurdity of these proposals is conspicuous. Even Mendoza knew that not only the preachers, but Arran, "a terrible heretic," were opposed to the Church; the idea, therefore, was to murder Arran.<sup>15</sup> Later it was the English who desired to murder him.

Mendoza sent Holt back to Scotland, approving of the proposals, and now (February-March, 1582) Holt was joined in Scotland by the Scottish Jesuit, Father Creighton. He had conferred with Guise on the way, thus beginning to bring in the French influence, and to tangle the threads which Mendoza wished to keep in his own hands. He was hidden in Holyrood for several days, and Lennox wrote to Mary. He had learned from Creighton that he himself was to head a papal and Spanish army for her relief, an army of 15,000 men. He therefore proposed to go over to France to make arrangements. The plot was already burlesque. Who was to give 15,000 men to be led by Lennox? Already, too, Walsingham and Leicester had an English counterplot with Angus to seize James, and they expected to purchase Arran (March 19, 1582).<sup>16</sup> Meanwhile Mary and Mendoza knew that Lennox's 15,000 men were men in buckram. "It is the first," writes Mary to Mendoza, "that I have heard of such

a thing." She desired the whole affair to be concealed from de Tassis, the Spanish Ambassador in France, and she laughed at the absurd desire of the intriguing Jesuits, that Mendoza should leave London to meet them at Rouen (April 6, 1582).<sup>17</sup> Mary, in short, declined to be mixed up with the Jesuits. Mendoza told Philip that Father Creighton "has changed my mode of procedure" by inventing airy armies, and giving the baton of command to Lennox.<sup>18</sup>

Both Mary and Mendoza opposed Lennox's desire to leave for France. France was the very country they wished to keep in the dark, as any large Spanish force leaving for Scotland would bring the French, from jealousy, to the aid of England. Mendoza entreated Creighton and Holt to confine themselves to the saving of souls,—it was a pity that the clergy should interfere in military matters. They continued to interfere. At the end of April Mendoza was asking Beaton in Paris what grounds Creighton could have for his high-flown promises of an army to Lennox, while Elizabeth (he says, probably exaggerating) was sending money and jewels to Scotland to bribe the party out of power to seize the king.<sup>19</sup> Mary was still most anxious (May 15) that the affair should be kept secret from de Tassis, the Spanish Ambassador at Paris. But the Jesuits, in the Scots familiar phrase, "let the pigs run through the job." Creighton and Holt, disobeying Mendoza, had gone to Paris, had met Beaton and Guise, Parsons and Allen. They reported dreams of Lennox: with Spanish forces he would convert Scotland and James, and rouse the North, and restore England to Rome. Guise offered to invade Sussex as soon as the Spaniards landed in Scotland; Parsons was to carry letters from Lennox to Philip; Creighton to the Pope. Lennox's demands were now immense, 20,000 men for Scotland, large sums of money, a guarantee for the value of his own estates. Yet Creighton reported that James was still a heretic, though in constant danger of his life from the plots of Elizabeth.<sup>20</sup> Mendoza "expressed a wish, as a Christian," that the Catholic schemers "might succeed." They met Guise at the house of de Tassis, whom Mary wished to keep out of the affair, which Guise wished to be subsidised by the Pope alone, so de Tassis wrote to Philip (May 29). Philip saw that too many people knew, and asked de Tassis to detain Parsons (June 11). In fact he stamped out the plot.

While the Jesuits were taking all into their own hands with boyish eagerness, the preachers in Scotland knew that mischief

was on hand. By January 1582 the preachers had found out the scheme of the Association. On January 24, 1582, Durie informed his Edinburgh congregation that James was to traffic with France, the Duc de Guise, and his mother: Durie had wormed it out of George Douglas, Mary's agent.<sup>21</sup> At that time sermons were naturally popular. They contained the latest news, foreign and domestic, with a violent harangue. A National Covenant or band against the Roman pravity had already been sworn to and subscribed (March 1581), specially directed against Catholics who falsely, and for political reasons, pretended to be adherents of the truth. James himself was a covenanter; so was Lennox, but that did no longer protect him: Durie was on him; and henceforth attacked him from the pulpit. Lennox had got the gift of the archbishopric of Glasgow, and had appointed a minister named Montgomery as tulchan archbishop. Montgomery was paid to be a filter through which the money would reach Lennox. Simony could not be carried further. The preachers persecuted Montgomery, and terrified him into submission by threats of excommunication, but he took heart again, and tried to occupy his pulpit in the cathedral.

It is not easy for us to know what kind of men the mass of the ministers were at this period. In 1577 Morton had sent a long list of questions to the General Assembly. Some of them were conceived in a spirit of mockery, such as, "Whether a man may be both a minister and a reader, or an officer of arms, or a lord's or laird's steward, grieve, pantry-man, or porter?" Ministers might keep public-houses, and it is probable enough that some of them, in the deficiency of endowments, resided with lairds as chaplains, assisting also in keeping the accounts of the estate. Many of the ministers, certainly, were men of learning, such as Melville, Smeaton, Pont (who was skilled in the law), Davidson (who wrote the humorous poem against Morton); and one of their charges against Lennox's archbishop, Montgomery, was that he spoke disrespectfully of the learned languages. "He went about, so far as he could, to bring the original languages, Greek and Hebrew, in contempt." He also begged the preachers "to leave off to put on crowns and off crowns," and he daringly denied that the majority of mankind go to hell.<sup>22</sup> This, at least, is asserted by his enemies.

In April the Glasgow ministers were summoned to meet James at Stirling, and to accept Montgomery. Accompanied by many of

the Brethren, they refused to acknowledge the Royal power in the matter, and Durie threatened to excommunicate the archbishop elect.<sup>23</sup> Not long after, in May, a present of horses arrived for James from the Duc de Guise. The man who brought them had been employed to carry the head of Coligny as a token of the success of the Bartholomew massacre, and nothing could have been better calculated than his arrival to arouse the anger of the Protestants. Durie went to Kinneill, where James was staying with Lennox, and rebuked the king. On May 23 he preached against Lennox and Arran. This was on a Wednesday, for Wednesdays and Fridays were days of preaching. Next week he was summoned to Dalkeith, and insulted by Lennox's kitchen valet. James ordered him to leave Edinburgh. He was backed by his presbytery, but was compelled to go. On June 9 the presbytery decided to excommunicate Montgomery, and the poet Davidson "did the curse" in the kirk of Liberton. He proposed to renew at Perth the armed rising which began the Reformation.<sup>24</sup> Lennox was censured for entertaining the excommunicated Montgomery; and a list of complaints was sent to James, including his relations with the bloody persecutor Guise. On July 6, at Perth, Arran asked Andrew Melville who dared subscribe these articles? "We dare, and will subscribe them, and render our lives in the cause," said Andrew, and all signed. Lennox and Arran perceived that the preachers had some lay support.

On June 27 Andrew Melville (now Principal of St Mary's College in St Andrews) denounced the "bloody gully" of absolute power before the General Assembly. Of all people, Sir James Balfour was present as an elder! The "secret assistance" which the Kirk expected took the usual shape of a band "against Dobany" (D'Aubigny, Lennox) among the discontented lords, such as the Earl of Gowrie (Ruthven, who had aided his father in Riccio's murder), Angus, Mar, Glencairn, Argyll, Lindsay, Rothes, and others. Elizabeth supplied Angus with money, and Lennox dreaded assassination.<sup>25</sup> Mendoza represents him as personally timid in an acute degree. Montgomery, as an excommunicated man, was driven out of Edinburgh by the mob in circumstances so ludicrous that James, hearing of the matter, lay down on the soil of the Inch of Perth, where he rolled about in helpless laughter.<sup>26</sup> Though the king's sense of humour was strong, he seems to have been aware that a plot against him had been arranged, and de-



feated, in July. Bowes (August 15) had warned Glencairn, Mar, Boyd, Lindsay, and others that Lennox meant to arrest them for this conspiracy.<sup>27</sup> There was strife between the artisans and burgesses of Edinburgh, the craftsmen insisting on being represented in the town council. In this dispute Lennox and Arran took opposite sides. Lennox meant to have occupied Edinburgh with Borderers on August 27; but the discontented lords, Gowrie and his faction, though the scheme of their band was incomplete, anticipated Lennox's movement against them, and seized the person of James, who was unaccompanied by Arran and Lennox, in the *coup d'état* known as the Raid of Ruthven.

It was on August 22 that Gowrie (Ruthven), Mar, the Master of Glamis, Lindsay, and others took and held James at Ruthven Castle, near Perth, a seat of Gowrie, where he had been hunting. Neither Arran nor Lennox was with him,—he was fairly trapped. The plot had been managed by Angus, with the collusion of England, which desired the deaths both of Lennox and Arran. Spottiswoode narrates that, as James tried to leave the room where the conspirators were, the Master of Glamis stepped to the door and stopped him. The king burst into tears. "Better bairns weep than bearded men," quoth the Master.<sup>28</sup> Calderwood makes Stirling the scene, the time August 31, and makes the Master of Glamis insult James by thrusting his leg before him. Mendoza gives another account of this insult, making Gowrie interfere, and dating the event on October 13. Mendoza, as translated by Major Martin Hume, says nothing about Gowrie's insulting leg. As rendered by Mr Froude he does, and asks someone to bring the king "a rocking-horse"—"a poney" in Major Hume's rendering.<sup>29</sup> Mr Froude adds that James "swore he would make Gowrie pay for the insult with his life"; Major Hume, "that he would reward him for it some day."

In spite of these confusions of evidence, James was probably insulted, and certainly regarded himself as a captive and dishonoured. This "bairn" bided his time, and made "bearded men weep" when it came. Meanwhile he was powerless. Arran at once rode to him with one or two grooms: his brother was waylaid and wounded: Arran himself was made prisoner. Next day the captors laid their grievances before James. He governed, it was said, not through his Council, but through Lennox, who was known to intrigue with Bishop Lesley and Archbishop Beaton. The "ministers of the

blessed Evangel, and the true professors," had taken the liberty to emancipate James from such advisers.<sup>30</sup> James was brought to Perth, and, like his mother when seized by Bothwell, had to proclaim that he was no captive. Lennox, with Herries, Maxwell, Home, Seton, and Ferniehurst, repaired to Edinburgh, but took no energetic measures.<sup>31</sup> The new Bothwell, Francis Stewart, recently brought back by the king from Italy, son of a sister of Bothwell's by a bastard of James V., was with the Gowrie party, so was holy Ker of Faldonside. Elizabeth (August 30) sent Sir George Carey to James, complaining of Lennox.<sup>32</sup> Bowes was also sent, and the veteran Randolph was most anxious to go. He had sown the seeds, as Archibald Douglas told him, when trying to do a bargain with him in horse-flesh, for now Archibald hoped to ride home.<sup>33</sup> Archibald says that Arran was offering to accuse Lennox of treason, and it is very probable.<sup>34</sup> However, Archibald was to sell himself frequently before he crossed the Border.

From Edinburgh Lennox sent envoys to James, who assured them that he was a captive. The young king was sorely tried. The Lennox plot had been to convert him by force, and carry him abroad, if necessary. The Ruthven raiders held him a prisoner, and his life was in danger. James was like his grandfather when Sir George Douglas told him that they would tear him in two if the adverse party took hold of him. The foreigners and Lennox pulled one way, England and the Ruthven raiders tugged in the opposite direction. But James was fond of Lennox; his Ruthven captors he detested, except Mar. Historians maintain that James was ready to barter his creed for political advantages.<sup>35</sup> This was not his mother's opinion. "As his mother remarks," wrote Mendoza, "preaching will be of no avail to convert the king; he and the country must be dealt with by main force"<sup>36</sup> (August 30). The day after Mendoza wrote thus, he learned that Elizabeth had heard of the success of her plot with Angus—the Raid of Ruthven. Mendoza also heard, and this is notable, that the English trafficker with Angus was the Earl of Huntingdon, and that his party were muttering that it would be well to poison both James and Mary, "whereby Leicester and his party of heretics think they can assure the claim of Huntingdon." This was probably true; for, later, Gowrie confessed that he had known an English plot to cut off both James and Mary, and had refused to carry it out.<sup>37</sup> Gowrie told the same story to the

Master of Gray. Thus assassination plots were not confined to the Catholic party, nor to the Scots.

The Ruthven raiders held power for but ten months. The letters of Bowes, the English Ambassador, then in Scotland, prove that the party was never solid: they all suspected each other; even Gowrie was under suspicion, Glencairn was doubtful, and Bowes could only trust Mar and the Master of Glamis, as a rule. The aim of the party was to get Lennox, who had taken refuge in Dumbarton, out of Scotland. Bowes was usually convinced that James was with him and the raiders in this desire; later he misdoubted that "the young cock" had beguiled him. After many delays and intrigues, Lennox obtained leave to go to France through England. But he had first appeared at Blackness, awaiting the result of a rather ingenious plan for seizing James. The conspirators were to conceal themselves in the dark gallery over the Royal Chapel, and thence, when the nobles had left the king after supper, were to enter the palace by a little entry, of which James's porter, Boig, had given them the keys. They would "persuade the king to be contented, and send for Lennox," and would then kill Mar, John Colville, a busy man on the raiders' side, and others: all this on the night of Lennox's hasty arrival at Blackness (November 28).<sup>38</sup> Lennox, when he arrived in England, acquainted Mendoza with this plot and its divulgence by "the king's houndsman."<sup>39</sup>

To what extent was James himself a consenting party to this new seizure of his person, and how far, on the whole, did he go with Lennox in his designs for a restoration of the Church? The answer depends on another question, How far was James aware of Lennox's designs for an alteration of religion? Lennox, we must remember, had signed the National Covenant, and it may be doubted whether he had ever revealed to James his intention of converting him by force, or carrying him abroad to be converted. James was personally fond of Lennox, and he regarded himself as a captive, and an insulted captive, of the raiders. His position was this: he had promised Elizabeth that Lennox should go to France, and he tried to send him thither. So far he was not deceiving Bowes. But, already a casuist, he reckoned that he had never promised that Lennox should not return. While Lennox was in Scotland the life of James was not safe from the raiders. They knew the peril of their own position, and Bowes knew it. They held a wolf by the ears. Elizabeth would not pay them—would not pay the guard they

had set over the king: probably she would desert them. One day James would escape and revenge himself. If they listened to their English allies they would kill James; but to kill James meant a Hamilton as king, or a civil war. They were thus anxious merely to get Lennox out of the country, and the king knew that this measure was for his own safety. Whether he would willingly have gone with Lennox, had the attempt from Blackness succeeded, we cannot tell. But, knowing now of the attempt, James had arranged to recall Lennox from France, and a plan had been sketched for trapping the Ruthven lords in Edinburgh Castle and freeing the king—so Lennox informed Mendoza.<sup>40</sup> Meanwhile, publicly, James had been forced to acquiesce in the situation. He did *not* dismiss Boig, the porter.

While Lennox tarried at Dumbarton the lords had put forth an enormously long indictment of him, which, from the style, seems to have been composed by the preachers, or by John Colville, who had been a preacher, and was their man of tongue and pen. Lennox replied, and asked to be heard before Parliament; but it was not the way to permit accused persons to defend themselves, as we know from the case of Queen Mary. Craig scolded James in public.<sup>41</sup> Angus was admitted to the king's peace. On October 19, 1582, a Parliament, or Convention, met at Holyrood. Its proceedings, in the recorded Acts of Parliament, are deleted,—crossed out,—and, so marked, look oddly in the printed Acts (vol. iii. pp. 326-328). The deleted proceedings announce that holy religion and his majesty's royal person were in peril, wherefore Gowrie and the rest were compelled to commit the Raid of Ruthven, which is decreed to be "good, sincere, thankful, and necessary service." Arran is to be warded by Gowrie at Ruthven. James, on the first opportunity, scored out this paper security for the Ruthven lords.

A General Assembly, meeting in October, had ratified the Ruthven conspiracy with their spiritual approval, which was, apparently, infallible. This action James never forgave, though he had been consulted by the preachers, and had given them his sanction. Bowes meanwhile was making efforts to extract the casket and casket letters for Elizabeth from Gowrie, but failed. After Gowrie's death the letters entirely vanished. A casket at Hamilton Palace is not the original coffer.<sup>42</sup> Mary had been declaring the letters forgeries, and menacing their holders. Bowes said that Elizabeth needed them "for the *secrecy* and benefit of the

cause," a phrase which will be diversely interpreted by Mary's friends and enemies.

The end of the complicated intrigues of this year was that Lennox at last went to London, on his way to Paris; that Angus was seemingly received into favour by James; that James felt, or pretended, great devotion to Elizabeth. But from Bowes's long and tedious letters it is plain that the Ruthven conspirators were uneasy and at odds among themselves; that Arran was likely to be liberated; and that Elizabeth would not take the only way to attach to herself the Ruthven lords—would not buy them.

History, it is said, does not repeat itself. At this time in Scotland history was a series of repetitions. There was a formula, the old play was played, with occasional changes in the actors. The English and Protestant lords, backed by the Kirk, seized the king, relying on the aid of Elizabeth. She was too thrifty to pay them adequately; their party dwindled; the French or Spanish, or anti-Kirk party, got the king; Catholic plots were woven; they were discovered; the webs were rent; and the English party of the lords had another chance. The quarrel about Episcopacy broke forth, was quieted, and broke forth again. Elizabeth played the game of cat and mouse with Mary, and set Mary against James, James against his mother, till the axe fell at Fotheringay. The result was that James, a nervous creature, perpetually in danger of his life, captured, preached at, bullied, became one of the falsest and most selfish of dissemblers, longing for freedom and revenge, and, in appearance at least, wavering in religion.

When Lennox left Scotland with shattered health, two French ambassadors arrived: first La Mothe Fénelon, accompanied by Davison as a spy; later came Mainville. Lennox and La Mothe met on the road and had a brief conversation, to which Davison listened, as far as the wind and rain permitted. James was, or pretended to be, anxious to get rid of La Mothe.

La Mothe delivered an address on the Old Alliance, the desirableness of constitutional action, his king's anxiety for James's freedom, his hope that James would let bygones be bygones, and so forth.<sup>43</sup> The ministers correctly suspected deeper designs, and sent a deputation about the dangers to religion. Mainville wore the cross of an order—this was a badge of antichrist. He desired a private mass, a thing not to be endured. He washed the feet of thirteen poor men on Maundy Thursday—nothing could be more

detestable. When the magistrates, by James's order, gave La Mothe a dinner, the preachers proclaimed a fast, and three sermons were preached in five hours. La Mothe retired; he had brought gold with him, and may have bought a few lords. Mainville stayed longer, waiting to see how affairs would turn.

In London Lennox had seen Elizabeth, and announced himself a Protestant, while through his secretary he assured Mendoza that he was a Catholic, and would land again in Scotland with a Catholic army under Guise. In Paris, however, he would play the Huguenot to blind his enemies. Once arrived in Paris, he either betrayed Mary's and Guise's plans, and a scheme for carrying James to France, or he used these revelations as a blind for Walsingham, or he stood to win on either chance. In any case, he died in May of a flux to which he seems to have been subject: he and Morton had both been very ill after gorging themselves at a dinner of Lindsay's. In his last letter, recommending his children to James (who befriended them), Lennox professed himself a Protestant, which probably means that he thought James resolute in that faith. He had said as much to Mauvissière, the French Ambassador in London, and Mauvissière told one Fowler, a spy of Walsingham's, who was employed in seducing Archibald Douglas, a prisoner, from Mary's cause. Fowler also learned that Gowrie was weary of his charge of James. He needed guards, could not pay them, and Bowes could not wring the money from Elizabeth.<sup>44</sup> At this time the Scots captured the Jesuit Holt, and Elizabeth urged the use of the boot. To torture was her peculiar joy, but James managed to let Holt escape. English pirates, as cruel as their queen, caught and tortured the captain and crew of a Scottish ship, The Grace of God, so that "some lost their thumbs and fingers, and some their sight and hearing." Yet the English have always blustered about the cruelty of the Spaniards!<sup>45</sup>

In April two envoys were sent from Scotland to Elizabeth: one, Colville, later ruined, and a spy, had taken a great part in the Raid of Ruthven; the other, Colonel Stewart, had acted as agent between Mary and the late Lady Lennox after their reconciliation, and at heart was Mary's man. Stewart was to consult Elizabeth as to James's marriage and affairs in general; was to pray that she would resign to him the Lennox lands in England; to ask for £10,000 in gold and £5000 a-year; to

assent to the ratification of the endless treaty between Mary and the English queen, and to inquire about James's right of succession to the English throne (April-May 1583).<sup>46</sup> Redress for the piracies was also mentioned. Most desired was money to pay James's guards: Bowes was asked by Walsingham to lend it; Walsingham would give security for repayment.<sup>47</sup> By the end of May Fowler could report his success in purchasing Archibald Douglas, who "was skilled in deciphering." Archibald is probably the person mentioned by Bowes from Edinburgh on April 7. If so, he was associated with Glencairn, an untrusty ally of Gowrie; and the plan was to bring Archibald back to Scotland as a supposed agent of Lennox (named in cipher "870"), which would enable him to be trusted by, and to betray, Mainville, Huntly, Glencairn, and Montrose. There were difficulties, as Archibald would perhaps be accused of Darnley's murder, though he declared that Morton's confession, implicating him, "was not worth five shillings." The scheme was deferred by Bowes's advice.<sup>48</sup> On May 29 Colville and Stewart left London in disgust, and the expense of James's guards fell on Walsingham. Bowes, in Edinburgh, foresaw trouble: James, if his requests were denied, would revolt to Huntly, Atholl, and other non-English nobles.<sup>49</sup>

Elizabeth in April had been in one act of her treaties with Mary: endless, and never meant to end. She communicated Mary's offers through Bowes to James. The prince remarked that, seeing Elizabeth and himself were coming to terms, his mother tried to throw this "bone to stick in their teeth." In any "association" he "doubted some prejudice might come to him"; the association was "tickle to his crown." In brief, James suspected that Mary wished to share or even monopolise his power, and so held off from the association.<sup>50</sup> Elizabeth probably reckoned that she held James through his own selfishness, and therefore declined to yield the Lennox estates or advance money for the guardsmen, without whom she might at any moment lose him. Her highest offer was a pension of £2500. Colville and Colonel Stewart came home in anger, and Elizabeth renewed her dealings with Mary. But these Elizabeth never would conclude, and, whatever Mary's crime as to Darnley, this eternal game of cat and mouse excites pity and indignation. Meanwhile James's dealings with Elizabeth, and his Protestantism, diverted Guise from his scheme of invading Scotland. To land

an army in England seemed more feasible. Nothing was feasible: all had to be managed by messengers, whom Elizabeth was certain to trap and torture. The aspect of politics was altered again when, after the failure of the mission to Elizabeth, James freed himself from Gowrie, who was heartily sick of his charge.

The escape was managed thus: Patrick Adamson, Archbishop of St Andrews, was of course much suspected and detested by the preachers and the Brethren. But Patrick had a house of sufficient strength, the Castle of St Andrews, which Archbishop Hamilton had rebuilt after its ruin by the French guns that avenged the Cardinal. Here since the General Assembly of April 1582 Patrick had "lain like a tod [fox] in a hole, diseased of a great feditie, as he called his disease." Patrick, not being a godly man, had protected, and later given up, a poor woman accused of witchcraft: she was said to have transferred his malady to a white pony, and the historian of the Kirk relates with glee that she was afterwards burned at Edinburgh.<sup>51</sup> It was to Patrick's "hole," the Castle of St Andrews, that James now fled. Sir James Melville was concerned in the escape. James appointed, he tells us, a convention at St Andrews, inviting Huntly (not the partner in Darnley's murder, who was long dead), Montrose, Argyll, Crawford, Rothes, March, and Gowrie, who is represented as having come round to James's cause. He was certainly thought a waverer by Angus and others of his party, was weary of politics, and was building and decorating "a fair gallery" at Gowrie House in Perth, a gallery destined to be fatal to his line. The king sent Colonel Stewart to call in Sir James Melville, who was tired of Courts, but visited James at Falkland (June 27). Sir James argued that the king was now practically free and had better let bygones be bygones. This he promised to do, but he must first be free indeed. He therefore rode to his great-uncle, the Earl of March, who was living in St Andrews, and met him, with other gentlemen, at Dairsie on the Eden. At St Andrews James lodged in the *Novum Hospitium*, where the old gateway stands. The place was very insecure, the mob was not to be trusted, and Melville induced the king to move into the Bishop's castle, which he did in the more haste as armed men were waiting to seize him in the abbey gardens. Next day James was again in peril, as the lords of the English party arrived in arms. However, the Provost mustered a force, aided by the loyal lairds and Gowrie.



On the morrow James was master of the castle, and a bitter day must that have been for Andrew Melville, the Principal of St Andrews. The king proclaimed an amnesty, went to Ruthven, dined with Gowrie, and was apparently reconciled to him. But Arran (the Colonel Stewart who dragged down Morton) returned presently to power and favour. This boded evil.<sup>52</sup> The preachers met James at Falkland; one or two behaved with tact, another threatened: "there was never one yet in this realm, in chief authority, that ever prospered after the ministers began to threaten them."<sup>53</sup> James smiled; he was to prove an exception to the rule.

His intentions, as publicly proclaimed, were to be "an universal king"—that is, to reconcile parties, and to be subject to no clique of nobles. When a captive, he had been compelled to express acquiescence in the Raid of Ruthven, but his proclamations now declared that the parties to the conspiracy must seek "remissions" for their deed. Such a paper remission Gowrie sought and obtained, thereby disgusting his late allies. The king spoke much of "clemency," which was doubly distrusted. Many intrigues were being woven which were only in part known even to the preachers. Young Seton (a son of Mary's staunch friend, Lord Seton, and to be recognised as a brother of Catherine Seton in Scott's 'Abbot') was at Paris in July, dealing not with Guise, but with de Tassis, the Spanish Ambassador, and hoping to secure religious tolerance.<sup>54</sup> Immediately after the affair at St Andrews, de Tassis heard, from an unnamed Scots lord, that Sir Robert Melville,<sup>55</sup> a strong Marian, had organised the business, and that James's Council, pending the arrival of Arran, were Argyll, Montrose, Rothes, Marischal (Keith, founder of Marischal College), and Gowrie, "by whose advice he is influenced." James wanted Mainville to return, and wanted money from Henri III.<sup>56</sup> But Henri III. had no money to give, and was on ill terms with Guise, who needed a foreign war, and was working on Philip to lend men and ships, and with the Pope to give money, for the release of Mary and for the restoration of Catholicism in England. It was known to the preachers that the young laird of Fintrie, a Catholic, later martyred, and a relation of Archbishop Beaton, was in Scotland, and probably Fintrie carried a curious letter from James himself to Guise, of which a copy was forwarded to Philip.

This letter, from Falkland, August 19, would have shown the

ministers that their distrust of James's relations with Guise, "the bloody persecutor of the saints," was more than justified. The king thanked God for preserving the life of Guise, who had aided Mary and James in their utmost need. If James possesses the splendid qualities attributed to him by Mainville (and he does not disclaim them), he owes it to his Guise blood. He hopes to follow in the footsteps of the House of Lorraine. He has achieved his freedom, "as it were in sport," so adroit is he, "and is ever ready to avenge himself when the opportunity occurs." That was precisely the opinion entertained by the enterprisers of the Raid of Ruthven. He approves of Guise's project. Acting on Mainville's advice, he has, for love of Guise, allowed the Jesuit, Holt, to escape, a circumstance which, in treating with Elizabeth and the preachers, he discreetly veiled. People were always escaping, he said; there was nothing "uncouth" in that. But James did not profess any inclination to join the Roman Church, without which Philip would do nothing for him. He had mentioned all this only to Morton (Maxwell) *and to Gowrie!* Now, if Gowrie was not Protestant, who was? He ran too many double courses.<sup>57</sup>

James now issued a proclamation expressing his mind as to the Raid of Ruthven, and calling Durie with other preachers to St Andrews he asked them what they thought of it. They answered ambiguously: he had better consult the General Assembly.<sup>58</sup> At the end of the month Mar and the Master of Glamis—he of the impertinently obtruded leg—were placed in ward. Early in September Walsingham, much against his will, was sent down by Elizabeth. He could do nothing with James, and advised Elizabeth to slip at him the Hamiltons, then exiles in England. He also left a plot against James, to explode when he had returned to England; but the plot was dropped.<sup>59</sup> Arran had discovered it, and reinforced the guards. Walsingham remonstrated about Holt's escape. James replied that he would have extradited Holt, an English subject, if Elizabeth had handed over Archibald Douglas, "who is known to be guilty of my father's murder." (James's filial feelings did not prevent him from accepting, soon after, the services of Archibald, and his father's murderer was employed to destroy his mother.)<sup>60</sup> He denied to Walsingham what he had professed to Guise, his connivance at Holt's escape. Such had education and environment made James at the age of seventeen.

The General Assembly met in October. They grumbled about

the reception of young Fintrie, about favour shown to David Chalmers, who, says Buchanan, had abetted the amours of Bothwell and Mary. The Assembly held him suspected of Darnley's murder, in which, apparently, a large part of the population had been engaged. The Assembly growled at the scarcity of witch-burnings, and made other more legitimate complaints. James was later to do their will on witches, and to do it with a zest. The best part of James's reply dealt with the pretensions of the preachers to dictate his choice of ministers, and to oppose his friendly relations with foreign Powers, "from which no princes or commonwealth in the world abstaineth, although being diverse in religion." The Assembly now "delated" Aristotle and other classical authors of heterodox opinions, to the number of twenty. Tutors at the universities must "evince their errors, and admonish the youth to eschew the same."<sup>61</sup>

On November 13 Lennox's son, a boy, arrived from France and was taken into favour, rising to ducal rank. A convention at Edinburgh, of December 7, stamped as traitors such Ruthven plotters as would not repent. Now the old Act approving of the Raid was deleted.<sup>62</sup> Angus was banished beyond Spey; Mar and the Master of Glamis thought of retreating to Ireland, others to France; Gowrie remained at Court. He had failed to arrange a revolutionary plot with Mar and Bowes, or had refused. James knew of a plot to kidnap him while hunting, planned by Angus (December 29).<sup>63</sup> "The matter is dissembled for the present."

The new Bothwell, Francis, son of a sister of the wicked earl, was beginning his career of storms by quarrelling with Arran. The turbulent John Durie, however, was subdued: threats of setting his head on a spike produced a recantation from him in the pulpit.<sup>64</sup> Mary's influence, Bowes believed, wholly governed James.<sup>65</sup> But at this time was captured Francis Throckmorton, an agent in Guise's great doomed project of an invasion of England; and that enterprise was to bring ruin, through Throckmorton's extorted confession, on many of its devisers. The rack, as usual, extracted from the unhappy Throckmorton all that he knew, and his account of an intended invasion alarmed the advisers of Elizabeth. They were really in no great danger: Philip required much more urging before he would move, and the Pope was stingy. Events were to prove that England could guard her own. But it seemed desirable to win over James. That worthy messenger, Archibald Douglas,

was to be sent to Scotland to tell James that Elizabeth would recognise him (January 23, 1584).<sup>66</sup> But on the very next day Bowes, from Berwick, informed Walsingham of a new plot of the lords of Mary's party, while the laird of Applegarth accused Angus of a conspiracy, already known to James, to seize him in the old way. Two English emissaries from Mary were working in Scotland; Bowes could not identify, and failed to kidnap them. A month later (February 19, 1584) James took the extraordinary step of writing to the Pope as well as to Guise. Arran, "that terrible heretic," was at this time the young king's chief adviser, and we are inclined to suspect that James, alarmed by the plots and rumours of plots, wrote without Arran's knowledge. He speaks of his gratitude to the Pope as the friend of his mother, and of his own danger from evil subjects leagued with Elizabeth, "with the object of utterly ruining me." Unless aided by the Pope, James will be forced "to second the design of my greatest enemies and yours." "I hope to be able to satisfy your Holiness on all other points."<sup>67</sup>

James must have been terrified by the plot of the English party, Angus and the rest, organised by Colville (the man of the Raid of Ruthven and of the mission to Elizabeth), who was now in exile at Berwick, working with Bowes. Some bishop, perhaps Patrick Adamson, who had carried his "feditie" to England on a mission, stood in the way, and Colville (March 23) thought that he should be "removed." Up to mid-April "the news was good," said Colville, and on April 19 Bowes was waiting to hear of the success of the plot. Rothes, Angus, Mar, and others were to meet in Lothian. Gowrie was loitering at Dundee, ready to join the rebels if they succeeded, to sail away if they failed. He appears to have been trimming. Certainly he was in touch with Angus through Hume of Godscroft. He professed to James his intention of sailing abroad, but he lingered, watching events, and equally distrusted by both parties. Elizabeth was being pressed to support the party which she had so often deserted, when instead of joyous news of the success of the blow to be dealt on April 18, Bowes received evil intelligence. Arran knew everything, and had only waited till the head of the tortoise peered forth from the shell. Gowrie was taken, after resistance, at Dundee, by Colonel Stewart. The head had peered out; Mar, Angus, and the Master of Glamis had slipped back to Scotland. After Gowrie's arrest they seized Stirling Castle. Within two days James and Arran were marching against them at the head

of 12,000 men. The leaders ran away and crossed the Border. Bowes confessed that he had blundered, and ought to be dismissed from service. A correspondent of Davison, who was on a mission to James, "had thought better of Randolph and Bowes," so that old Randolph seems to have had a finger in the fiasco. Angus and Mar were told by Walsingham that Elizabeth would do her best for them. It was the old story of a rising fostered and betrayed by Elizabeth. The preachers fled with the rest. Mr Andrew Hay, Mr James Lawson, Mr Walter Balcanquhal, with Mr John Davidson, that satiric poet, went to join Mr Andrew Melville across the Tweed. Elizabeth had recently hanged a considerable number of priests, and Arran was very capable of doing what Morton said needed to be done to preachers.

It does not seem that the Brethren fled before the execution of Gowrie. On May 27 Davison from Berwick wrote to Walsingham an account of the infamous trick by which Arran brought Gowrie to the block. The story is a partisan statement; it is told by Calderwood, but it is much in harmony with a manuscript account of the trial.<sup>68</sup> Mr Tytler accepts the narrative sent by Davison to Walsingham on May 27. It is to the effect that Arran and Sir Robert Melville visited Gowrie, and Arran cajoled him into writing a letter of confession to James, so as to secure an interview. Arran promised that this letter, "his own dittay," or indictment, as he said, should not be used against him. It was used, and Gowrie was executed, behaving with great resolution. If the story from the same sources—that Sir Robert Melville stood as Gowrie's friend at the block, and with Stewart of Traquair saw to his burial—is true, Melville can scarcely have been deeply involved in the treachery of Arran, if treachery there was, though Melville could play a double game in diplomacy. At the time of Mary's capture at Carberry (June 1567) he certainly dealt both for the lords, his employers, and for Mary, to whom he was devoted. But we have no reason to think that he would betray a friend like Gowrie, or that, if he did, Gowrie would treat him as a friend on the scaffold.

Gowrie had been in the Riccio murder. He had helped Lindsay to extort Mary's abdication at Lochleven. According to Nau, he had insulted her by his lust in the same castle. Throckmorton reported at the moment (July 14, 1567) that Ruthven was removed from the charge of the queen, "as he began to show great favour to her and gave her intelligence."<sup>69</sup> Mary revealed his conduct, and

showed a letter of his to Lady Douglas of Lochleven, says Nau, so the laird of Lochleven had him recalled. The evidence of Throckmorton and Nau tends to the same point. Gowrie had imprisoned his prince once, had been pardoned, had been trusted even as to the king's dealings with Guise, and yet had been engaged in this latest plot. But the method by which his conviction was secured was deemed "Machiavellian," and revenge may have been the motive of his son's conspiracy in 1600.

We have perhaps no right to connect Andrew Melville with the conspiracy now crushed by the death of Gowrie. It was earlier, on February 15, 1584, that Melville was summoned before the Privy Council. He was accused of seditious sermons and prayers, and explained that his words had been misunderstood. He claimed to be tried, in the first instance, before a court of the Kirk. This would, of course, mean an acquittal, and a secular court might fear to quash the verdict of the spiritual judges. He also protested that his accuser, one Stewart, was a private enemy. After giving in his "declinature" he brandished a Hebrew Bible, and asked if any one could condemn him out of that. He was practically found guilty of contempt of court, and ordered to go to prison in Blackness. "He made as if he intended to obey the sentence," says his biographer, Dr M'Crie, but he fled to Berwick—not without breach of parole, as some may conceive. Probably he cannot fairly be charged with refusing, as an ordained minister, to submit to a secular court in the case of a charge of seditious language. His plea rather was that he should be heard, in the first instance, by spiritual judges.<sup>70</sup> But then they would give a verdict in his favour, and how could a secular court reverse the doom of the prophets?

As for the other preachers in exile, some, it seems, had withdrawn after Melville's flight, weeks before the attack on Stirling. The others looked only for "bloodie butcherie."<sup>71</sup> In these distressing circumstances a General Assembly, which was asked to reprobate the Raid of Ruthven, broke up without doing business. It was when Mar held Stirling, and he wrote a letter to the Brethren, but the occasion was awkward, and the Brethren did not commit themselves, "awaiting a better opportunity."<sup>72</sup>

In this condition of the Kirk Patrick Adamson returned from England. He had bestowed his "feditie" on Mendoza, before that ambassador was dismissed after Throckmorton's confessions. "He haunted also Mr Archibald Douglas his companie, and sindrie other

suspect places." He bilked a tailor of £7. He borrowed a gown from the Bishop of London, but did not send it back to that prelate. He did something even more remarkable, for which he was batoned by the porter at the palace.<sup>73</sup> According to Calderwood, Adamson must have acted like a less decorous Archbishop Sharp.

The proceedings of James and Arran, on Adamson's return, indicated what proved to be the permanent bent of the young king. France, in reply to Lord Seton, had advised James to proceed "by the gentle way" in resettling his realm.<sup>74</sup> The advice, though disappointing, seemed excellent, but how was it practicable? To pardon all the lords conspirators would only breed new conspiracies. To permit the unbridled licence of the pulpit was no way of bringing peace. Moreover, Arran wanted the spoils of Gowrie, the Douglases, and the Hamiltons, who had been hanging about the Border waiting for the success of the Raid of Stirling. James showed, in these circumstances, his despotic tendency, his zeal for Episcopacy, his determination to be the head of the Kirk as well as of the State. Without dominating the Kirk, indeed, his headship of the State, and even the State itself, were futile. The time was not ripe for public opinion to take its due share in the commonwealth, by parliamentary representation and the open discussion of the platform and the press. The press was represented by clandestine pamphlets and placards; the modern House of Commons had its parallel in the General Assembly, but that, with the pulpit, was one-sided, and rested on the survival of spiritual privileges and pretensions, and on texts from ancient Hebrew Scriptures. The public opinion of the puritan middle classes found voice in sermons, but these perpetually trenched on sedition. Each change of Government was the result of armed conspiracy, and implied executions and forfeitures.

The course which James took for reinforcing the State was arbitrary, unconstitutional, and (in the eyes of the preachers and the Brethren) blasphemous. But what course was he to take? On the return of Adamson a Parliament was held at Edinburgh on May 18-22.<sup>75</sup> Naturally, and as usual, the Opposition did not attend. The Lords of the Articles were sworn to secrecy. The preachers were not represented. In four days the Parliament unmade much of the Reformation which in 1560 a convention had made as rapidly, and with as little discussion. Lawson and Balcanquhal, from their refuge in Berwick, complained of the revolu-

tionary speed; but it was the usual method in Scottish parliamentary proceedings (June 2).<sup>76</sup> The Rev. David Lindsay, sent by the brethren to inquire and remonstrate, was hurried to Blackness.

The Ruthven Raid was again declared treason. James and the Council, by the "Black Acts" as they were called, were to be judges in all causes, or to approve of the judges; and declinature of jurisdiction (as by Andrew Melville) was to be held treason. There was to be no more meddling with State affairs in sermons under penalty of treason, no General Assemblies without James's express licence. Episcopacy was established. The posterity of Gowrie was disinherited. The excommunication of Montgomery was annulled.<sup>77</sup> Angus, Mar, Glamis, and others were forfeited. Colonel William Stewart was made Captain of the Guard. Davison was in Edinburgh and reported these proceedings to Walsingham (May 23-27). James had now got what he really wanted, if he could keep it, and consequently he was at once independent of Guise, Spain, and the Pope, and had shown them, by establishing his supremacy in a Church after his own heart, that they could not hope for his conversion.

Having put his foot on the neck of the Kirk, James could no longer be expected even to promise to be converted to the Church. He was in the desirable position of being his own pontiff, like Elizabeth, after the Parliament of May, and this would bring him closer to England. For his mother's freedom he had no desire, far otherwise. James had only needed his mother's aid, as he had needed that of the Pope. The more noted preachers fled, and "flyted" from Berwick against Patrick Adamson. Both sides put in hits, and we learn from Adamson that the General Assemblies were called "Mackintosh's Courts," which we may conceive to have been unruly.<sup>78</sup> Ministers were compelled to subscribe a submission to their ordinary or withdraw. Lawson and Balcanquhal replied at vast length. What, had God not given to the preachers "the keys of binding and losing," and was a mere Parliament to take possession of these instruments, "and overpass Uzziah in usurping the office of the priests"?<sup>79</sup> "New presbyter," we see, "is but old priest writ large," and this pretension, at the root of a century of war and broil, needed to be put down.

The ladies joined the bicker. Mrs Janet Lawson (*née* Guthrie) and Mrs Margaret Balcanquhal (*née* Marjoribanks) rushed into the fray with a long letter. They quoted Latin, they cited Chaucer,



they called Adamson's style metallic ("hard iron style"). They said, "You lie in your throat!" They called Episcopacy "your new-devised Popedom." They denied that the Kirk had threatened to excommunicate the king.<sup>80</sup>

These were remarkable ladies, if their logic, their Latin, and their manners were all their own. But we are now entered on that deadlock between Kirk and State which never ended till, wearied and worn, the Kirk practically surrendered to the Prince of Orange. Later, Craig told the bullying Arran that he "should be cast down from his high *horse* of pride." That was an easy prediction, but Calderwood thinks it was fulfilled "when James Douglas of Parkhead thrust Arran off his *horse* with a spear and slew him."<sup>81</sup> Mr Froude spares a compliment to the "second-sight" of the preachers. Indeed their "subliminal premonitions" were ever part of their power with the populace.

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#### NOTES TO CHAPTER XI.

<sup>1</sup> Hume Brown, ii. 169, 186.

<sup>2</sup> Calderwood, iii. 306, 307.

<sup>3</sup> Calderwood, iii. 385, 393.

<sup>4</sup> Privy Council Register, i. 640.

<sup>5</sup> Calderwood, iii. 415; Act. Parl. Scot., iii. 105, 138.

<sup>6</sup> M'Crie's Andrew Melville, i. 202.

<sup>7</sup> Calderwood, iii. 531, 532.

<sup>8</sup> Labanoff, v. 231, 237.

<sup>9</sup> For example, in the Parliament of November 1581, specially confirming the Act of Mary's last Parliament of April 1567 (Act. Parl. Scot., iii. 210).

<sup>10</sup> Calderwood, iii. 594, 595.

<sup>11</sup> Mary to Mendoza, January 14, 1582, Spanish State Papers, iii. 205, 206.

<sup>12</sup> Watts, apparently, was sent "before September" 1581, while on September 7 Mendoza writes to Philip that the six lords will "send a person of understanding who was brought up in Scotland" ('Edinburgh Review,' vol. 187, p. 324; Spanish State Papers, iii. 170). Apparently Father Persons sent Watts, the six lords sent some one else.

<sup>13</sup> Edinburgh Review, vol. 187, p. 326.

<sup>14</sup> Spanish State Papers, iii. 194, 195.

<sup>15</sup> Spanish State Papers, iii. 285-288.

<sup>16</sup> Spanish State Papers, iii. 320.

<sup>17</sup> Spanish State Papers, iii. 330, 331.

<sup>18</sup> Spanish State Papers, iii. 349, 350.

<sup>19</sup> Spanish State Papers, iii. 351.

<sup>20</sup> Spanish State Papers, iii. 371.

<sup>22</sup> Calderwood, iii. 579, 580.

<sup>24</sup> Calderwood, iii. 623.

<sup>26</sup> Calderwood, iii. 663, 664.

<sup>21</sup> Calderwood, v. 594.

<sup>23</sup> Calderwood, iii. 597.

<sup>25</sup> Tytler, iv. 47. 1864.

<sup>27</sup> Bowes, pp. 176-178.

- <sup>28</sup> See Calderwood, iii. 643, for another version. Cf. Spottiswoode, ii. 290.
- <sup>29</sup> Spanish State Papers, iii. 407; Froude, xi. 283. 1875.
- <sup>30</sup> Calderwood, iii. 637-640. <sup>31</sup> Bowes, p. 181.
- <sup>32</sup> Calderwood, iii. 644. <sup>32</sup> Thorpe, i. 426.
- <sup>34</sup> Also Bowes to Cecil; Bowes, p. 182.
- <sup>35</sup> Hume Brown, ii. 192. <sup>36</sup> Spanish State Papers, iii. 399.
- <sup>37</sup> Mary to Chateaufort, December 8, 1585; Labanoff, vi. 239; Spanish Calendar, iii. 400; Spottiswoode, ii. 311, 312.
- <sup>38</sup> Bowes, pp. 267, 268. <sup>39</sup> Spanish State Papers, iii. 438.
- <sup>40</sup> Spanish State Papers, iii. 438, 439. <sup>41</sup> Calderwood, iii. 674.
- <sup>42</sup> Bowes, pp. 236, 240, 253, 265. <sup>43</sup> Teulet, ii. 538-546.
- <sup>44</sup> Thorpe, pp. 437, 439. March-April 1583.
- <sup>45</sup> James to Elizabeth, April 1; Thorpe, i. 438. <sup>45</sup> Thorpe, i. 440.
- <sup>47</sup> Thorpe, i. 443. <sup>48</sup> Bowes, pp. 404-406; Thorpe, i. 446.
- <sup>49</sup> Thorpe, i. 445. <sup>50</sup> Bowes, pp. 425-431.
- <sup>51</sup> Calderwood, iii. 716. <sup>52</sup> M'Crie's Melville, i. 284-291.
- <sup>53</sup> Calderwood, iii. 718.
- <sup>54</sup> Teulet, iii. 352-355; Spanish State Papers, iii. 487, 488.
- <sup>55</sup> See a letter from St Andrews to Mainville, July 13, Spanish State Papers, iii. 488-491.
- <sup>56</sup> Teulet, iii. 355-361.
- <sup>57</sup> Teulet, iii. 362-365; Spanish State Papers, iii. 502, 503.
- <sup>58</sup> Calderwood, iii. 722, 723. <sup>59</sup> Thorpe, i. 458, 459.
- <sup>60</sup> Spottiswoode, ii. 303. <sup>61</sup> Calderwood, iii. 731-747.
- <sup>62</sup> Act. Parl. Scot., iii. 330, 331.
- <sup>63</sup> Bowes to Walsingham; Thorpe, i. 464.
- <sup>64</sup> Thorpe, i. 464. <sup>65</sup> Thorpe, i. 465.
- <sup>66</sup> Thorpe, i. 466. <sup>67</sup> Spanish State Papers, iii. 518, 519.
- <sup>68</sup> Caligula, C viii. fol. 29. The references for the plot and its failure are in the documents calendared by Thorpe, i. 466-470. The Bannatyne Miscellany, i. 91-107; Spottiswoode, ii. 309-314. Papers relating to William, Earl of Gowrie.
- <sup>69</sup> Bain, ii. 350; Nau, p. 59.
- <sup>70</sup> There is a disquisition on the point in M'Crie's 'Andrew Melville,' i. 286-310 (1819).
- <sup>71</sup> Calderwood, iv. 44. <sup>72</sup> Calderwood, iv. 37.
- <sup>73</sup> Calderwood, iv. 49-62. <sup>74</sup> Teulet, ii. 659.
- <sup>75</sup> Act. Parl. Scot., iii. 290 *et seq.* <sup>76</sup> Calderwood, iv. 73.
- <sup>77</sup> Spottiswoode, ii. 314, 315; Calderwood, iv. 62-64; Act. Parl. Scot., iii. 296.
- <sup>78</sup> Calderwood, iv. 87. <sup>79</sup> Calderwood, iv. 99.
- <sup>80</sup> Calderwood, iv. 126-141. <sup>81</sup> Calderwood, iv. 199.

## CHAPTER XII.

THE END OF MARY STUART. THE TRUTH ABOUT THE  
MASTER OF GRAY.

1584-1587.

THE result of the execution of Gowrie; of the exile of Angus, Mar, and the Master of Glamis; of the flight to England of the more extreme of the preachers, and of the restoration of royal authority with that of Episcopacy, was to leave James in his favourite position of "free king" (May 1584). The freedom, however, was merely subjection to his favourite Minister, Arran, with his avaricious wife, who ran a career of rapine unlikely long to endure. James, having attained what he wanted in the way of religion—namely, control over the Kirk—was no longer tempted to dally with Guise and the Pope, who could only do great things for him at the price of his change of creed. There was probably no moment when James really contemplated return to the ancient faith, and he had a dread of foreign aid, as dangerous to his own independence. He knew his subjects too well, and was too proud of the *via media* discovered by his own theological acumen, to adopt Catholicism. At the same moment the Catholic Powers, from Philip of Spain to Guise, slackened in their eagerness to assist him, and the discovery of Throckmorton's plot to kill Elizabeth, with his execution later, depressed the English Catholics, on whom James began to see that he could not depend as the means of securing for him the English succession. All these considerations inclined him to break off the long-contemplated association with his mother, to leave her to her fate, and to rely on Elizabeth. This part of James's reign, the space of about a year and a half in which Arran held power, was of very evil omen. It

was really a kind of reign of terror. Ministers were persecuted merely because they prayed for their exiled brethren. Hume of Argathy and his brother were executed for communicating with one of the exiles on a matter of private business.<sup>1</sup> Rewards were offered to informers, and Douglas of Mains and Stewart of Drumquassel were later executed (1585) on a charge of conspiracy, which was believed to be derived from an informer in collusion with the Government, while Edmonstone of Duntreath was to confess, falsely, to being concerned in the plot, and was to be pardoned. Though many of these misdeeds may have been due to Arran's initiative, the king was no longer a child. His persecution of the preachers took forms which he was to renew, deliberately, in his maturity. Already he was playing the tyrant as opportunity served, and unendurable as spiritual tyranny is, it was matched in odiousness, or excelled by the conduct of the king.

While he waged a war of pamphlets and letters with the banished preachers, especially with James Melville, who was with the exiled lords at Newcastle, he was turning towards a league, or an exchange of good services, with England. The Spanish diplomatists believed that James was still running their course, and Philip sent him 6000 ducats.<sup>2</sup> What James and Arran desired above everything was the extradition of Angus, Mar, and the rest, or at least their expulsion from England. While they dwelt on the frontier, and paraded Berwick in armed companies, now encouraged, now depressed by the caprices of Elizabeth, neither Arran nor James had an hour of security. The English Ambassador to Holyrood, Davison, was intriguing and conspiring with these busy exiles. He was especially fomenting a plot to seize Edinburgh Castle, then under the command of Alexander Erskine, of the Mar family. This appears from Davison's letters to Walsingham of July 4, July 14, and other despatches.<sup>3</sup> But while Walsingham was backing Davison in this treachery, and inclined to release Mary (who was expected to plead for the exiled lords), Cecil was running a "bye-course." His idea was to send Lord Hunsdon on a private mission to meet Arran at Faulden Kirk, on the Border. The two might arrange a *modus vivendi* with James, which would leave Mary deserted. Hunsdon had an interest of his own, a marriage between James and a lady of his family. Arran hoped to gain from Elizabeth the expulsion or extradition of the exiled lords, and

security against the sermons of the exiled preachers. In return he could offer the abandonment of Mary by her son, and a complete revelation of the Catholic conspiracies against Elizabeth. These would be betrayed by the Master of Gray, a young man of great beauty, a favourite of James, a Catholic, and lately a trusted agent of Mary's at Paris. In the March of 1584 the Master had sheltered in his house at Edinburgh Father Holt, the captured Jesuit whom James had favoured, conversed with, and secretly released.<sup>4</sup> At that time the Master had recently returned from Paris, where he dealt with the Duc de Guise in Mary's and James's interests. From Paris he had earlier conveyed "great store of chalices, copes, and other things belonging to the mass, to spread abroad in Scotland."<sup>5</sup> But the events which left James a free king, and the delays of Philip and Guise, had turned the Master into a new course. He would betray Mary, ally himself with Arran, and, when his hour came, would betray Arran in turn and attain power.

While Cecil and Hunsdon were thus working behind the backs of Walsingham and Davison, while Davison was conspiring against the king to whom he was accredited, while Arran was designing to abandon Mary, and Gray was preparing to betray both of them, an agent of Mary's was in Scotland, Fontaine, or Fontenay, the brother of her French secretary, Claude Nau. His mission was to speed the execution of Mary's old enemy, Lord Lindsay, then a prisoner, and to complete the "association" between mother and son.<sup>6</sup>

Fontaine at Holyrood was in an unenviable position. He and his brother Claude Nau, Mary's secretary, were disliked and distrusted by the Duc de Guise, and by Mary's ambassador in France, Archbishop Beaton. They were no less detested by the Master of Gray. This astute young man had obviously discovered the vanity of the Catholic plottings in which he had been initiated. They were mere cobwebs spun by priests to whom the foreign statesmen never seriously trusted. Cecil had spies everywhere, and on the rack the captured intriguers told all they knew, and more. Gray found Arran and the king turning to Elizabeth: he turned with them. James, to be sure, accepted a sword sent by Mary and declared himself her knight. The axe, she hoped, would soon be red with the blood of her old enemy, the Lindsay of Carberry Hill, of Lochleven, one of the envoys who exposed the casket letters. But James's words were only part of his genial dissimulation: he

was never so affectionate as when he was treacherous; he never betrayed but with a kiss. Moreover, Gray had taught him distrust of Archbishop Beaton, and of the Jesuits. The Master told Fontaine that Father Holt, his confessor, had refused him absolution unless he revealed all that he knew of Mary's affairs, and that ever since he had "hated Jesuits like the devil." The dislike was mutual. There was a Father Edmund Hay (he who with others advised Mary to exterminate Murray, Lethington, Argyll, and others, just before Darnley's murder), and about Father Edmund, Gray later wrote thus to Archibald Douglas: "Of late, being in Stirling with his majesty, a gentleman, to you well enough known, brought to me a man who confessed that Mr Edmund Hay, the Jesuit, had dealt with him to take my life. I offered him 20 angels to get trial of it, and after I had gotten trial, 500 marks. He received the angels, and brought me a letter, whereof receive copy." Three schemes had been laid to shoot Gray. We hear no more of what was probably a mere plan by the informant to get the angels.<sup>7</sup>

Meanwhile Gray, said Fontaine, had been bought by England: Fontaine saw the gold, angels and rose nobles to the value of 5000 crowns. To Nau, Fontaine was even more explicit than to Mary. James was very clever, he said, but immeasurably conceited, timid, rustic and mannerless in dress, bearing, and in the society of ladies. Bodily he was weak, but not unhealthy. Hunting and favourites were his delight; in business he was indolent, though capable of bursts of energy. "Like a horse with a turn of speed, but no staying power," is a modern rendering of James's own description of himself. He could never be still in one place, but wandered vaguely up and down the room—the James of 'The Fortunes of Nigel.'<sup>8</sup>

The treachery of James towards his mother might answer Macnamara's question to Prince Charles (1753), "What has your House done, sir, that Heaven should pursue them with a curse?" The callous dissimulation and perfidy of James may furnish the reply. He was now eighteen: his whole life had been passed under terrorism; he had again and again been captured, his existence threatened; menaces against him had rained from the pulpits. He could trust nobody: the ambassadors of his cousin and god-mother, Elizabeth, had been, and still were, his dangerous foes. Even Mary he could not confide in: his natural selfishness was

whetted by the prize of the English succession: his high notions of prerogative were inflamed by his own condition of slavery. From infancy he had resorted to dissimulation, the weapon of the weak. Hunsdon, later, wrote, as to James and Arran, that they might be trusted "yf they be nott worse than dyvelis."

James, under his wretched circumstances and training, had become what he was. An orphan, for all that he knew orphaned by his mother's hand; a king, who wept when alone with a kind of gamekeeper, because, for all that he knew, he was the son of an Italian fiddler; no prince was ever so unhappily born, bred, and trained.<sup>9</sup> Thus it may be that, on occasion, James was "worse than devils," in Hunsdon's words. But while Arran and Gray were about betraying Mary to Elizabeth, Davison, dining with James, observed "the poor young prince, who is so distracted and wearied with their importunities, as it pitied me to see it, and, if I be not abused, groweth full of their fashions and behaviours, which he will sometimes discourse of in broad language, as he that is not ignorant how they use him."<sup>10</sup>

From June onwards the double intrigue (of Davison and the partisans of the exiles to seize the castle; of Cecil, Arran, Gray, and Hunsdon to sell Mary) went forwards, enlivened by a noisy scene of insults between Arran and Craig, a recalcitrant preacher. James had issued a letter against the fugitive divines which he would have their brethren to subscribe. Craig at this time refused (July 4).<sup>11</sup> Towards the end of the year he and most of the ministers took this test, with a qualification. On July 12 one of the recalcitrants, Howeson, was examined before James at Falkland. He had preached on the favourite text, "Whether it be right in the sight of God to obey you rather than God, judge ye." The suppressed premise on all these occasions was that the preachers were the only judges of what God commanded, and somehow His commandments were almost always opposed to those of the State. "In case they preach treason in the pulpit," they said, "the king, the Assembly, and they to be judge what they preach, and whether it be treason or not." The preachers were to have the casting vote as to the treasonable nature of their own sermons.<sup>12</sup> In James, and in such men as he was likely to have for counsellors, the State was poorly represented. But no human community could endure to be governed by sermons, and the strife was not decided till after more than a century of broils and bloodshed.

While these unseemly religious skirmishes were going on, James (July 10) appointed Arran to treat with Hunsdon, to the disgust of Walsingham, who was deep in the plot for holding the castle against the king.<sup>13</sup> The news of the murder of the Prince of Orange, which reached Edinburgh at this time, is said not to have been ungrateful to James, but it naturally increased the alarm of Protestants everywhere. The castle plot was presently detected, just as Arran was about to ride to meet Hunsdon. Arran from Falkland (August 5) announced apparently another, and probably false, plot to Hunsdon in the language of contemporary piety: we give the substance of the epistle below.\*<sup>14</sup> Calderwood, the Protestant historian, tells us that Arran "made a fashion of apprehending" Drummond of Blair, who confessed to this conspiracy. But the castle scheme, judging from the letters of Davison and Walsingham, was genuine.<sup>15</sup> The exiled lords denied their complicity. Alexander Erskine was removed from the command of the castle, which was put into Arran's hands, while Erskine (whom Elizabeth was about to supply with money) fled into England.<sup>16</sup> On August 14 Hunsdon reported his meeting with Arran at Faulden Kirk.<sup>17</sup> Arran was accompanied by nearly 5000 horse, but the English and Scottish soldiers were arrayed at a distance of two miles from each other, some forty gentlemen of each side attending the chief negotiators. Arran's vows of goodwill were such as Hunsdon thought could be trusted, "unless he be worse than a divell." The more important parts of Hunsdon's commission dealt with James's harbouring of Jesuits, such as Father Holt; his intended "association" with Mary, and his intrigues with the Pope, France, and Spain. As to Jesuits, Arran replied that Elizabeth entertained James's rebels. There was no truth, he said, in the story of the association with Mary. James had never sent any message to the Pope, or dealt

\*<sup>14</sup> "MY VERIE GOOD LORD,— . . . But the same daie and in the verie artickell of tyme of this my form<sup>r</sup> conclusion, God Almightye, the god onlie of all truth moved the hart of a wicked conspirato<sup>r</sup> to utter a plat of Treason concluded betwixt them his Mat<sup>e</sup> Reabells, and some their faverours amongst us w<sup>th</sup> all their conclusions of their divelishe execution against his moste innocent Matie, and other worthie nobellmen of his Councell, uppon the wch sens that same tyme I have bene contyneuallie occupied in examynations and triall taking and in apprhending some knowne giltie. In eande (all praise to God) so farr have I pffited that their same psons have confessed the whole purpose, and subscribed their deposicions themselves, as I hope by Gods Grace to lett yo<sup>r</sup> L. see shortlie face to face. . . .—Yo<sup>r</sup> L. moste loving &c. ARRANE."—State Papers, MS. Scot., Eliz., vol. xxxvi. No. 12, i.



with Spain or France. This was a deliberate lie, as James's extant letters to these Powers demonstrate. Arran promised to betray Catholic dealings with James to the prejudice of Elizabeth. Hunsdon then asked that the exiled lords might not be forfeited by the approaching Parliament. Arran had an easy task in proving the treason of these exiles, and the aid lent to them by Bowes, Elizabeth's ambassador. Only a fortnight ago their latest conspiracy had been revealed. Hunsdon remarks that, but for the share of Erskine in the castle plot, he might have procured the pardon of Mar, but that James was irreconcilable to Angus and the Douglasses, who held him in deadly feud for the sake of the Regent Morton.

James, indeed, as regards the Douglasses, was situated much as James V. had been when Henry VIII. harboured an earlier Angus and Sir George Douglas. The Douglasses had done their best to slay him when a babe unborn; Douglasses had taken part in his father's murder; Morton had been his mother's bitter foe, and had dominated himself, and to this brood of rebels the arms of England were always open. The present Angus was a Puritan devotee, and allied with James's enemies, the preachers. "A harde matter to doe any thinge for them,"—the Douglasses,—Hunsdon confesses. After nearly five hours of talk, Arran presented to Hunsdon the Master of Gray, for whom James asked a safe-conduct to Elizabeth. But three weeks earlier James had promised his mother to send one of his gentlemen to demand her release,<sup>18</sup> and now he was despatching the young and beautiful Gray for her undoing. Arran then professed that James (or he himself, the sentence is obscure) "never saw Jesuit in his life, and did assure me that if there were any in Scotland, they should not do so much harm in Scotland as their ministers will do in England, if they preach such doctrine as they did in Scotland." Elizabeth, who had her own Puritans, "a sect of perilous consequence" to deal with, presently silenced the exiled Scottish preachers.

On the same day (August 14) Hunsdon also wrote to Burleigh insisting on Arran's good faith, and practical kingship of Scotland, a point not to be forgotten in judging the unhappy James. "They do not stick to say that the king beareth the name, but he [Arran] beareth the sway." "He seems to be very well learned. . . . Latin is rife with him and sometimes Greek." "Avec du Grec on ne

peut gâter rien!" Hunsdon complained that the pious exiles vapoured about Berwick with pistols, and were continually crossing into Scotland. They ought to be removed inland, a thing which Elizabeth did not grant till about Christmas. Hunsdon was explicit about Gray, he was to "discover the practices" against Elizabeth. "He is very young, but wise and secret. . . . He is no doubt very inward with the Scottish queen and all her affairs, both in England and France, yea, and with the Pope."<sup>19</sup> Perhaps because Hunsdon's wishes and ambitions prompted him, he was fairly won over by Arran, while Cecil's nephew, Sir Edward Hoby, wrote letters in the same sense. There was in Arran an air of splendid mastery. Hoby regarded him as practically king *de facto*. While all the rest of the company wore secret armour, Hoby believed that Arran and the Master of Gray wore none, though Arran did not conceal his knowledge that many of his retinue would gladly cut his throat.<sup>20</sup> He placed his king and himself at the feet of Cecil, Mary's most persistent enemy.

On Arran's return to Edinburgh he was welcomed by the guns of the castle, a novel honour, and Parliament, which presently met, ran its course. In Edinburgh Davison, chagrined by Arran's success, describes to Walsingham the forfeitures which fed the avarice of the favourite's wife. The brutal treatment of Lady Gowrie by Arran is especially insisted upon. He pushed her down in the street when she wished to present a petition (August 24). Her genealogy has been doubted, but she was a Stewart of the line of Methven, third husband of Margaret Tudor, and a woman of high ambitions. This August Parliament was busy with confirming the forfeitures of the exiles, and of the heirs of Gowrie. An Act was passed by which all "beneficed persons," preachers and teachers, were compelled to sign approval of the ordinances of the Parliament in May, with promise of submission to bishops. The penalty for refusal was loss of benefice.<sup>21</sup> Many preachers presently did subscribe, with a qualifying clause.

Meanwhile from Berwick Hunsdon reported to Cecil the usefulness of the Master of Gray, who knows, and will reveal, all the plans of Mary. "The king here, nor the Earl of Arran, know nothing of those practices but by him, and so the Earl swore to me" (August 29).<sup>22</sup>

From Edinburgh James went to Falkland. Hither, if we are to believe a Border ruffian, Jock Grahame of Peartree, that rogue was

brought, and was bribed by James himself to shoot Angus. But Jock, though he cherished a feud with Angus, had none with Mar. His conscience was easy as to slaying Angus; Mar he would not meddle with. The bribe was never paid, and there was no shooting, while the whole anecdote rests only on Jock's deposition, taken by Lord Scrope (November 25). The deposition was recorded by Calderwood, and, given Jock's character, is hardly good evidence.<sup>23</sup> That he made the statement, however, is certain.

Meanwhile the embassy of the Master of Gray was delayed, and Elizabeth was doubtful of him, while as to Arran's mendacity regarding James and the Jesuits she was in no doubt. The capture of Father Creighton at sea, and the discovery of his papers about the old Guise plot, increased her suspicions. She thought of allowing the exiled lords to reside at Holy Island, within a short hour's ride of the Border, and on October 6 she informed them that she was mediating for them with James. But by October 19 Gray received his credentials. Davison had informed Walsingham that James "disliked the change"—that is, the betrayal of his mother. His scruples may have delayed the mission of the traitor, which, as regards Mary, Arran may have arranged unknown to the king.<sup>24</sup>

But Mary, in a letter to Gray of October 1, denounced Gray's pretence, made to her, that he was to announce to Elizabeth a merely *apparent* discord between herself and her son. She said that Elizabeth's sole policy was to feed James and herself with false hopes, so as to withdraw them from their Catholic allies. And, indeed, this was Elizabeth's purpose. Mary had often taken the bait. If she and Elizabeth appeared to be approaching an agreement, Mary was at once dropped by the Catholic princes, and then there was no reason why Elizabeth should allow the treaty to go farther. When Mary, consequently, turned to France, Spain, or the Pope, then the measures in which she became involved were necessarily acts of hostility to Elizabeth; so the unhappy captive queen was more severely treated, and, at last, was executed. There was no escape from the weary round, of which the end was approaching. As late as September 7 Mary had been expecting much from a visit of Sadleir, who had seen her naked in her cradle. She was now (after August 25) at Wingfield; Shrewsbury no longer had her in charge, after certain false and odious tales circulated by his wife. Mary's secretary, Nau, was to visit the English Ministers, and Elizabeth was professing that Mary must be allowed to return to Scot-

land. . Mary was expressing gratitude to Archibald Douglas, and hopes of seeing the Master of Gray. But by October 1 she knew that Gray was playing a double game, and she had warnings from Fontaine in Scotland. She told Gray that she was apprised of his betrayal, by rumour, urged him to be loyal, and warned him against Archibald Douglas, of whom she must recently have learned something. Walsingham having bought the secretary of the French Ambassador, who deciphered this letter for the Master of Gray, knew all that Mary had said of Archibald and of Elizabeth. Gray presently wrote to Mary a letter of the most dastardly insolence, and it was clear, though Elizabeth hesitated till near Christmas-time, that Mary was lost.<sup>25</sup> Elizabeth continued to hesitate and Mary to hope. An Italian Jesuit, Martelli, warned her that she "had too many irons in the fire." She is accused of having written to a supporter in Spain, saying that she had no expectations from her treaty with Elizabeth, and that the Pope and Spain should speed on an invasion of England.<sup>26</sup> Dangerous work; but, unless the Catholic Powers were active on her side, she well knew that Elizabeth would only play with her like a cat with a mouse.

In October-November the English association was formed for the protection of Elizabeth, and the slaying of any person by whom, or *for* whom, an attack was made on her life. This shaft was aimed at Mary, guilty or innocent. Gray's negotiations dragged on; Mauvissière, the French Ambassador, said that James was abandoning his mother.<sup>27</sup> Nau came from Wingfield to London to speed the treaty for Mary's liberation. Mary was ready to consent to any conditions. She bade the Guises abandon the expedition which they never meant to make. But the Pope, of course, by the old seesaw, now reproached Mary for a treaty with a heretic. The natural results followed. No longer in fear of the Catholic Powers, Elizabeth extracted from Gray such secrets as he had to sell; in return she removed the exiled Scottish lords to the south, and sent Mary to the dismal and pestilent prison of Tutbury. Here she was so guarded that she could not conspire: Paulet, her gaoler, saw to that. Gray seems to have carried his point and sold his queen about December 22,<sup>28</sup> and Fontaine, as an enemy of the successful Master, was banished from Scotland. By January 24 the Master was back at Holyrood, and could report that James's association with his mother was cancelled. A scoundrel always has an excuse; Gray's was that Mary had behaved ill to himself, in listening to

Fontaine and Nau.<sup>29</sup> While in England Gray had laid the foundations of a plot for the ruin of Arran, of whom he was jealous, and it may be suggested that this plot, rather than any revelations as to Mary which he could make, was the basis of his success. Gray's beauty and charm won for him, while in England, the friendship of Sir Philip Sidney, which Gray, who was human, though a Scottish politician of the period, returned with sincere affection.

Elizabeth knew that Arran was not to be trusted, and wished him out of the way. In April 1585, after the Holy League of Guise to exclude Henry of Navarre from the French throne took shape, Sir Edward Wotton received his instructions as ambassador to James, with vague promises of a pension, and actual gifts of horses and hounds. Wotton's business was to secure, against the Holy League, a league between England and Scotland; but, as usual, the chief affair of Elizabeth's ambassador was to dabble in plots against James and his chief advisers. He found Gray, Morton (Maxwell), and others bent on violence against Arran, but he gave to Gray a letter from Elizabeth in which she discountenanced such measures. It would be wiser merely to drive Arran from Court. James approved of a league with Elizabeth, and the terms were reduced to writing. Meanwhile Mary, in the wretched captivity of Tutbury, had been inclined to threaten James with her maternal curse. She hoped to see and work on his Justice-Clerk, Bellenden, who was on a mission to London. Mary attributed James's filial impiety to the influence of Gray, but it was on James that she would invoke the Erinnyes of a mother's malison. Her rights she would bequeath to her son's worst enemy, and she repeated her suspicions of Archibald Douglas.<sup>30</sup> While Mary's despair deepened, and was apt to drive her into perilous courses, at Edinburgh the English Ambassador was dealing with his allies, the conspirators against Arran.

Bellenden proposed a useful assassin, and that person, a Douglas naturally, had an interview with Elizabeth's envoy. On the whole, Wotton discouraged the Scottish love of dirk or gun; but his affair of the league between James and Elizabeth was prospering, when on July 29 he had to announce the slaying of Sir Francis Russell and the capture of Sir John Forster in a Border brawl. The slaughter was, possibly, in revenge for a recent English foray, but it was perpetrated on a day of truce. Mendoza heard that the affair rose out of an Englishman's refusing to pay for a pair of spurs bought from a pedlar. A Scot remonstrated, the Englishman struck him,

a brawl began, and Russell, coming out to quiet it, was slain. So Mendoza wrote from Paris.<sup>31</sup> The king wept at the ill news, and the chance was seized to throw suspicion on Arran as instigator of the deed. Arran was therefore warded in St Andrews Castle, but later consigned to his own house. Wotton advised Elizabeth to take great offence at Russell's death (which seems to have been caused in chance mellay), and to make it a handle against Arran.<sup>32</sup> The occurrence of a plague in the chief towns raised "the common clamour of the people against the earl and his lady," says Calderwood, while the wet weather was also laid to his guilt, atmospheric effects having political causes. Arran, however, bribed the Master of Gray to procure his release from St Andrews Castle; or perhaps Arran extorted this favour by using his knowledge of the Master's conspiracy against his own life. This appears more probable (though Wotton speaks of bribery), as the Master (August 14) wrote to consult Archibald Douglas on his new dilemma. Elizabeth he had offended by releasing Arran: Arran had him in the hollow of his hand; so Gray saw his only hope in the return of the very exiles whose removal from the Borders he had himself accomplished. Gray had cut himself off from Mary, from the Catholic Powers, from England, though he was "very penitent," and from Arran. The exiles were his only resource.<sup>33</sup>

On August 25 Wotton, being on a hunting expedition with James, wrote to Walsingham.<sup>34</sup> Gray had just told him that it was vain to hope to alter James's affection for Arran (though he was at the moment removed from Court), and that while James was in this mind the exiles could not be restored by fair means. The league with England would be frustrated, Gray would be in peril, and Arran might carry the king into France. Elizabeth, therefore, should make a grievance of Russell's death, decline to negotiate for the league, and "let slip" the exiles, provided with money; Gray would communicate with them through "a special friend of his" in England (Archibald Douglas probably). Wotton added that Morton (Maxwell), then at feud with Arran, was thought to be in alliance with that earl, who supplied him with gold sent from France; possibly Morton would seize James and take him to that country. Wotton ends, "If this plot" (Gray's) "take place I hope I am not such an abject but I shall be revoked before." He made no other demur, though James was negotiating a league with England, and though the conspirators intended to seize the king

(September 1, Wotton to Walsingham). The adventurers included Morton (who was in disgrace because of a Maxwell and Johnstone feud), Mar, Angus, and the Hamiltons. But Arran had reverted to the French faction, he encouraged Holt and Dury, the Jesuits, and received money through Robert Bruce (not the celebrated preacher of that name), who was apt to play the part of a double spy.

Early in September the news of the enterprise of the exiles was rumoured abroad, reaching Arran and James, who wrote to Hunsdon. Arran being on the alert, and still, though not at Court, in secret favour with James, Wotton knew that his own life, after all his treacheries, was hardly worth a week's purchase. In his letters he proves himself far from courageous, and incessantly asks to be recalled, as the Scots "have no sense of honour."

These people have honour eternally in their mouths, even when an ambassador is doing his best to let loose on a king his worst enemies, and the exiled ministers, for these devoted men were praying, and preaching, and conspiring with the best. By September 18 Gray announces a probable pardon for Archibald Douglas: "the old fox" was likely to be a valuable tool. By September 22 Arran was mustering his forces to support the king. James meant to proceed in arms against Morton, and this was a fair pretext for a large levy of men. Elizabeth made an excuse out of the affair of the death of Russell for recalling Wotton, who, to his extreme relief, was safe in Berwick on October 15.

Only by hard spurring did he escape the hands of James; for the king had learned of the arrival of the exiles on the Border, where they were met by an army of friends. The Douglasses marched north by Peebles, the Hamiltons joined hands with the Maxwells, under Morton, at Dumfries, and they all trysted to meet at Falkirk, 8000 men strong, on the last day of October. Meanwhile Gray was raising men in Fifeshire, nominally to march with James against Morton, really to surprise Perth. That all these movements of men should have been accomplished so secretly as to find James utterly unprepared, seems surprising to modern readers, familiar with the rapid conveyance of news. But we may reflect that England was now favourable to the exiles; that mounted couriers could easily be stopped on the way as they rode north with tidings; that the Border was populated by enemies of Arran; that the godly everywhere were partisans of Angus; that the Maxwells controlled the western Marches; that James, impatient of business, was given up

to sport,—“scarcely for hunting do we either eat or sleep,” wrote the Master of Gray; and, above all, that Arran was “discouraged,” was at Kinneil, and could not defend his master.

No sooner did Arran hear of Wotton’s flight and of the exiles crossing the Border than he rushed to Court, at Stirling, denounced Gray, and bade James command that traitor to his presence. Gray was summoned, and with equal courage and astuteness obeyed the call, and by his grace and craft persuaded James of his innocence. Arran determined to slay him in the royal presence; but news arrived that the exiles were within a mile of Stirling. Arran himself, with Montrose, kept watch on the town walls through the night of November 1. But next day he galloped off with one follower over the bridge of Forth, while the courtiers retired into Stirling Castle. The exiles raised their banners against it, James sent the Master of Gray to parley with them; they offered security to their king, but would give no promises as to Arran. The castle was not victualled for a siege; James surrendered; Montrose, Crawford, Rothes, Colonel Stewart, and others were taken, and Arran was proclaimed a traitor. Henceforth he skulked and intrigued till Douglas of Parkhead, many years later, avenged Morton by spearing his denouncer at Catslack; still later, Douglas was himself slain by a Stewart at the cross of Edinburgh. The strong places were handed over to the Hamiltons, Humes, Douglasses, and Mar, while the Master of Glamis received the command of the Guard.<sup>35</sup>

It was a bloodless revolution. The king and the bishops were once more likely to be laid at the feet of the preachers, as after the Raid of Ruthven. Yet Catholics or crypto-Catholics, like Morton (Maxwell) and the Hamiltons, and a desperado like Bothwell, with such an ideal traitor as the Master, were unseemly instruments in the restoration of our Zion. With his engrained dissimulation James affected to rejoice in the changes, and uttered a boastful Protestant speech in a Parliament held at Linlithgow. There was to be a league with England, a league of all Christian princes against idolatry. Yet “the king likes hunting better than church,” wrote Knollys, the new English ambassador, to Walsingham.<sup>36</sup> In February 1586 the veteran Randolph succeeded to the English embassy. He did not find that the golden age had returned. The godly had already been sorely disappointed. They had expected that, as usual, the General Assembly would meet before Parliament met, and direct the course of that erring lay meeting by prayers and



petitions. They fixed on Dunfermline as the seat of their gathering, but Halket of Pitfirrane, the Provost, would not allow them to enter the town. Some years afterwards he fell by accident, or was cast by spirits, out of the third-floor window of the old House of Pitfirrane,—an obvious judgment on his wickedness in maintaining the law, “the Black Acts” of 1584, so Calderwood reports. The Brethren met in Linlithgow, where James Melville, returned from exile, found them but heavy-hearted. Angus was the only one of the lately banished peers who gave them any kind of support. The others, having attained their carnal desires, were indifferent to the welfare of the Kirk. A pestilence that had been raging ceased miraculously when the godly entered Stirling. Heaven, at least, was favourable.

On December 1 a Parliament was held at Edinburgh, practically to undo the work of the Parliaments of May and August 1584. The forfeitures were revoked, the Gowries were restored to their lands and dignities, the expelled ministers were reinstated in their benefices.<sup>37</sup>

There remained strife between the preachers who had subscribed, like the venerable Craig, the Black Acts of 1584, and those who had refused. Craig even preached against these recusants. Andrew Melville, however, took the opportunity of being “plain with the king.” Some papers of controversy passed, James loving polemics next to hunting. He trusted, he said, that “the whole ministers of Scotland shall amend their manners” as to railing sermons. He quoted some Latin, and a little Greek (December 7, 1585).<sup>38</sup> The preachers, as James Melville said, “threatened, denounced, and cursed” the lords with evangelical ferocity. The lords took it sedately; but James scolded the Rev. Mr Balcanqual from his gallery in St Giles’s. It appears to have been the theory of the preachers that whatever they said from the pulpit was inspired by “the Spirit of God.” Thus (December 21) James wrangled with Mr Gibson, minister of Pencaitland—

*King.* “What moved you to take that text?”

*Minister.* “The Spirit of God, sir.”

*King.* “The Spirit of God!” (*repeating thrice over tauntingly*).

*Minister.* “Yes, sir, the Spirit of God, that teacheth all men, chiefly at extraordinary times, putteth that text in their heart that serveth best for the time.”<sup>39</sup>

We shall meet another example of this claim, which placed the

preachers on the footing of inspired prophets whose political harangues must be allowed entire licence. They claimed "the liberty of the Word," which meant a freedom of speech and of interference not endurable in a State ruled by the laity. But, on the other hand, Morton (Maxwell) now "set up the mass," for which he was imprisoned, and Claude Hamilton reverted to the French and Marian faction, corresponding with Philip of Spain.

On February 17, 1586, a *modus vivendi* between the king and the preachers was arranged. The king was to present bishops to the General Assembly, from which the bishop "received his admission." The prelate was to serve the cure of a special kirk, the "flock" having leave to oppose. A presbytery from within his bounds, or diocese, was to oversee his proceedings: he was to be rather a "moderator" than a bishop in the usual sense. For his private conduct he was to be responsible to the Assembly. There were other restrictions, and the Kirk retained the arm of excommunication, or "boycotting," that fatal "rag of Rome." Montgomery, the excommunicated bishop, was to "purge his offence" and be reconciled to the Kirk. A Mr Watson was to apologise in the pulpit for a trenchant historical parallel drawn by him between James and Jeroboam, in which James was represented as rather the worse of the pair,— "an odious comparison." It is to be presumed that on this occasion Mr Watson was not inspired. But in Fife James Melville and his adherents attacked their old enemy, Archbishop Adamson, as a person "envenomed by the dragon." On April 13 the Provincial Assembly of Fife excommunicated the Archbishop, but sent several preachers and a laird to reason with him. After some dispute the Assembly excommunicated the Archbishop, and he in turn excommunicated Andrew and James Melville. Their friends were said to be anxious to hang him: he is accused of acute poltroonery, and as a hare ran from South Street to the castle before him, "the people called it the bishop's witch."<sup>40</sup>

The Kirk, and the charge of witchcraft, proved in the end too heavy for the Archbishop. Dr M'Crie, the sympathetic biographer of Andrew Melville, regards the procedure of the Fife synod as "precipitant and irregular." The General Assembly, not the synod under Adamson's enemies, was the proper place for his arraignment. Though Calderwood denies that there was a conspiracy against Adamson, Dr M'Crie quotes a contemporary diary (April 10) to the effect that he "was stricken by the Master of Lindsay, and

Thomas Scott of Abbotshall." In May Adamson made a form of submission to the General Assembly, disclaiming superiority over his synod and right to judge ministers; so he was reinstated. The *modus vivendi* of February was brought before the Assembly in May, and was somewhat watered down, presbyteries being re-established. James could not yet erect bishops who were bishops indeed, but "the horns of the mitre" and the hated name of bishop were not removed from the fold. Andrew Melville (May 26) was sent north of Tay, to convert any Jesuits he might find in these benighted parts, and to give the town and University of St Andrews a little peace. But James had a master of the hawks who, again, had a friend who was a tenant of Andrew Melville's "New College" (St Mary's Hall), and James, for the consideration of a low rent to the friend of his falconer, restored Andrew Melville to his place.<sup>41</sup> James did nothing without an element of the grotesque.

During this unsettlement in ecclesiastical affairs Randolph was busy at Holyrood (February 26, 1586). His chief aim was to settle the league with England, and to procure the pardon and return of Archibald Douglas. As a traitor to Mary, Archibald was her foe, and his influence with James would be pernicious to the Scottish queen. That unhappy lady had been removed in January from Tutbury to Chartley. At Tutbury Amyas Paulet had excluded her from all news of the world, and, so far, her life was safe, for she could not conspire. At Chartley, however, Walsingham set his trap for her; arranged, with a Catholic spy named Gifford, a means of communication between her and her friends; opened, deciphered, copied, and then forwarded her letters to her abettors. Meanwhile Mary supposed that her faithful agent, Morgan, in the Bastille, had found the way by which she was communicating with Mendoza in Paris.<sup>42</sup> She informed him (May 20) that if James remained heretical, she had made Philip her heir. Walsingham thus acted as an *agent provocateur*, with the natural results. Mary might have been—she long had been—kept harmless perforce. Now she was committing herself, not only to the Catholic plan of invasion, but probably to Babington's murder plot, all of which was known to Elizabeth and Walsingham.

It is unnecessary to explore the intricacies of Walsingham's conspiracy. The advocates of Mary argue that she was not concerned in, or at least was not convicted of a part in, the assassination plot. The evidence, for lack of certain original papers, may not

have been technically complete. Mr Tytler, an impartial author, argues that forged additions were made to Mary's letters, and it may have been so, though the argument is not convincing. Mendoza wrote to Philip, "I am of opinion that the Queen of Scotland must be well acquainted with the whole affair, to judge from the contents of a letter which she has written to me, which letter I do not enclose herewith, as it is not ciphered, but will send it with my next" (September 10). No such letter appears in the Spanish correspondence. Mary herself denied that she was concerned in the murder plot, in a letter to Mendoza (November 23).<sup>43</sup> But if she schemed Elizabeth's death as a means of her own liberation, Mary acted in accordance with the principles of an age when kings, priests, and preachers delighted in the dagger. Elizabeth had been conscious of the plot against Riccio, and against Mary's own existence. Later, Elizabeth urged Amyas Paulet to play against Mary the part now assigned to Ballard and Savage against herself. Mary had pensioned the assassin of her brother, Murray, and now she was maddened by many years of cruel imprisonment and by unnumbered wrongs. Common prudence ought to have kept her aloof from Babington, but it would have been a moral miracle had any ethical considerations given her pause.

Meanwhile Randolph (April 1) secured James's signature to the league with England, and sent at the same time orally by bearer news of a Scottish conspiracy against Elizabeth.<sup>44</sup>

The Scottish conspiracy was connected with Lord Claude Hamilton, Morton (Maxwell), and Huntly, who offered to Guise, through Robert Bruce, to restore Catholicism, and hand over Scottish seaports to Spain.<sup>45</sup> On May 20 Mary wrote of Lord Claude as worthy to be Regent of Scotland, and to be declared heir to the crown if James had no issue, while James was to be seized and handed over to Spain.<sup>46</sup> The letter containing this plan, with Mary's intention to disinherit James in favour of Philip II., was of course detected and deciphered for Walsingham. When James learned the facts, his inclination to the league with England, and to the abandonment of his mother, was naturally increased. But he had already received and conversed with his father's murderer, Archibald Douglas. On May 6, from Randolph's lodgings in Edinburgh, Archibald Douglas wrote a very long letter to Walsingham.<sup>47</sup> He had met James in Gray's rooms on May 3. He presented a letter from Elizabeth in his favour.

James, after reading it, professed himself Archibald's friend, the friend of his father's murderer and his mother's betrayer, and envoy of the queen who was weaving her nets round Mary! The king acquitted Archibald, as to Darnley's murder, of all but that foreknowledge which every politician of the time had possessed, "so perilous to be revealed, in respect of all the actors in that tragedy, that no man without extreme danger could utter any speech thereof, because they did see it, and could not amend it." This was glaring hypocrisy. The confessions of Hepburn of Bowton, Morton, and Binning left no doubt as to the actual guilt of James's new friend. Meanwhile the Secretary and Archibald might arrange his trial (which they did by help of a packed jury, containing Archibald's friend, the famous Logan of Restalrig, and two other Logans; by suppression of evidence, and by the royal countenance). James then sought to find out how he stood with Elizabeth, and went so far as to hint at sending a Scottish contingent to aid her in the Low Countries. There Sir Philip Sidney was engaged, and the Master of Gray, for love of Sidney, had nearly ruined himself in levying a band of soldiers of fortune, whom he intended to lead to Flanders.

James was soon summoned back to his lords, and Archibald Douglas had a conversation with Maitland, the Secretary. He gathered that the league with England was unpopular with the nobles, as was the idea of an expedition under Gray to the Low Countries, involving as it did peril from Spain. The Court was full of jealous confederacies. Randolph, however, carried his point as to the league. After considerable delay it was confirmed at Berwick (July 5). The contracting parties were to maintain the Reformed religion, which was bearing such remarkable fruits of virtue: neither was to aid a foreign Power in any attack upon the other: each was to assist the other with armed forces, in case either was invaded. Rebels were to be delivered up or expelled. James received little satisfaction as to the succession, and his pension (£4000) could scarcely be extorted from the harpy-like clutches of Elizabeth.

As far as promises and parchment could go, Elizabeth was now secure against a Catholic invading force landed in Scotland, and James was utterly wrested from his mother's cause. July was employed in allowing Mary to involve herself, in appearance at least, with Babington and the murder plot; and on August 3 she was

taken when on a hunting ride and carried to Tixall. Her papers and her secretaries, Nau and Curle, were seized; Nau and Curle were cajoled into confessions. As early as July 22 Elizabeth had found the Master of Gray's stay in Scotland "necessary for her service," in consequence of reports now rife as to the enterprise by Lord Claude Hamilton, Morton, and Huntly. Gray and Archibald were to act as detectives for the English queen. It may be hoped that Gray, who had intended to join Sidney in the Low Countries and had spent freely in raising men, desired to escape from the necessity of more and meaner treasons towards Mary. By September 8 Gray reported to Archibald Douglas, now James's ambassador to England, the delight of the king at the discovery of his mother's conspiracy. "But his opinion is that it cannot stand with his honour that he be a consenter to take his mother's life, but he is content how strictly she be kept, and all her old knavish servants hanged." Gray added that the needs of all honest men "require that she were out of the way."<sup>48</sup> Walsingham requested Gray not to allow James to interfere. Mary's "trial" at Fotheringay had been arranged for, and was likely to be short. Presents of horses were made to James by advice of Archibald Douglas.

Mary was heard in her defence, without counsel or witnesses, at Fotheringay: at Westminster (October 25) the witnesses were examined without the presence of the accused. On November 22 the sentence of death was communicated to the Queen of Scotland, who received it as became her. But Elizabeth must still play cat and mouse. She had various selfish reasons for hesitation: it was not by any means certain that Mary's death would make her own life more secure; she did not love to set a precedent for laying hands on an anointed queen; possibly she may not have been unvisited by compunction. After making a sacred promise, symbolised by the gift of a ring with a diamond cut in likeness of a rock, she had imprisoned her guest, exposed her shame, devastated her country, turned the natural love between parent and child into hatred, and, finally, she had practically been *agent provocateur* of the plot for which her guest was to die. Her natural indecision was fostered by all these causes, but her Parliament and her Ministers were resolute.

As regards Scottish history, the only question of interest is, How did the king, and how did the country, behave in the shameful prospect of seeing the royal head touched by a foreign hangman?

The news of the conspiracy in which Mary was implicated had reached James's advisers early, before the conspirators themselves knew that they had been discovered. Mary was writing her fatal letters to Babington (fatal whether they are wholly genuine or not) on July 25 and 27. On August 1 (probably Old Style) the Master of Gray wrote to Archibald Douglas, who had set out to London as James's ambassador. The laird of Fintry (in France a Catholic ally of Gray's) had been with him; "it seemed to me his errand was for to know what conspiracy this was that of late had been discovered in England. I pretended I knew nothing of it as yet. He was very inquisitive, so I let him see that I thought his mistress" (Mary) "should be touched. He said that was an Allemanique quarrel" (*querelle d'Allemagne*) "to be quit of her."<sup>49</sup> By September 8 James was fully informed, and was congratulating Elizabeth, as we saw. His idea was (and probably remained) that his mother should be kept in such close confinement that further action on her part would be impossible. This had already been the case at Tutbury, and this course James recommended to Archibald Douglas (September 10). In an accompanying letter in "white ink" the Master told Douglas that though James desired his mother to live, "I pray you beware in that matter, for she were well out of the way." He suggested that Douglas should get money for him from Elizabeth, as he was much dipped by the expenses for his intended Flemish expedition.<sup>50</sup> On October 1 Gray informs Douglas that "the king is very instant for his mother," and intends to send Gray as his envoy to plead for her with Elizabeth. James must therefore have been hoodwinked by the Master, who himself then wished Mary "out of the way." On October 4 de Preau, calling himself Courcelles, and representing France at Holyrood, reports James's attitude. Lord John Hamilton and the faithful George Douglas of the Lochleven adventure had been warning him of his dishonour if Elizabeth "put her hands in Mary's blood." James, in reply, spoke of his mother's injuries to himself. He must consider his own interests, and he did not believe that Elizabeth would touch his mother without warning him. He adhered to his plan of strict confinement.<sup>51</sup>

Bothwell (Francis Stewart, nephew of Queen Mary's Bothwell) bluntly told James that if he allowed Elizabeth to slay Mary he deserved himself to be hanged next day. James "laughed, and said he would provide for that." But his nobles were higher of heart. They left him no peace (October 31) till he decided

to send an envoy, William Keith, a young man, and a pensioner of Elizabeth.<sup>52</sup> Gray foresaw that he himself would later be sent, and that the mission would be his "wrack"—as it was (October 25). James wished him at this inopportune juncture to press the question of his own succession, all that he really cared for, and Gray must "crab" (he says) either Elizabeth or his master. He never was in such a strait, and thought of escaping to Flanders, if Douglas could make Elizabeth advise James to that effect. If not, if he is obliged to go to England, "*I must be a Scottish man. . . . I protest before God I shall discharge myself so of my duty, if I be employed, that whether it frame well or evil, the king my master shall not justly blame me.*" Thus good and bad even now warred in the heart of the Master, yet, of all his perils, he most dreaded—sea-sickness on the voyage to the Low Countries! "I will not for ten thousand pounds endure the sea this season." On the whole, among his confusions, it was plain to Gray that if Mary, after all, was to escape, it was best for him that it should be by his means.

It was a real grief to Gray that at this hour his friend Sir Philip Sidney was killed at Zutphen. We find the noble Fulke Greville bewailing his loss to Archibald Douglas. "Divide me not from him" (Sir Philip), "but love his memory and me in it." A strange shrine was the heart of the Douglas traitor for that heroic friendship! On November 6 the Master also laments the peerless knight, whose fall made his scheme of retiring to join Sidney in Flanders impossible. "He and I had that friendship, I must confess the truth, that moved me to desire so much my voyage of the Low Countries." The Master's love for Sidney came near to redeeming him, and perhaps linking his renown with that of Astrophel. The thought of Sidney seems to have inspired the Master, and he appeals to Archibald, as "a good fellow," to work in the interests of the men of the sword who were to have fought with him in Flanders, "that they be well used, and not made slaves of, as they are." "Would to God I could get again bygones!" he exclaims. It is the tragedy of a soul not yet lost.

Meanwhile every noble of heart was engaging in Scotland for Mary's behoof; but this, again, brought the Catholics to the front, which aroused the jealousy of the preachers.<sup>53</sup> Yet all Presbyterians were not so bitter, and Angus, the Abdiel among the nobles, desired to tell James, if he might see him, "that the nobles will not



endure that the Queen of England shall put her hands in his mother's blood, *who could not be blamed if she had caused the Queen of England's throat to be cut*, for detaining her so unjustly prisoner." <sup>54</sup> Angus struck the right note for Mary's defence, not that she was innocent, but that she was blameless. Even James remarked "that his mother's case was the strangest that ever was heard of, the like not to be found in any story of the world," and asked Courcelles "if he had ever read of a sovereign prince that had been detained prisoner so long time, without cause, by king or prince her neighbour, that in the end would put her to death." It had been James's wish to send Bothwell with the Master of Gray: a passport for Bothwell was refused by Elizabeth, Courcelles attributed the refusal to Archibald Douglas and Gray (December 31). <sup>55</sup> Courcelles represented James's attitude as more becoming when he wrote to Henri III. than when he wrote to d'Esnaval. From his letters to d'Esnaval we gather that James held by his idea of solitary confinement.

To Walsingham Gray described his mission as "modest, not menacing." James had sent a stern letter to Elizabeth by Keith, but for this Keith and Archibald Douglas apologised to Cecil: "it hath proceeded by a necessity to which the king is forced by the exclamation of his subjects" (December 6). This apology was offered by Archibald Douglas's advice. <sup>56</sup> He, if not Keith, had been betraying Mary's interests. They were clearly Elizabeth's pensioners, wrote de Vega to Philip from London. <sup>57</sup> Gray also apologised from Stamford on Christmas Day, as he rode south with Robert Melville. For the rest, as to Gray, historians denounce him for the betrayer of Mary to the scaffold, and as the wretch who, while pretending to plead for her, secretly urged Elizabeth to seal her doom. But the friend of Sidney did not sink so low. Gray, it will be made certain, discharged his duty like "a Scottis man." Earlier, before his embassy, he had wished Mary "out of the way." But now he took a nobler course, a course more worthy of his Astrophel, and the common story of his infamy appears to rest on a confusion between his attitude in August 1586 and his conduct during his embassy.

On January 6-16, 1587, Melville, Gray, and Keith had an audience from Elizabeth. Like Napoleon on such occasions, she bullied, saying that if she had such a servant as Robert Melville she would cut his head off. Melville replied that he was ever ready to

stake his life rather than advise his master ill, and that James had not one faithful servant who would counsel him to let his mother perish. Three or four days later (January 9-19) the envoys again saw Elizabeth and made proposals. They did not, like Charles II. when Prince of Wales, offer Elizabeth *carte blanche* for a parent's life. They gave the surety of James and all the lords. If Elizabeth would hand Mary over to them, they promised to make her resign, in favour of James, all pretence to the English crown, with the guarantee of the King of France. Elizabeth said suddenly, "That would be putting two weapons in the hand of my enemy in place of one,"—an obvious reflection.<sup>58</sup> She withdrew the word "enemy," and asked Melville if he could invent any security for her own life, if Mary were spared? Melville's arguments were good, she said, and she promised another audience.

Mr Froude's account of this interview is curious and most misleading. He writes: "Melville spoke at length, but vaguely; and, knowing that James was at heart only anxious for his own interest, Elizabeth suggested maliciously that, if she pardoned his mother, he should renounce his own pretensions in the event of any future conspiracy. If he would do this, the Lords and Commons might perhaps be satisfied and allow her to live. Neither Scotland nor James were [*sic*] prepared to sacrifice what they had set their hearts on with so much passion. The queen told the ambassadors that their request could not otherwise be granted. They made a formal protest, and withdrew."<sup>59</sup>

This did not happen. Elizabeth dismissed the envoys, after finding Melville's reasoning "good." The next audience was deferred for five or six days, and in this interval a gentleman unnamed was sent to Gray with the proposal which Mr Froude tells us that Elizabeth made to Melville, Gray, and Keith. Gray *rejecta fort loing ceste ouverture*, asking the gentleman if he was commissioned to make the hypothetical proposal, "which the other excused, as merely put forth by way of talk."<sup>60</sup>

It is thus, at least, that Mr Froude's authority, a "Mémoire" from Châteauneuf the French Ambassador to Elizabeth, describes the circumstances. Melville did not speak "vaguely," Elizabeth did not "maliciously" make this absurd suggestion attributed to her, to Melville, Keith, and Gray. Scotland and James knew nothing of the matter. The notion was mooted, some days later, to Gray alone, by an unnamed gentleman, who professed to speak

without authority, merely in a way of talk. In a later interview, according to the French account, Elizabeth announced her determination to put her hands in Mary's blood. The Scots delivered a protest, and said that James would summon the Estates and appeal to all Christian princes. Elizabeth declared that she would send an envoy to James, as she disbelieved his representatives. They averred that James would receive none of her envoys till their own return, and they sent to their king to demand leave to quit England. This they obtained "in five or six days." Elizabeth said that she would despatch her man, and they begged that Mary might live till his return. This grace Elizabeth refused. The Scots reported all to Châteauneuf, and went home. They had been accused of designs against Elizabeth, because one of their suite, Ogilvie of Pourie (later a double-dealer, and spy of Cecil), was found carrying unloaded pistols, as a present from Gray to an English friend.

Such is the French account, and it leaves no stain on the envoys of Scotland. The story that Gray "whispered in Elizabeth's ear, *The dead don't bite*," is found in Camden and Calderwood, and everywhere, but where is the authority? When had Gray an opportunity of whispering in Elizabeth's ear? Another version is that Gray used the phrase *mortui non mordent* in a letter to Elizabeth after he left London. Spottiswoode says that when Gray was tried in May 1587 he confessed "that when he perceived her inclining to take away the Queen of Scots' life, he advised her rather to take her away in some private way than to do it by form of justice," and, if this were true, Elizabeth certainly tried to follow the advice. (It is true of Gray before his embassy, but during his embassy he changed his note and was a true Scot.) But Paulet would not be her bravo.<sup>61</sup> Nobody impeaches Melville's loyalty, but he on January 26, 1586, declared to James that Gray "has behaved himself very uprightly and discreetly in this charge, and [is] evil taken with by divers in these parts who were of before his friends."<sup>62</sup> Melville also avers that "letters come from Scotland" represent James as indifferent to his mother's fate. We do not know what party was guilty of these letters.

Now we happen to be able to corroborate Melville's statement as to Gray in an unexpected way. The Master really did his best for Mary *during his embassy*, and really incurred the enmity of his former friends at Elizabeth's Court. The proof comes in a letter of March

3, 1586, from Edinburgh to Walsingham. The writer signs himself "876 tt." He was, in fact, Logan of Restalrig, so famous after his death for his alleged connection with the Gowrie Conspiracy. We can identify him, because, writing to Walsingham, he asks that letters for the Master of Gray from England may be sent to *him*, (to "876 tt."); and Gray himself, writing to Archibald Douglas, requests him to send letters, not direct to him, but to Logan of Restalrig. Thus Logan of Restalrig and "876 tt" are one and the same person. The letters are not in his own but in an Italian or "Roman" handwriting. By this means, after his return to Scotland, the Master concealed his correspondence with England.<sup>63</sup> Logan is therefore Gray's intermediary with Walsingham and Archibald Douglas. He also offers, being Gray's cousin and very intimate with him, to betray all his designs to Walsingham, like a good old Scottish gentleman. (Logan's mother was sister of Gray's father, Patrick, Lord Gray.)

The point, however, is that Logan corroborates Robert Melville's account of Gray's behaviour as ambassador. Standing up for Mary, he incurred the deadly hatred of Leicester, previously his friend. Gray himself, says Logan, is "greatly altered of his former goodwill professed to England." He has told the reason of the change to Logan. In autumn 1586, *before* his embassy, Gray had written to Leicester, "And that in matters of State and great importance which are not necessary to be rehearsed at this present . . . the matter itself was so odious." That is to say, *before* his embassy Gray had written to Leicester advising the death of Mary: even Restalrig thought this "odious." But, Gray warmly taking Mary's part in London, Leicester sent his earlier and odious letters to James by Sir Alexander Stewart. Leicester "did what in him lay to imperil the Master's life, standing, honour, and reputation for ever," says Logan, and Elizabeth orally gave Sir Alexander Stewart similar directions. Apparently Stewart thought it wiser to hand the letters back to Gray himself: Logan has just read them, and Gray is now hostile to Leicester and Elizabeth. Logan, however, will keep Walsingham advised of any anti-English movements of Gray. Thus Gray's advice that Mary should die is advice given prior to the death of his Astrophel, and to his own sudden (and short-lived) conversion. At his trial (May 15, 1587) Gray confessed that in August 1586, before Sidney's death and long before his own embassy, he had written thus to England: "*If* the Queen of England

could not preserve her own security without taking his majesty's mother's life, because *mortui non mordent*, yet it were no ways meet that the same were done openly, but rather by some quieter means."<sup>64</sup>

Thus, under criticism, the famous tale of Gray, with his *mortui non mordent*, dropped like poison into Elizabeth's ear, seems to vanish. The "whispering" during the embassy is replaced by writing *before* the embassy. We shall see that the offences which caused the fall of Gray had no concern with treachery during his embassy. We have also seen that (though an enemy of Mary), when once he was charged with her cause, to win her life was, in his own opinion, his true interest. This brought him ill-will, as Robert Melville and Logan wrote, among his English friends.

On Gray's return to Edinburgh Courcelles wrote to France (but appears not to have sent the message) that Gray had "behaved very honestly in England," and being now "malcontented for some secret cause with England," offered his service to France. Now Gray, before setting out on his embassy, had threatened that he would be avenged on Elizabeth if he failed. "If that queen do no better in things to the king than I see her minded, by God she will deceive herself. And, for myself, if I find such usage as hitherto I have received, the devil learn her!"<sup>65</sup> As to Mary's life, Gray "would rather win the thanks for it than otherwise." On the whole, then, it seems that Gray did not commit the crowning treason for which his name reeks in tradition. It is one thing to say, at the first news of the Babington conspiracy, that if Mary *must* die, it had better be "quietly," and quite another thing to use the office of a suppliant ambassador for the destruction of Mary's life. The Gray who was mourning for Sidney did not sink to that extreme of guilt, but quitted himself "like a Scottis man." His fall was the result of intrigues concerned with religion.

Meanwhile the preachers took the opportunity of Mary's approaching end to show their charity. On February 1, 1587, an Act of Council moved the clergy to pray for the unhappy princess, that God would illumine her soul with the light of His only Verity and preserve her body from an apparent peril.<sup>66</sup> The preachers, says Courcelles on February 28, "were so seditious as to refuse." Dr M'Crie, on the other hand (probably not without good grounds; see note 67), says, "None of the ministers refused to pray for the queen." Calderwood writes, "They refused to do it in the manner

he would have it be done," as directly or indirectly condemning Elizabeth, or suggesting Mary's innocence. The words in the Act of Council do neither one nor the other. Probably they objected to any request for prayer, for, of course, that was not direct inspiration by "the Spirit of God"; also, it was an act of royal interference. James later, says Spottiswoode, explained that the prayer was only for Mary's "enlightenment in the truth" (which is in John Knox) and pardon. That is precisely the meaning of the Act of Council. However, Mr Cowper was in the pulpit at St Giles's, and James bade him pray for the queen. Spottiswoode reports that Cowper said "he would do as the Spirit of God should direct him." As James very well knew what that always meant, he made Cowper come out, and the bishop (Adamson) went into the pulpit, to the disgust of the brethren (February 3). Cowper was warded in Blackness, but soon released. Spottiswoode avers that the bishop produced a favourable effect on his audience. Gray had written, before his embassy, that he never saw the people so united as in the cause of Mary's deliverance. On the day of Cowper's performance James interdicted Andrew Melville from preaching.<sup>67</sup> On February 8 Archbishop Adamson "compeared" before the kirk-session of St Andrews, with the king's verbal request that the minister would pray for his mother's "conversion and amendment of life, and if it be God's pleasure to preserve her from this personal danger wherein she is now, that she may hereafter be a profitable member in Christ's Kirk,"—that of Scotland.

The kirk-session graciously acceded to his majesty's desire. But Mary was in danger no more. On that very day was consummated one of the few crimes that have not been blunders. The only prison which her enemies could trust to hold the queen had closed on her :

"To-night she doth inherit  
The vasty halls of Death."

May God have had more mercy than man on this predestined victim of uncounted treasons, of unnumbered wrongs: wrongs that warped, maddened, and bewildered her noble nature, but never quenched her courage, never deadened her gratitude to a servant, never shook her loyalty to a friend.

"She was a bad woman, disguised in the livery of a martyr, and, if in any sense at all she was suffering for her religion, it was because she had shown herself capable of those detestable crimes which in

the sixteenth century appeared to be the proper fruits of it." So Mr Froude, as if the professors of the fire-new gospel of Protestantism disdained the English design to murder Mary and James, or the swords that shed the blood of Beaton, or the daggers that clashed in the brain and breast of Riccio.

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NOTES TO CHAPTER XII.

- <sup>1</sup> Spottiswoode, ii. 321.                      <sup>2</sup> Spanish State Papers, iii. 525-529
- <sup>3</sup> Thorpe's Calendar, i. 478, 482.
- <sup>4</sup> Forbes-Leith, Narratives of Scottish Catholics, p. 192.
- <sup>5</sup> Stafford to Burleigh, October 30, 1583; Hatfield Calendar, iii. 15.
- <sup>6</sup> His letters to Nau and Mary have been published in part by Mr Froude, but are fully printed in the 'Hatfield Calendar,' iii. 47, 117, 206. Probably they were seized later, at Chartley, with the rest of Mary's papers.
- <sup>7</sup> Hatfield Calendar, iii. 172, 173.
- <sup>8</sup> Hatfield Calendar, iii. 47-62.
- <sup>9</sup> Papers of the Master of Gray, p. 16. "It is given out that he is not the king's son, but Davy's, . . . which he told Cuddy Armourer, with water in his eyes, being but they two alone." Armourer was a servant and emissary of Hunsdon.
- <sup>10</sup> Davison to Walsingham, Edinburgh, August 24, 1584; Papers relating to the Master of Gray, pp. 5, 6.
- <sup>11</sup> Davison to Walsingham, July 4; Thorpe's Calendar, i. 477.
- <sup>12</sup> Calderwood, iv. 147.                      <sup>13</sup> Thorpe, Calendar, i. 479.
- <sup>14</sup> See p. 308, footnote.
- <sup>15</sup> Calderwood, iv. 169; Confession of Drummond of Blair.
- <sup>16</sup> Davison to Walsingham, August 8; Thorpe, Calendar, i. 482.
- <sup>17</sup> State Papers, MS. Scot., Eliz., vol. xxxvi. No. 17.
- <sup>18</sup> July 23, James to Mary; Murdin, p. 434.
- <sup>19</sup> State Papers, MS. Scot., Eliz., vol. xxxvi. No. 24.
- <sup>20</sup> State Papers, MS. Scot., Eliz., vol. xxxvi. No. 29.
- <sup>21</sup> Act. Parl. Scot., iii. 347; Calderwood, iv. 197, 198.
- <sup>22</sup> State Papers, MS. Scot., Eliz., vol. xxxvi. Nos. 50 and 91.
- <sup>23</sup> Calderwood, iv. 239, 240.
- <sup>24</sup> Thorpe, Calendar, i. 488, 489; Papers of the Master of Gray, pp. 9, 10—Commission to the Master, October 14, 1584.
- <sup>25</sup> Labanoff, vi. 16-27; Papers of the Master of Gray, pp. 30-37.
- <sup>26</sup> Froude, vi. 39. 1870.                      <sup>27</sup> Teulet, iii. 326, November 25.
- <sup>28</sup> Thorpe, Calendar, i. 490, 491.
- <sup>29</sup> Papers of the Master of Gray, pp. 41-43.
- <sup>30</sup> March 12; Labanoff, vi. 123-127.                      <sup>31</sup> Spanish State Papers, iii. 545.
- <sup>32</sup> Thorpe, Calendar, i. 502.                      <sup>33</sup> Brit. Mus., Caligula, C viii. fol. 222.
- <sup>34</sup> State Papers, MS. Scot., Eliz., vol. xxxviii. No. 33.
- <sup>35</sup> Papers of the Master of Gray, pp. 58-61.                      <sup>36</sup> Thorpe, Calendar, i. 513.

- <sup>37</sup> Act. Parl. Scot., iii. 373-422.      <sup>38</sup> Calderwood, iv. 448-465.
- <sup>39</sup> Calderwood, iv. 485.      <sup>40</sup> Calderwood, iv. 401-503.
- <sup>41</sup> M'Crie, *Life of Andrew Melville*, pp. 125-130 (1856); i. 362 (1819).
- <sup>42</sup> Spanish State Papers, iii. 581.      <sup>43</sup> Spanish State Papers, iii. 663.
- <sup>44</sup> State Papers, MS. Scot., Eliz., April 1, 2.
- <sup>45</sup> Spanish State Papers, iii. 590.
- <sup>46</sup> Labanoff, vi. 312, 322; Mary to Charles Paget.
- <sup>47</sup> State Papers, MS. Scot., vol. xxxix. No. 66.
- <sup>48</sup> Papers of the Master of Gray, pp. 106, 107.
- <sup>49</sup> Hatfield Calendar, iii. 157.      <sup>50</sup> Hatfield Calendar, iii. 173, 174.
- <sup>51</sup> Courcelles' Negotiations, Bannatyne Club, p. 7.
- <sup>52</sup> Courcelles, p. 11. In 'Hatfield Calendar,' iii. 185, Keith is printed "Heath."
- <sup>53</sup> Hatfield Calendar, iii. 190-193.      <sup>54</sup> Courcelles, p. 13; October 31.
- <sup>55</sup> Courcelles, p. 22.      <sup>56</sup> Thorpe, Calendar, i. 538.
- <sup>57</sup> Spanish State Papers, iii. 676.
- <sup>58</sup> The Master of Gray gives practically the same version, but makes himself the spokesman, and says nothing of Melville (*Papers of the Master of Gray*, pp. 129, 130).
- <sup>59</sup> Froude, vi. 307 (1870).
- <sup>60</sup> Teulet, *Relations Politiques*, iv. 166, 167; *Mémoire pour les Affaires du Roy*. Mr Froude cites "Advis pour M. de Villeroy," which is a different document.
- <sup>61</sup> Spottiswoode, ii. 373.      <sup>62</sup> *Papers of the Master of Gray*, p. 133.
- <sup>63</sup> Hatfield Calendar, iii. 230; *Papers of the Master of Gray*, p. 139.
- <sup>64</sup> Privy Council Register, iv. 168.
- <sup>65</sup> Courcelles, pp. 37, 38; Hatfield Calendar, iii. 192.
- <sup>66</sup> Privy Council Register, iv. 140.
- <sup>67</sup> Calderwood, iv. 606, 607; Spottiswoode, ii. 356; M'Crie, 'Life of Andrew Melville,' pp. 131, 132; i. 363-366 (1819). Dr M'Crie quotes Courcelles as saying that "even those who refused at first" (to pray for Mary) "yielded." Courcelles writes, "Some of the ministers agreed to pray, . . . but others there are that stand still fast, . . . but they are fain to yield as well as others." If they did, Dr M'Crie is right.



## CHAPTER XIII.

## THE KING OF MANY ENEMIES.

1587-1593.

THE news of Mary's death aroused in Scotland a futile storm of indignation. A Catholic informant of Cecil's, Ogilvie of Pourie (already mentioned as a spy and double-dealer), declared that James was "desperate of his mother's life" (probably the news of her death was unconfirmed); that the country was eager to arm; that the Hamiltons offered to burn Newcastle with 5000 men.<sup>1</sup>\* Had James been a prince of heart and spirit he would long ere this have summoned his subjects to meet him, "boden in effeir of war"; would have slipped the Hamiltons on Newcastle; Bothwell and Buccleuch, with all Liddell, Esk, and Teviotdale, on Carlisle; would himself have mounted and ridden, while all the blue bonnets were over the border. Through Angus he might have kept the preachers in hand, or might have cast them into Blackness, and thus he might have risked a second Flodden, losing all but honour. Honour, on the other hand, was all that he lost. Calderwood says that he "could not conceal his inward joy," and that Maitland had to put the crowd of courtiers out of the room.<sup>2</sup> Courcelles gives a different account. James told him that he had done all that could be done, and had only received a note from Elizabeth with a promise to send Carey, who was at Berwick. James vowed that, if Mary were dead, he "would not accord with the price of his mother's blood." He denied the story that he had written

\* This young Ogilvie of Pourie was in London with the Master of Gray, in the Embassy. He sold himself to Cecil, as Logan, also a Catholic, to Walsingham. Ogilvie's later intrigues, nominally for the Catholics and James with Rome and Spain, were more or less devices controlled by Cecil.

to Elizabeth, putting Mary's head at her disposal. It is certain, however, that letters from Scotland, and obscure dealings of Alexander Stewart, did enable Elizabeth to harden her heart; so the Master of Gray wrote to the king.<sup>3</sup> The Council turned towards France, where Archbishop Beaton was still to be ambassador for Scotland, to the horror of the preachers, who feared that Henri III. would insist on toleration, if he aided James to avenge Mary. On March 5 James still pretended not to believe in Mary's death, and awaited the return of his messenger to Carey, his old tutor, Mr Peter Young. Meanwhile he assured Courcelles that he wished to desert the English league for the Auld Alliance.

The envoy to Berwick brought back the certainty of what had befallen, and news that Elizabeth had put her unhappy scapegoat, Davison, in the Tower. She added what Mr Froude calls "an abject and ignominious"—we may say a lying and perjured—letter to James. Nobody was deceived. Archibald Douglas announced that George Douglas was to be sent on a mission to France: Courcelles declares that James now suspected and desired to arrest the Master of Gray, but by April 3 he deemed that James would work for peace. On March 4 Walsingham wrote to Maitland, to be shown to James, a long pacific memoir.<sup>4</sup> French and Spanish aid, he said, was "in the air": it always was. The strength of Scotland was utterly inadequate for the war. James, if he fought, would lose, perhaps his life, certainly all prospect of the English crown. The ambition of Philip, the condition of France under the League, made help from either Power out of the question.

The true nature of the chances of the Scottish Catholics from Spain or France may be gathered from the Spanish State Papers. The English priests, Allen and Parsons, were dependent on Spain, and on Philip, who was determined to advance his own claims to the English crown, James being barred as a hopeless heretic. Meanwhile Robert Bruce, the spy, was intriguing for Claude Hamilton, Huntly, and Morton (Maxwell) both with Guise and with Philip, and the Duke of Parma, commanding the Spanish forces in the Low Countries. Ready to take aid from any quarter, Philip did send 10,000 crowns by Bruce for the Catholic Earls, and Bruce arranged with Parma a feasible plot for bringing over Spanish troops in grain vessels. But it was the belief of Philip, and of most of his advisers, that James would remain a resolute heretic. The Spanish aid to the Scottish Catholics would only be the means towards a

Scottish diversion in case of a Spanish invasion of England. Bruce did see James himself, and found him in manner genial, but an obdurate Protestant, under Maitland, "a heretic and an atheist." Overcharged with expenses, Philip did not back the Catholic earls, time was wasted, the plot of the grain ships was delayed till too late in the season, and though Morton (Maxwell) went to Spain, offering to hold Kirkcudbright open for the Armada, though Huntly promised to secure Leith, though an advance on England by way of Scotland was probably the wisest plan, the Scottish Catholics were left, detached, poor, and powerless, while England was the aim of the Armada. Yet for many years, till 1603, the Scottish Catholics continued to traffic with Spain, and to hope for troops and money from Spain, while usually disbelieving that James would be converted. James, says Parma to Philip, "becomes more and more confirmed in his heresy" (1588).<sup>5</sup>

All this futility of Spanish promises Walsingham clearly discerned. He added that James might change his creed: he would but be the more distrusted. The world must acknowledge that James had done all that man might do—revenge was unchristian, true honour was not outraged, success was wholly impossible, if war was attempted.

All this was very true—nay, extremely obvious. But it did not follow that James need continue to take money from hands dipped in his mother's blood. Of money, however, from whatever quarter, James thought *non olet*. Meanwhile (March 1587) Elizabeth carried out the cruel farce of trying and ruining Davison, her scapegoat; and Cecil, in instructions to Carey, was obliged to sink to Elizabeth's level of meanness (April 3).<sup>6</sup> James had Elizabeth at an avail. If she was innocent, if Davison and others were guilty, then, he said, let them be given up to him. At present her honour was not cleared. Elizabeth was in the same position as Mary had been in the commissions at York and Westminster (1568) as to her guilt of Darnley's death. Like Mary, she finally said that, as a crowned queen, she was answerable only to God. Several drafts of her shifting replies exist; at last she screwed up her courage to be firm. Clearly she did not share Walsingham's assurance that James was powerless, and that France and Spain would not move. Yet nothing could be more manifest.

In Scotland matters were in suspense till the assembling of the Estates. Arran had been trying to fish in the troubled waters,

accusing, in a letter to Claude Hamilton, several of James's Council of accession to Mary's death, and of a design to hand him over to England. Among the accused we only know the name of Angus, who was arrested: he, at least, cannot have been of those who conspired against Mary's life. Orders were issued that Arran should be brought forward to justify his accusations.<sup>7</sup> The matter troubled James, who, in fact, was vainly trying to get Elizabeth to bribe him by the Lennox estates in England.<sup>8</sup> On May 10 Sir William Stewart, Arran's brother, accused the Master of Gray of his betrayal of Mary (concerning which we have already spoken) and of divers other offences. He had, it was alleged, taken a secret part in the Raid of Stirling (1585), which we know to be true from the Master's own description of that revolution. He had also dealt with France in the interest of "liberty of conscience," a charge the most damning that could be brought against any man in reformed Scotland. He had devised the death of Maitland, and other advisers of James, by aid of Arran and Morton. There were other charges. Gray and his denouncer had probably been in a conspiracy together to oust Maitland, and the lords who returned from exile at the Raid of Stirling, and it is likely that Gray had been dealing with the Hamiltons and the Catholics. He admitted that he had worked for liberty of conscience, and generally to revolutionary ends; while his answer as to the charge of betraying Mary has been already given. The Estates prayed that the king would spare the Master's life and lands. Gray was certainly betrayed by Stewart, who was to have gone as ambassador to France for the renewal of the alliance.<sup>9</sup> But Richard Douglas of Whittingham, nephew of Archibald and his intelligencer from Scotland, writes (May 22) a different story. Gray's attempt to obtain liberty of conscience by aid of France was really his principal offence, "suppose that he confessed somewhat also that, *before his last being in England*, he had written into that country against our sovereign's mother's life." James was being much urged to war with England, but, "so long as he may with honour, his majesty is willing to abstain."<sup>10</sup>

The Parliament opened on July 8 at Edinburgh, and was prorogued to July 23. The king's arrival at his majority was declared. The liberties of the Kirk were ratified. Death was decreed against Jesuits and seminary priests; in only one case, much later, was this threat fulfilled. Even hearers of mass, or distributors of Catholic books, were menaced with entire confiscation. The temporalities

of benefices were annexed to the Crown, with certain reserves of vested interests. This meant the downfall of bishops, their exclusion from Parliament. Six members of each Estate were formed into a commission to deal with the necessary taxation for the king's marriage. There was the usual revocation of grants made during the royal minority. Quarrelling for precedence of vote or place in Parliament was denounced, and a commission was appointed to consider claims. The minor barons, to be elected by forty-shilling freeholders, were called to Parliament, as under the law of James I. Persons accused of treason were permitted to employ counsel.<sup>11</sup> As a matter of fact, in such trials the accused could only hope for acquittal when their friends were in power, as at the trial of Archibald Douglas, or of Bothwell for witchcraft. Game laws were re-enacted, and measures, often vainly renewed, were taken to diminish the number of fraudulent notaries. For five years no new notaries were to be admitted; in future they must know Latin "reasonably," must have served seven years with Writers to the Signet or other responsible lawyers, and, generally, were to be under inspection. Forgery was a rampant crime, of which we shall see a notable instance later. Theft by landed men (as when Logan of Restalrig committed burglary in the house of Nesbit of Newton) and murder under trust were declared to be treason. Interest on money was limited to ten per cent yearly. With fiscal and others of the usual good resolutions (Acts of Parliament were little more) appeared one in favour of "universal concord." Other good resolutions were concerned, to no avail, with maintenance of law and order in the Highlands and Borders.<sup>12</sup>

The Parliament ended, though nothing is said about it in the official record, with a dramatic scene in which the lords besought James to lead them against England. This is reported by Courcelles and others,<sup>13</sup> and is doubtless true. James thanked his kneeling Estates, but said that he must wait his opportunity. Another dramatic scene, with elements of the grotesque, was the public reconciliation and banquet of all the lords in Edinburgh, so admirably described by James in 'The Fortunes of Nigel.' An order for the expulsion of the Jesuits was made, and the Protestants were pleased, while Philip was not sorry. James, his rival, was now too manifestly a hopeless heretic. Archibald Douglas was kept as ambassador to England (on a semi-official unrecognised footing), and his favour varied with James's hopes or fears as to his success

in obtaining for the king a written acknowledgment of his right to the English crown, with a gift of lands in the north of England. James was now very Protestant, since Philip of Spain was intent on securing the rights bequeathed to him by Mary, and as, despite Morton's (Maxwell's) intrigues in Spain, whither he had sailed, there was clearly no chance of disinterested help, thence or from France. The Scottish ambassadors had gone to Denmark; but du Bartas, the poet and scholar, arrived in Scotland, was feasted by the king, was present at his friendly controversy with Andrew Melville in St Andrews, and was thought to be proposing for James the hand of the Princess of Navarre.

The summer was marked by Border raids into England. These were caused, according to the letters of Richard Douglas, Archibald's nephew, not by revenge for Queen Mary, but by "plain necessity"; the Liddesdale men would not starve while there were beeves in Cumberland. Thus, though the Scottish Catholic lords were as usual intriguing abroad, James remained true to his interests in England.

The "Premier," in modern language, was now Lethington's brother and successor as Secretary, Sir John Maitland of Thirlstane, "the Chancellor." He held the office, with interruptions, till 1595. He had the family wit and the family craft, and was devoid of scruples based on sentiment—devoid, in fact, of any scruples (he had represented Lethington at the scene of Darnley's murder); but he was a fairly good Protestant, and adhered to the English alliance. James, like his predecessors, was much vexed by feuds: on a large scale in the Border and the Highlands, while in St Andrews, Edinburgh, and other towns, quiet citizens were apt to be attacked by armed men—a professor on his way to lecture, a Writer to the Signet on his way to kirk.

As an illustration of daily life we may take the case of Habakkuk Bisset, W.S. This gentleman is said to have received his Christian, or rather Hebrew, name in a singular way. His father was Queen Mary's caterer, and requested her to name the child. She was just going to chapel, and chose the first name at which the Bible opened. It was Habakkuk. Arrived at years of discretion, Habakkuk had the misfortune to be engaged as agent for the brother of the laird of Cockpen against two young Hamiltons of Prestoun. They conceived that *ce coquin d'Habakkuk est capable de tout*, and vowed revenge. One afternoon they found poor Habakkuk "going in

peaceable and quiet manner" to evening prayers, for Scottish kirks in that age were still open "on lawful days," a relic of idolatry which has been abolished. The young wretches set on Habakkuk in church, like a new St Thomas of Canterbury; they broke his head with the pommels of their swords, they chased him out by the west porch, and they cut off two fingers of his left hand. The two Hamiltons were denounced as rebels.<sup>14</sup>

Such were the accidents of everyday life in an age when the Town attacked St Mary's College at St Andrews, and the Gown, under Andrew Melville, defended the position with gallantry and success. "Spuilzies," or high-handed robberies, were frequent, so were cattle-houghings; and skirmishes with loss of life, and a blood-feud to follow, were not uncommon. As to the political situation of the country, we have a careful memoir drawn up by Archibald Douglas (November 14, 1587). The situation showed "a prince grieved in mind, and a number of nobility almost equally divided anent their religion into Protestant and Papist, with a number of indifferent religion." The Indifferents had joined the Catholics to urge revenge for Mary's death, and alliance with Spain or France, their demand being religious toleration. The king was trimming between these factions. But few nobles were Protestants: the Kirk relied on "the meanest sort of gentlemen, called lairds, whose second sons and brethren are for the most part merchants and travellers by sea," while all the burgesses were Protestant. The Protestant nobles were calm, believing that James would never change his religion. The lairds and tradesmen were galled by "the infinite number of piracies" committed by the English, of which the State Papers contain countless records. Piracy was a flourishing English profession at this time, Drake being the most notorious of the sea-thieves who preyed on the commerce of the world. All Anstruther set forth after an English pirate, ran him to shore in Suffolk, took his ship and six prisoners, and hanged two at Anstruther, four at St Andrews. Douglas adds that, as there are rumours of landings of aliens (probably in Galloway, whither Morton had returned from Spain), England could expect but cold support from his injured countrymen.

Archibald's motive, of course, was to alarm Elizabeth, and induce her, at least privately, to acknowledge James as her successor; or promise, at least, not to prejudice his case, nor to give Arabella Stuart in marriage without his consent. She ought also to make

amends for the piracies of her subjects.<sup>15</sup> James was discontented with Elizabeth's answer to this appeal, and refused her proffer of £4000 for his assistance. He had less reason to dread rebellion than Elizabeth had, he said, and was on friendly terms with all foreign princes except herself. The nobles had no grudge against him, except for his slackness in avenging his mother. Hunsdon at Berwick was working for amity, but as he distrusted Archibald Douglas, the two were likely to interfere with each other, so Richard Douglas reported (December 27, 1587).<sup>16</sup>

The opening of the year 1588 found Scotland troubled by the expected advent of the Invincible Armada. The Kirk (February 6, 1588) held a special Assembly, denouncing Huntly, Herries, and others, with a number of Jesuits. James had amused himself in the winter by writing a commentary on the Apocalypse, "and in setting out of sermons thereupon against the Papists and Spaniards."<sup>17</sup> Throughout February and March Huntly, Herries, Glencairn, and others were now obscurely and timidly conspiring with Parma and Philip, through Colonel Sempill, whose life is a romance, now urging James to dismiss Maitland and others of his advisers. Herries raided and spoiled the lands of Drumlanrig and of Douglas, Provost of Lincluden.<sup>18</sup> Hunsdon denounced Archibald Douglas as no ambassador; he had been discharged—and Hunsdon had seen the documents under James's hand—ever since the Master of Gray was in London. "If he come into Scotland, the king will take his life." Yet Richard Douglas had always been dealing with Archibald for James, as if the "old fox" were duly commissioned, and Archibald had constantly negotiated with Cecil, and, in personal interviews, with Elizabeth. James had apparently made arrangements for disavowing and betraying the traitor, if that course proved convenient.<sup>19</sup> The vast preparations for Philip's invasion were going forward, and the question was, Which party would James espouse? In spite of Hunsdon's allegations, he was writing with his own hand to Archibald Douglas, and, according to Richard Douglas, would take the English side (April 28).<sup>20</sup> On May 7 James ordered the country to arm, but the cautious terms of this proclamation show that he committed himself to no more than armed neutrality.<sup>21</sup>

At this juncture Huntly, in the Catholic interest, was bidding for Archibald Douglas; he "sought you so earnestly, and offered me so fair," says Richard Douglas, who was to manage the sale. But Huntly's heart failed him, and whatever plot he meant to concoct



with Archibald fell to the ground. Richard Douglas returned from his secret journey to Huntly, and, after an interview with James, gave Archibald some cause to feel more secure. "He would be served by you, . . . seeing you knew sufficiently the end whereat he shot," the crown of England (May 26).<sup>22</sup> At this time James attacked Morton (Maxwell), the most dangerous of the southern Catholics, the man who might have opened the south-western ports to Spain. Morton, newly home from Spain and France, showed his hand too soon: his allies, Huntly, Herries, and Claude Hamilton, left him to take his chance. The king took Lochmaben Castle, hanged some of the garrison, and captured Morton himself.<sup>23</sup> Angus, the faithful of the Kirk, was made Warden on the west Marches,—clearly James was decided on the Protestant side,—and Sir William Stewart, Arran's brother and the denouncer of the Master, was in high renown. Within a few weeks both of those men were dead. On July 10 Stewart and Bothwell gave each other the lie, in James's presence. Stewart added an insult common among street-boys of the lewder sort. On the 30th of July the enemies met in the High Street. Stewart stabbed one of Bothwell's men, lost his sword, and fled. Bothwell followed and wounded him with his rapier. "Sir William fleeth to a hollow cellar, where they stabbed him with whingers while he was despatched."

So perished one brother-in-law of John Knox, a man daring and perfidious. The death of Angus was believed to have been caused by witchcraft. Pious to the last, he refused all help by counter-witchcraft, an interesting experiment still practised in rural England. The witches used the old scheme, an image of wax melted before a fire, or, at least, this was rumoured.<sup>24</sup> This is the version of Calderwood, but a very different story was later told by Bothwell. That adventurer, himself under a charge of treasonable sorcery, confessed that he had, indeed, dealt with a wizard, Richard Graham, but solely in the interests of Angus. It was Lady Angus who besought Bothwell to bring the wizard to heal her bewitched husband: Bothwell had no other dealings with the servant of Satan. This ingenious defence, whereby the pious Angus shielded Bothwell's character, was apparently the invention of John Colville.<sup>25</sup>

Angus the Presbyterian was succeeded by Douglas of Glenberrie, who, dying soon, was followed by his son, a Catholic. The Maxwell Earl of Morton lost that title, which fell to the betrayer of Northumberland, Douglas of Lochleven. The evidences of James's

Protestant spirit, especially his action against Morton, who might have opened the ports of the Stewartry to Spain, encouraged Elizabeth. She sent Ashby to Holyrood with golden promises. He found James at his devotion, and his letter was written (August 6) during the agony of the Armada. Presbyterian Scotland had been greatly alarmed.

"Terrible was the fear, piercing were the preachings, earnest, zealous, and fervent were the prayers, sounding were the sighs and sobs, and abounding were the tears" of the Brethren; so James Melville writes. The end was the arrival of a battered ship and a starving crew of Spaniards on the Anstruther beach. James Melville told the captain that, though enemies of the Pope, yet the Scots were men, and moved by human compassion. So kail, porridge, fish, and trenchant remarks on popish errors were supplied to the hungry mariners, one of whom was Gomez de Medina, a gentleman not ungrateful.<sup>26</sup> The coasts of the isles of the west were strewn with wrecks of "that great fleet invincible"; the danger was past and over, whether of a Spanish landing in the Stewartry or of a Catholic rising. James had taken his part "against all foreign enemies of this island," and was thought, "by not the unwisest, too sudden to declare himself before being assured of that he craved"; so Richard Douglas wrote (August 5). Elizabeth, in her alarm, had offered that, on assurance under the Great Seal, Mary's death should not prejudice James's claims: he was also to have a duchy in England, a pension, £5000 in ready money, and a guard of fifty gentlemen. But in a week, the peril from Spain being ended, "it seems they would go back from these offers."<sup>27</sup>

James, in fact, as the Master of Gray said, "got but fiddler's wages," like all who trusted the falsest and meanest of women. He was furious, he was enraged against Archibald Douglas; the Catholic lords grew stronger, they intrigued with Spain, they expected the king to combine with them, and Richard Douglas proposed that Archibald should come to terms with Huntly. The death of Leicester, with whom James was friendly, complicated affairs, and James proceeded to pay court to Walsingham. In November Elizabeth sent Thomas Fowler to deal with James. He found matters going ill; the Spanish faction was in credit, the king (Ashton reported, December 13) was running to his own destruction, the murder of the Duc de Guise was apt to cause Philip of Spain to come to terms with Scotland.<sup>28</sup> Huntly had dallied with the Kirk (partly that he might be allowed

to wed the sister of Lennox); but he was not long to continue, even in a shadowy way, a Presbyterian. The preachers held a thanksgiving for the murder of Guise; for both religions impartially rejoiced in the judicious use of the dagger (December 30).<sup>29</sup> James Melville revels in "a maist remarkable work of God's justice, making King Hendrie to cause his Guard stick the Duc de Guise under trust, . . . and syne a Jacobin friar maist treasonably to stick the king. . . Thus God glorified His name most remarkably." The Deity, it is to be understood, conducted political enterprises after the fashion of Philip of Spain, Elizabeth, or any other contemporary prince.

The Kirk throughout all this period was in a nervous condition, and the preachers were usually very well informed, doubtless through the English embassy. In January 1589 "the most vigilant ministers" convened in Edinburgh, and warned the king of his danger from Papists. He was begged not to interfere between the Kirk and the Catholics whom it might be molesting: Jesuits ought to be hunted for; some of the ministers and the laity ought to be given an inquisitorial commission to explore what nobles and others "profess religion." James's own sincerity in the truth being doubted, he is asked to expel all officials who may be suspected of Catholic tendencies. These petitions were granted.<sup>30</sup>

In February it appeared that the preachers were no "drytting prophets" (as Lethington said of Knox); there was really a Catholic plot. Cecil had laid hands on one Pringle, agent of Colonel Sempill, and seized letters from Huntly and Errol to the Duke of Parma and the King of Spain. Huntly and Errol were with James when the letters were handed to him. This Pringle had been examined in England on February 15: he was a soldier of fortune who had served on both sides in the Low Countries. He had dealt for Robert Bruce (Huntly's agent with Philip, a singularly perfidious double spy and trafficker) with Huntly, Bothwell, Crawford, and Lord Claude. With the letters Elizabeth sent a note of remonstrance. James, she said, seemed to hold such traitors "dear and near, with a parentage of near alliance," referring to Huntly's recent marriage with a sister of the young Duke of Lennox. "Good Lord, methinks I do dream; no king a week could bear this!" The letter by Huntly was of January 24; James received it on February 27. Huntly in his epistle regretted that the Armada had not touched at Scotland, where it would have found countless allies. He gave advice for a better conducted enterprise. He lamented his recent

verbal adherence to the Kirk. Bruce in his letter frankly confessed that what the Catholic lords wanted was gold "for some pretended occasions which will never fall out as they promise." Huntly had tried to get at the money, but Bruce had defeated him. Bruce's character was execrable, but his inferences as to Huntly were probably judicious. All this was pleasant hearing for Huntly, if he was present, as Calderwood says, when the letters were given to James; and it must have been agreeable to Maxwell to hear it averred that a Jesuit secured his release from prison. Errol had to listen to the tale of his conversion by Father Edmund Hay; Crawford to the narrative of his theological debts to Father Creighton. It seems hardly credible that their own letters were rehearsed before any of these peccant noblemen; if they were, the scene must have been of the highest comedy. As a matter of fact, Bruce was right in saying that what the Catholic noblemen of Scotland wanted, in the first place, was doubloons, pistoles, and pieces of eight. All parties were pensioners: James and the Protestant lords and lairds, of England; the opposite faction, of Spain or France.

Huntly was now warded in the castle, where James and Maitland dined with him next day. He was presently released, riding off at the head of 200 Gordons, and Claude Hamilton was imprisoned. By March 14 Huntly was inviting James to dinner, Errol was with them; but as a rising of the town was feared, Huntly rode north: he is said to have asked James to accompany him.<sup>31</sup> James had one of his tender fondnesses for Huntly; he also suspected that the letters attributed to him and other Catholics had been forged in England. Ashby and Fowler now reported James's condition as one of melancholy. His life was made a torment by the intrigues and feuds of his nobles. To Huntly he was sincerely attached: Bothwell he considered, so he had told Courcelles, as a feather-head; but Bothwell had a native love of mischief, and was powerful in the disorderly region of Liddesdale, and among the Humes, Douglasses, and Logans of Berwickshire and East Lothian. He was also dear to all ladies. Errol regarded Maitland, the Chancellor, as his private enemy. Writing to Mr Bruce (the eminent preacher, not the intriguer with whom he has been confused), Errol professed that Maitland had accused him "behind his back." He was ready "to be tried by the Kirk's self" (March 22, 1589).<sup>32</sup> But Fowler reported Errol as not likely to surrender (March 20), and James as "weary of life."<sup>33</sup> He was still making excuses for Huntly; and Bothwell,

like Errol, was at feud with Maitland. In fact, to get rid of that powerful minister, not a man of their own rank, but indispensable to the State, was the motive that united Protestants like Bothwell (if he was a Protestant) and Catholics like Huntly. The old story of Lauder Bridge and the hanging of the low-born advisers of James III. was ever the ideal of the nobles: not that Maitland was low-born, his house was old and good, but he was not of the greatest *noblesse*, and he had intellect, which was intolerable.

Errol was "put to the horn"—denounced outlaw—the day after he wrote to Bruce. These plots of the nobles recur in a stereotyped and tedious fashion. A rebellion for the actual deposition of the king was practically impossible. It was said of James that he was like a monkey. "If I have Jocko in my hands, I can make him bite you; if you have Jocko, you can make him bite me." The constant purpose of malcontents, therefore, was to get James into their hands, and out of those of whoever held him, Morton, Gowrie, Arran, or in this case Maitland. At present the idea was that Bothwell, probably with Montrose, should seize the king and "discourt" or slay Maitland, while Huntly and Errol should descend from the North with the Gordons and the Hays. James was at Halton, where the capture should have been made. He got news of the scheme and rode to Edinburgh, whence (April 7) he summoned his loyal subjects of Fife and the South to repair to him, "boden" with hackbuts and spears. On the 10th of April a summons was issued against the armed and banded malcontents; they must surrender their fortalices. There were several Kers, Lindsay of Halton (where James had been in peril), Bothwell, Crawford, Montrose, Fintry (an active Catholic dealer with France), Errol, Gardyne of Gardyne, many Gordons, including Gordon of Gight, and a score of Lindsays.<sup>34</sup> The confederates, therefore, were of the lawless Border, and of Perthshire, Aberdeenshire, and the county of Angus.

The Earl of Angus<sup>35</sup> and Lord Hamilton commanded the royal forces under James. The confederates captured the Master of Glamis in his house: James moved out from Linlithgow with his levies on April 11. The rebels were assembled at Perth, whence they retreated by Dundee and Brechin. Now James showed a spark of his mother's spirit when she drove Murray from hold to hold into England. Many men deserted the royal banner, but he pushed on, and with a force reckoned only at 1000 met Huntly with

3000 at Brig o' Dee. Errol would have fought, but Huntly's men dispersed: they had been told that Huntly possessed a royal commission, but, seeing James in arms against him, their hearts failed them. Defeat meant forfeiture. James reached Aberdeen on April 20. "Bands" were taken from many of the northern chiefs and barons for the defence of the king and the religion. Forbeses, Rosses, Grants, Gordons, Mackintoshes, Hays, Dunbars, and Mackenzies were obliged to sign with Cheynes and Keiths. Huntly and Crawford were taken and warded in courteous durance: Bothwell was handed to the captain of the Guard.<sup>36</sup>

It is probable that the tradition about James's personal timidity is greatly exaggerated. He is said to have been unable to look on a drawn sword. In this rebellion he led his men where he was likely to see plenty of cold steel. Spottiswoode declares that on the eve of expected battle he addressed his little force with grace—"I desire you to stand no longer than ye see me stand": Colville gives a similar report to Ashby, as does Fowler (April 18, April 23), and it is clear that James had shaken off his irresolute melancholy and played his part very well.

The worst of these successes was that they could be turned to no real advantage. Despite the feuds and jealousies of the nobles, they were all at one on a single point, their own right to commit high treason with practical impunity. The victors knew that in a month, by a turn of the wheel, they might be the vanquished. They all keenly objected to forfeitures and capital punishments. James V. had done his best against the Douglasses, to what end? Merely to give England the most powerful, dangerous, and perfidious of allies. By betraying Scotland to the disaster of Solway Moss, Sir George Douglas practically slew James V. The house flourished again under Morton, that scourge of the Crown. Morton was overthrown, but his blood-feud raised up the Presbyterian Angus to capture and dominate James, and to procure the fall of Arran. Murray and Mary had once before overthrown and ruined the House of Huntly: in three or four years the Gordons were as powerful as ever, and the Huntly of the Brig o' Dee remained a thorn in the side of the State long after his head and shoulders would have parted company had he been a subject of Elizabeth. But no sooner was he captured than James's war leader, Lord Hamilton, Huntly's kinsman, was found to be opposed to his execution.<sup>37</sup> Besides, James was personally attached to Huntly, and yet again, in a country where

the pretensions of the preachers were really the most threatening danger to the Crown, Huntly, a Catholic, could be relied on against the preachers. The maintenance by James of a perilous equilibrium between Protestant theocrats and greedy Catholic nobles, and the feudal and personal jealousies of the lords indifferent in religion, at home; and between Elizabeth and the Catholic Powers abroad, make up all this chapter of our history. Original kinds of events are few, but occurrences follow each other rapidly on to the boards, round behind the scenes, and on again, like a stage army. Huntly and the other rebels were to have their exits and their entrances for many a year after 1589.

The criminals were examined on May 24.<sup>38</sup> Huntly's examination was a little garden-party: the prisoner, James, and four or five of the Council met in the pleasance behind the council house. He "came in the king's will": was warded in Borthwick Castle; Bothwell, under Angus, at Tantallon; Crawford at St Andrews. They were all soon at liberty again.<sup>39</sup> "The ministers cry for justice," Fowler reports; but if every head that the ministers asked for had fallen, Scotland would have been a shambles. By May 27 the Master of Gray was at Berwick on his homeward course: "so it was seen that his banishment was only for the fashion," says Calderwood. He appears to have been restored by means of Maitland, the Chancellor, and is at once (June 4) found sending intelligence to Cecil, for whom, and for Rome, he continued to play the double spy. The rebels, it seems, had practically been induced to surrender by promises of lenient usage, guaranteed by Hamilton, Angus, Mar, Morton, Home, the Earl Marischal, and the Master of Glamis.<sup>40</sup> Gray had reconciled himself in England with Cecil, and one part of his business was to aid Fowler in preventing James from wedding the daughter of Denmark, the Princess Anne.

It was the nature of Elizabeth to interfere against all marriages: her pretext now was her desire that James should marry the Princess of Navarre. But he had heard that she was old and crooked, and much preferred a young lady of fifteen, recommended by his old tutor, Peter Young, lately his ambassador to Denmark. Elizabeth had sent to James some money during his recent troubles, and he humorously employed it to fit out, in opposition to the wishes of the English queen, the Earl Marischal, a man of taste and learning, on his mission to ask for "the sea-king's daughter

from over the sea." The lady had been bred a Lutheran, and no one could guess that she would return to the old faith, as she did.<sup>41</sup> Gray's own credit at Court was now slight: he sighed for his old abbacy (lay) of Dunfermline, to which, whichever creed he professed, he was devoutly attached.

The Earl Marischal did sail for Denmark (June 18), and the proxy marriage with Anne was celebrated on August 20. Meanwhile, as the star of Gray rose again, that of Archibald Douglas set. He laments "a disposition to pick quarrels with him," and, apart from his own unamiable qualities, he probably had taken part with England against the Danish marriage. James neglected him; he begged from Elizabeth. Maitland also opposed the Danish wedding, but James was determined to marry to please himself. He therefore showed more and more favour to possible supporters, the recent rebels. Errol made his submission in August: on August 12 the rest were set at liberty. This amnesty was in honour of the Royal bride; but the September storms drove her little fleet hither and thither: her own vessel was missing for three days in the Northern Sea: she had to return home, and on October 22 James placed his royal person at adventure and boldly sailed to join his bride in Denmark. He took Maitland with him; for many reasons it was not safe to leave Maitland at home. During the king's long absence the country was quietly governed by nobles—Hamilton, Angus, Lennox, and Bothwell—while Robert Bruce represented the preachers. All, being trusted, were wonderfully on their good behaviour, whereas had Maitland stayed at home his throat would certainly have been cut. There were, indeed, germs of feuds in the North, later to blossom into clan warfare,—the hatred between Huntly and "the bonny Earl Moray,"—and Bothwell's relations with Elizabeth suggest that she regarded him as a card which might be serviceable some day in her hand. But James's absence from October to April caused no disturbances, perhaps rather prevented them.

For some reason the king in this year showed amazing energy in the fields of Mars and Venus. Fontaine had found him a laggard in love, and in all courtly graces a grobian. He despised dandies, and especially detested ear-rings, which his unhappy son wore even on the scaffold at Whitehall. The youth of James had been continent; alone of the Stewarts he left, as far as our knowledge goes, no scions of amorous adventure. Modern historians accuse him of "precocity in vice." Where are the proofs?—even calumny, up to



this date, puts in but one filthy word in a scandalous lampoon. We hear of no young ladies about his Court, and his coldness caused anxiety among his subjects. Grotesque always, James on leaving Scotland set forth such an address to the country as only he could frame.<sup>42</sup> He would have men to know that he was not "a barren stock." He had formed at Craigmillar, all alone, his resolution to set sail, and had put aside the objections of the Chancellor, and indeed he had kept his own counsel as to voyaging personally till all preparations were made. He firmly objected to being written down "an irresolute ass." He describes his amusements in Denmark as "drinking and driving ower," but he also conversed with the learned. It is not known that he obtained any evidence as to the disputed testament of Bothwell, declaring the innocence of Queen Mary. He returned and was received at Leith on May 20, 1590, with all the tedious forms of pageantry usual at the period.

The preachers, true to themselves, objected to the anointment of the queen at her coronation as a Jewish ceremony, or if not Jewish, then popish. James threatened to call in a bishop. Anything was better than a bishop, so Mr Robert Bruce did the anointing.<sup>43</sup>

The Kirk at this time was in a highly sensitive condition. Dr Bancroft in England had preached against the Puritans (February 9, 1588), and his tone had been unworthy of a Christian and a gentleman. He rather appeared to imitate on the Episcopal side the style of Knox's denunciations of "bloudie bishops," and Knox is a bad model. What Bancroft said of the Scottish preachers (as summarised by Dr M'Crie) was that they "took it upon them to alter the laws of the land without the consent of the king and Estates, threatened them with excommunication, filled the pulpits with seditious and treasonable doctrine, utterly disclaimed the king's authority, trod upon his sceptre, laboured to establish an ecclesiastical tyranny of an infinite jurisdiction, such as neither the law of God nor man could tolerate," and so forth. Bancroft would appear to have been "intoxicated by the exuberance of his own verbosity," but it is not difficult to understand his drift; and if the preachers did not aim at "infinite jurisdiction," what did they aim at?

In reply Davidson, the poet and preacher, wrote a letter to Elizabeth, but it was not despatched. Complaint was made of a tract of Archbishop Adamson's in which he gave his views about Presbyterian eloquence. The General Assembly ordered prayers for "the afflicted brethren in England," the Puritans. Mr James

Melville, in place of being warned by the bad example of Bancroft, denounced before the General Assembly "these Amaziahs, the belly-god bishops in England, by all means and money seeking conformity of our Kirk with theirs, as did Achaz and Uriah with the altar at Damascus." <sup>44</sup> These excesses, as regards a "neighbour Kirk," we must regret and condemn. Melville implored the Brethren to ratify the old Fife excommunication against Archbishop Adamson. It would do Adamson so much good, he said, "if he be of the number of the elect," which, as a "vennemens enemie of Christ's kingdome," Adamson probably was not. If, on the other hand, he *was* of the elect, it does not seem that excommunication could harm a person in that desirable position. Mr Melville's advice was "approved by all," and yet there seems to be a want of sweet reasonableness in his method. One thing was clear, the long war of Scottish Presbyterians and English Puritans against the "belly-god bishops" had begun, and the English Puritans and Scottish Presbyterians were in alliance. Bancroft preluded to Laud, Melville to Cargill and Cameron, Blair and Rutherford. The Reformation brought not peace but a sword that was to rage through the next century. These beginnings of trouble, these violences of parson and presbyter, these furies of the rival pulpit-eers, are more important than the feuds and follies of the noblesse. In the excitement about forms of religious discipline nobody seems to have bethought him that the religion was that of Christ, or to have remembered the spirit of the Master.

The Scottish preachers continued to pray for their afflicted brethren, the imprisoned Puritans in England. They had been unwilling to seem to hint a censure of Elizabeth when the axe was sharpened for Queen Mary, but when the Puritan brethren were touched they knew no such reluctance. Elizabeth on July 6 wrote James a stringent letter on the subject. "There has arisen, both in your realm and mine, a sect of perilous consequence, such as would have no kings but a presbytery; and take our place, while they enjoy our privilege, with a shade of God's Word, which none is judged to follow right, without by their censure they be so deemed." This means that the preachers desired the State to be ruled by God's Word, of which they were the infallible interpreters.

Here really was the storm-centre of the situation. The preachers might be, and indeed were, much better men morally than the statesmen, and were free from personal self-seeking. But their

claim to infallibility (a claim implied, if not explicitly uttered), their appeal to inspiration, in "the preaching place," meant nothing less than that the State was to be governed by the pulpit. No pretensions could be more dangerous; and kings were really engaged for a century in a contest for human freedom, freedom from the political interference of inspired and irresponsible pulpit orators. The royal methods alienate our sympathies; their actual aim is lost sight of in our disgust with their measures—imprisonment, exile, dragoonings, and the imposition of Episcopacy upon a nation which detested "the horns of the mitre." But in these rude and unseemly ways the warfare was waged till, after the Revolution of 1688, the power of "new presbyter" was broken, as the power of "old priest" had already been overthrown.

James, as a victor in the bloodless war of Brig o' Dee, and as a married man, began to take himself seriously. He had a project for establishing peace and unity among Protestant Powers: he even sent two ambassadors through Germany. He would expel Jesuits, reconcile feuds, and make the royal presence more sacred and less easy of access. By the last idea he managed to offend Lord Hamilton: the other schemes of reform remained unfulfilled, like all the Acts of similar tendency which crowd our records. The confederates of the Brig o' Dee continued to intrigue at home and abroad. A feud broke out between Huntly and "the bonny Earl Moray," which had fatal consequences. The Earl did not inherit by direct descent the old Moray-Huntly blood-feud of 1562. He was a Stewart who had married the daughter of the Regent Murray, and his neighbourhood to Huntly would have provoked a quarrel in any case, a quarrel involving Gordons, Campbells, Forbeses, Stewarts, and the adjacent Celtic-speaking clans. The causes and complexities of the feud must be explained later.

James also busied himself much in examining and persecuting witches and warlocks who had raised inconvenient storms, or intrigued to ascertain his future, or to slay by art magic himself (as Bothwell was accused of trying to do) and his Ministers. The usual plan was that of "sympathetic magic"; an image of the victim, in clay or wax, was melted in water or fire. The idea is familiar to most savages, and was current in ancient Greece. It is possible enough that when the victims knew that the rite was being performed they fell ill by dint of "suggestion" or "imagination." Montaigne at this time was giving proofs of the power

of "suggestion" upon the fancy, and so upon the body. Reginald Scot had recently published his large and entertaining work on the folly of current beliefs, 'The Discovery of Witchcraft.' In Scotland not much is heard of punishment for witchcraft before the Reformation, when Knox, the preachers, and the Regent Murray conceived it to be their duty to denounce and burn witches.\* There can be little doubt that many witches were in intention malevolent enough. They believed in their own powers, and probably dealt in poison on occasion, very clumsily, as in Bothwell's attempt on the king. At the least, their pretensions inspired terror and the physical maladies which terror can cause. But James's action, his earnest pedantic curiosity, and the unspeakable tortures which he caused to be inflicted, strengthened in this unhappy matter the hands of the preachers, and reinforced a superstition which Reginald Scot and others attempted to laugh away. For more than a hundred years the poorest and most pitiable of mankind, destitute old women, were at the mercy of every prying preacher, every hysterical child, every unfriendly neighbour. In the next century we have a melancholy narrative by a minister. A woman was accused, the parishioners were violently inflamed against her, the laird was anxious to save her. The examinations by the minister yielded no grounds of suspicion, but not to condemn her was to offend the populace, alternately the tyrants and slaves of the preachers. Happily the minister, after leaving her in her cell, returned and listened at the door. His eavesdropping was rewarded. He heard the old woman mumbling to herself, and he could nearly swear that he heard another voice replying. That voice must be the devil's. So the woman was burned, and the minister retained his popularity. The disturbances, noises, knockings, movements of objects, which are still common enough in newspaper reports, were always associated with a hysterical boy or girl who used to "see" the witch.

Possibly the child had been alarmed by the witch, and herself caused the unexplained disturbances. But the so-called "spectral evidence" was good enough: the witch was arrested and tortured. She implicated others: she told fables of the *Sabbat*, the league with Satan, and other fragments of folk-lore, tales about Fairyland, mortals enchanted there, and the fairy queen. The parish fell

\* This is insisted on in the record of the Regent's Parliament of December 1567 (Act. Parl. Scot., iii. 44).

under a reign of terror: even matrons of noble family were not safe. The cruel absurdity raged in England as in Scotland, under Episcopacy as under Presbyterianism. Much of the fault lies at the door of James, who could not, indeed, have controlled the preachers, but who went out of his way to encourage beliefs that ensanguine the courts of African kings and the camps of wandering Australian tribes.<sup>45</sup> Bothwell was most unfortunately involved in alleged dealings with witches, and was actually imprisoned in April 1591, though some thought that the preachers had him incarcerated for a flirtation with one of the daughters of the late Earl of Gowrie. He was confronted with Graham the wizard, who confessed to a scheme for poisoning the king in a magical manner. A fast was held on this important occasion.<sup>46</sup> Bothwell broke prison and betook himself to his Border fastness (June 21). He was not taken: he now was, and remained, a wandering torment and a probable source of revolution.<sup>47</sup> He had carried off a witness from the Tolbooth in January while the king was in session there, and only a few days before his majesty is said to have fled and hidden in a skinner's shop during a street brawl between Lennox and the "wanton laird of Logie."

While he was accused of favouring Jesuits, and of suppressing a book written by John Davidson against Bancroft's celebrated sermon, he was also assuring the General Assembly that the Kirk was the purest of Kirks. "The Kirk of Geneva keepeth Pasche and Yule" (Easter and Christmas), "what have they for them? They have no institution. As for our neighbour Kirk in England, it is an evil-said mass in English, wanting nothing but the liftings" (Elevation of the Host).<sup>48</sup> From this opinion James was to advance very far. The Assembly was greatly delighted by James's adherence to the Kirk.

In April 1591 shame fell upon the unhappy Archbishop of St Andrews. The preachers gave James no rest about the most hated of their enemies. We mainly know Adamson from his mortal foes, who added witchcraft to the charges which they heaped upon him. Though a scholar, he appears to have been a time-server. We have no reason to suppose that he was the martyr of an earnest belief in the order of bishops, or apostolic succession, but rather the kind of man out of whom tulchans were made. He had served his king rather than his Kirk, and his king found it at this time convenient to desert him. Maitland was hostile to him, and that proved fatal.

He was reduced to lying in the Castle of St Andrews "like a fox in a hole," and is accused of inducing Henry Hamilton, M.A., to attack Professor Welwood on his way to a lecture in St Mary's. The rector deprived Hamilton of his master's degree, the judges "gave out compulsitors to" the rector's decision; Hamilton was presented with the freedom of the city. Professor Welwood was going to lecture, a book in one hand and an hour-glass in the other, when Hamilton attacked him with his sword. Town and Gown flew to arms, Adamson's brother-in-law was slain in a duel at rapier and dagger: in the end the town secured the exile of two of the Welwood faction. All this went down to the discredit of the Archbishop.<sup>49</sup> In 1591 he offered a general recantation of his offences. He had subjected the Kirk men to the king's ordinances, and (*proh pudor!*) had taught that presbyteries were "a foolish invention," though really they are "an ordinance of Christ." He had intrigued with bishops of the Church of England. Divers other offences he had committed, he was dying in poverty, and, crowning humiliation, he owed his daily bread to his old enemy, Andrew Melville.

The central question between James and the preachers was that of jurisdiction. James told them that he thought he "had sovereign judgment on all things within this realm." The reply, by Mr Robert Pont, was typical. "There is a judgment above yours, and that is God's, *put in the hand of the ministers*; for we shall judge the angels, saith the apostle." The king replied that the judgment in the text "pertained to every shoemaker and tailor, as well as to the Kirk." Mr Pont answered, "Christ sayeth, 'Ye shall sit upon twelve thrones and judge,' which is chiefly referred to the apostles" (indeed, given only twelve thrones, there were no seats for more), "*and consequently to ministers.*" There is the claim, frankly stated, and supported by what reasoning! "A sect of perilous consequence, such as would have no kings but a presbytery"! The preachers, how selected we have seen, pretend, in fact, to apostolical succession without using that phrase, and claim for themselves on earth the privileges of the apostles in heaven.

Thus there was civil and ecclesiastical anarchy. The preachers besought James to reinforce law and order, but James was helpless. As he said, jurisdictions were often inherited, and the officers regarded only their private and family interests. He could not

take Bothwell, though Bothwell aimed at his life. Bothwell was here and there, always in mischief. On December 27, 1591, he and his retainers broke into Holyrood, he tried to burn down the door of the king's chamber, and beat with hammers on the queen's. He had entered through Lennox's stables, and Lennox was not free from suspicion. The town turned out, rescued James, and captured a few assailants of no note, who were hanged. The names of the ruffians prove them of the Border: Hepburns, Douglasses, Humes, Ormiston, Leirmonth (mainly of Ercildoune, the Rhymer's family), Pringles, and, what looks ill for Lennox, Stewarts. John Colville, with Douglas of Spot, of Morton's brood, also thought it for his interest to take part with Bothwell.<sup>50</sup> Craig, the preacher, publicly informed James that, to punish his laxity, "God had made a noise of crying and forehammers come to his own doors."<sup>51</sup> Presently the character of the king himself was blemished by a deed which for years influenced the politics of Scotland. This was the murder, by Huntly and his retainers, of the bonny Earl Moray, commemorated in the familiar ballad. Before describing the circumstances and consequences of this deed, it is necessary to explore its causes, which were remote and complicated.

Colin, sixth Earl of Argyll, died in September 1584. His heir and eldest son, Archibald, was then a child of eight years of age. His mother was left with a council of six Campbells, including Campbell of Glenurchy, Campbell of Calder, Campbell of Ardkinglas (an estate on the southern side of Lochfyne, opposite Inverary), and Campbell of Lochnell. Of these Lochnell was, as the Lochnell of to-day still is, the first cadet of the House of Argyll, while the heir-presumptive is, maternally, of the House of Ardkinglas. In 1584 Ardkinglas received the wardship and marriage of the child earl, and he, with Calder and the Bishop of Argyll, had most power in the clan council of six. Lochnell, as first cadet and next in succession, failing the issue of the sixth Earl of Argyll, was jealous of Ardkinglas, and was backed by Glenurchy. Ardkinglas died (1591), and his son was practically subordinated to Calder. A partisan of Calder's was the bonny Earl Moray, a Stewart by family, who had married the daughter and heiress of the Regent Murray, the foe, and for a while the destroyer (1562), of the House of Huntly. In the feuds about the earldom of Moray, once held by the Huntlys, the Argylls had supported the House of Moray. In 1590 Huntly had reasons

for wishing to deprive the bonny Earl of the support of Calder. Huntly allied himself with Lochiel, Moray with Atholl, Calder, and Lovat. Huntly also made approaches to Calder's intertribal foes, Lochnell and Glenurchy. They all formed a "band" for the destruction of the young Argyll, his brother, Calder, and the bonny Earl Moray. Parties to this "band" were Maclean of Duart, whose ancestor, as we saw in a previous volume, had been slain by Calder's grandfather; Stewart of Appin; Macdougall of Dunolly, near Oban,—and *Maitland, the Chancellor!* While the Earl of Moray, Calder, and Argyll, and his brother, were to be done to death, Lochnell (who would succeed to the earldom of Argyll) was to reward Maitland with lands in Stirlingshire, and Glenurchy with those of Lochowe, the ancient patrimony of the Campbells. Ardkinglas, it seems, knew nothing of "the great band"; but he hated Calder, and was induced to have him shot by a man named Mackellar. So far so good; one victim of "the great band," one enemy of Huntly, had perished.<sup>52</sup> He next aimed at the bonny Earl of Moray, who was now within striking distance of Edinburgh—very probably for the purpose of assisting Bothwell in his enterprises against James (December 27, 1591). That he was suspected of a part in this treasonable conspiracy is certain.

On December 31, 1591, Hudson wrote to Cecil that there were fears of James's being surprised by the Earl of Moray,<sup>53</sup> "suspected to be a favourer of Bothwell." His arrival at Donibristle, on the northern side of the Queensferry, is said to have been caused by a desire to be reconciled to Huntly by the good services of Ochiltree; and these services, again, may have been part of a plot by Maitland, a member of the great band, to bring Moray within reach. James would be told that Moray was a Bothwellian: to Huntly he was a feudal foe,—Maitland wanted part of his spoil. The story about Maitland and Ochiltree is the version of the author of 'The Historie of King James the Sext,' a work of 1582-97, probably in part by John Colville, and is attested by Roger Aston, writing at the moment. On the other hand, five weeks before Moray's slaying, as we saw, Hudson had reported suspicions that he intended with others to seize the person of James. Bothwell's attempt was of December 27, the suspicions were expressed on December 31, and it may have been supposed that Moray, had Bothwell succeeded, would have carried the king north to his remote earldom.



The story of the murder is best given in the words of Aston, an English "intelligencer," writing to Bowes from Edinburgh on February 8: \* words printed below.

It is usually said that when Moray's house was fired, his long streaming locks caught fire, and led the murderers to his hiding-place. Huntly, it is averred, gashed his brow with a dagger. "You have spoiled a better face than your own," said the dying Earl, whose beauty, the ballad avers, had won the favour of the queen. According to Calderwood, Ochiltree swore that he had brought Moray to Donibristle, with the knowledge only of James, Huntly, and Maitland, for the purpose of a reconciliation. But Moray cannot have been far off when, weeks earlier, he was suspected of a design to capture James; and he was even said to have been with Bothwell

\* This long tyme past the yerle of Murre has sought to be reconciled with Huntle and for that caues has employd sundry of his frendes to travel with the King wich was nere all apoyntt be my L. Occoltryes means whoo both delt with the King and the yerle Huntle, and for that caues the yerle Murre came to his howes of Donnebrissel whithin ij myle of the quenes ferry Where the Lord Occoltry was to have mett on mondaye the vii of this enstand and for that purpose came to the ferry and wold have gone over, butt commanment was come thether as they sayd frum the King, thatt no botes should pas. Where uppon the sed lord returned thinkeing there had bene sum enterpryes to have bene done be the King thatt daye. The King was att hunting and Huntle gave it outt he was going to the King and so came forthe acompened with xl horse of his servantes. Thatt morning Huntle tould the King he had a porpose of Mr Jhon Colvel and some othes thatt were withe the yerle Bodwel, and for that caues he was to pas over the water. Yett the King fering the unconvenyenes tatt mought ensew be reson of the yerle of Murrey being on the other syd, discharged him to ryd, wich he promest to obe, butt sorttly after the King was gone furthe, he past forwartt to the sed yerle of Mures howes, and being but two howses, and not abel to be keptt, they thatt were w<sup>th</sup>in came forthe sondry tymes, and discharged there pestoles and slew sume of Honttlees men as Capten Gordon and dyvers othes. There uppon they toke the corne stakes and led to the howes so thatt the extremety of the fier forced theme that was within to come forth. The yerle him self, after he was so brent as he was not abel to howld a wepon in one of his handes, came throw them al with his sord in his hand, and lyke a lyon forsd them al to geve plase, and so gott thorow them all, and with sped of fott out ren, but sowch was his fourteen, after he had esecaped them, lit in the handes of some of the watchers, whoo sett uppon him, and thirst him to the water, wher he was be them crewelly slen. The Serreff of Morre was slene and one othere of his servantes, many hurt of both sides, the ould lady, his sesters, and cheldren, were al sauet. This fackett is counted very odywos be al men, the King takes it very hevily. What ponesment there wil be for it I know nott. Huntle is past norwartt, the King and counsellors are at this hour setting uppon the matter, the pepel cryes outt of the crewelty of the ded. We loke for nothing but mischef." —State Papers, Scot., Eliz., vol. xlvi. No 12, i.

in the attack of December 27. Perhaps the king knew nothing, perhaps his attitude was that attributed to him in the ballad—

“Oh, wae worth ye, Huntley,  
And wherefore did ye sae?  
I bade you bring him to me,  
But forbade you him to slay.”

Taking all the evidence together, it would appear that the bonny Earl had long been marked down for death by the Lochnell party in Clan Diarmaid, by Huntly, and by Maitland. As Huntly is said to have procured a commission against Moray, signed by Maitland and Sir Robert Melville, that was probably extracted from James under his terror of Moray as an ally of Bothwell. Of “the great band” nothing was yet known, but it came to light after the conspiracy had been nearly fatal to Argyll, and serious consequences followed. On the day after Moray’s death a decree of Council deprived Huntly of all his commissions of lieutenantancy.<sup>54</sup> James summoned an army to meet at Perth on March 10 and pursue the Earl, but he offered to “underlie trial,” and entered himself a prisoner at Blackness.<sup>55</sup> He was allowed to slip away, as usual, in spite of the tumults of the populace and the indignation of the preachers. They wished, as successors of the apostles, to excommunicate the slayer of the bonny Earl; but James “grudged that the besetters of the abbey,” Bothwell and the others, escaped the censure of the Kirk. He seems to have forgotten that Bothwell was, or feigned to be, a Protestant and had only attacked a king.<sup>56</sup> The preachers were very slow to censure any offender against their sovereign. Whoever was guilty as to Moray, Maitland was the sufferer. “The queen and others that favoured Bothwell” caused him to be removed from power, and he retired to Lethington (March 30, 1592).

Mar and the new Earl of Morton (not Maxwell, but William Douglas of Lochleven) succeeded to office. Bothwell made interest with “his loving brethren the ministers and elders of Edinburgh.” He gave “their godly wisdoms” a curious account of his own recent proceedings. As to his dealing with Spain against our Zion, the facts were these: In the Parliament after Mary’s death Maitland induced Bothwell and the other nobles to swear to avenge the queen. Spanish agents took the occasion to insinuate themselves in the favour of Bothwell and the other patriots.

Maitland took the same course till he saw that Huntly, not he, was to have the handling of the Spanish gold (which Bruce kept out of Huntly's clutches), and so Maitland turned good Protestant and friend to England. This is all very probable, considering the morals of the statesmen concerned. Next, as to Bothwell's conspiring against James with witches, the evidence is that of "poor beggars." Maitland would have had James proceed summarily against Bothwell, just as he and his "friends" (that is, Lethington) would long ago have had the Regent Murray take off Queen Mary (after her capture at Carberry Hill in June 1567). Bothwell thus repeats what Randolph frankly told Lethington, that he "had advised to take presently the life from her," Mary having, as she said, evidence that would hang Lethington. Bothwell then accused Maitland, himself a partaker in Darnley's murder, with having helped Sir James Balfour, who supplied the powder, to draw out the indictment against Morton. All this was true enough. Bothwell, taking the old line of the *noblesse*, averred that Maitland was worse than Cochran, hanged at the bridge of Lauder, under James III. Maitland is "the puddockstool [fungus] of a night," Bothwell is "an ancient cedar." The apology breaks off here, but it enables us to understand the feelings of the nobles generally towards a counsellor who, though of family more ancient than Bothwell's own, was not of high rank.<sup>57</sup>

Maitland must have seen that, with a past like his, and with the nobles against him, he must seek the support of the Kirk. James, too, was exceedingly unpopular, both with the preachers and the populace, for the matter of Moray's death, and he went in daily fear of Bothwell. Adamson he had already thrown to the wolves: now he cast to them the whole fabric of Episcopacy.

The Parliament of April-June 1592 was intended to forfeit Bothwell. But it secured, as James Melville says, "the Ratification of the Liberty of the Trew Kirk," and the abrogation of the Black Acts of 1584. Melville attributes James's concessions to fear of Bothwell, of popular hatred stimulated by ballads on the bonny Earl Moray, and of "public threatening of God's judgments thereupon from pulpits."<sup>58</sup> "The charter of the liberties of the Church" was passed; and the Kirk flourished with all her powers of jurisdiction, discipline, inquisition, and excommunication. If these powers were exercised in their full sense, and as the extreme Protestants had

always desired to use them, persecution must ensue. The laws against Catholics, involving imprisonment, confiscation, exile, and, in the last resort, death, would be enforced. The nobles had hitherto always restrained the desire of the extreme party to extirpate idolaters, and at this hour some thirteen of the great nobles were Catholics, while other men of their rank stood by their order. Thus what the preachers were likely to demand was what the king dared not, and did not desire to grant.

The settlement of June 1592 is regarded by Dr M'Crie, the learned biographer of Andrew Melville, as "not without its defects." Nearly all that the Second Book of Discipline had demanded was granted. But the General Assembly was not permitted to choose the time and place of its own meetings, which would seem to imply that it could not hold special meetings whenever it seemed opportune to exercise political pressure. "The liberties of the people were fettered by the continuance of lay patronage."

The ideal of the Kirk was that ministers should be selected "by the judgment of the elders, and consent of the congregation," in each instance. No minister was to be "intruded" on a congregation without "lawful election, and the consent of the people."<sup>59</sup> Sometimes, it seems, "the votes of the congregation at large" elected the minister, or they chose electors, or they referred the matter to the presbytery. Once duly elected, by popular choice or consent, the minister appears (at least according to many opinions, of which some are cited) to have been regarded as a supreme judge, and successor to the privileges of the apostles. Nominally, this applied only to matters spiritual, but these in practice included politics. These must be conducted according to "the Word of God," and the preachers were the inspired interpreters of the Word of God. On this point we must keep insisting. Democratic election, by congregations, supplied a theocratic Government, *imperium in imperio*; and this was the real cause of the coming civil wars and persecutions. James and his son chose to resist the encroachments on the power of the State by "intruding" Episcopacy on a recalcitrant people, which fought and suffered for "liberty of conscience." The strife only ended by the gradual resigning of claims to inspired interference—a resignation caused in part by the drastic measures of Claverhouse and Lauderdale, in part by the general decadence of the old original spirit of the Calvinistic Reformation.

The Parliament that set up Presbyterianism forfeited Bothwell,\* who riposted with an attempt to capture James at Falkland (June 27). A warning was posted on the palace gate: the wife of Halkett of Pitfirrane and the wife of the Master of Gray were accused. The Master himself (July 14) calmly informed Cecil that not only he and Bothwell but the whole body of the nobility "were united for the maintenance of God's cause, the reformation of Church matters, the preservation of their king's honour, and such settled dealings with England that their country may not be made the footstool of foreigners."<sup>60</sup> Both the Master and Bothwell were welcomed in England, and Bruce, the preacher, declared to James that the claim of the Bothwell raiders was to secure justice for the death of Moray. He requested James "to humble himself upon his knees." The king was so far from humbling himself upon his knees that "he stood to his own purgation." "The raiders," he said, "pretended no such matter as to seek justice for the last murder." A young woman, the daughter of a saddler in Aberdeen, was also moved to come and admonish James. She handed to him a paper: "after he had read a little of it he fell a laughing that he could scarce stand on his feet."<sup>61</sup>

While James was fleeing up and down the country before Bothwell, a mobile foe, a pretty romantic event occurred. The young laird of Logie, in one version, had brought Bothwell quietly into Dalkeith Castle, where James lay. Logie was arrested and handed over to the Guard. But Logie was on affectionate terms with Margaret Vinstar, a maid of honour of the queen. She therefore went to the captain of the Guard when James was asleep, and said that the king wished to see Logie. The soldiers brought him to James's chamber door, he entered with his lady-love, the guardsmen remained outside, and Margaret let Logie out of the King's window. The fancy of the novelist could not invent a neater escape. The queen stood up for the maid of honour, James probably laughed—at all events he pardoned Logie, who married his Margaret.<sup>62</sup>

While anarchy prevailed, while Atholl and Mackintosh ravaged Huntly's lands, while the Master of Gray came back into James's

\* In the list of his supporters are the names of all the other Bothwell's "Lambs." We find Ormiston, Hepburns, Douglasses (illegitimate scions of the Regent Morton and others), Pringles, Leirmonths, and Ninian Chirnside, the dealer with the wizard, later noted as a friend of Logan of Restalrig (Act. Parl. Scot., iii. 528).

favour, while the guerilla, Bothwell, subsidised by Spain, was harboured in Edinburgh, and flashed like a meteor through Scotland, Mr Walter Row, a famous preacher, showed the real mark at which he and his brethren shot. "Upon the Lord's day, the 19th November, Mr Walter Row, in his sermon, said that the king might be excommunicated, in case of contumacy, and disobedience to the will of God."<sup>63</sup> Now the preachers were the expositors of the "will of God," and it follows that whenever they disapproved of the king's proceedings they could practically proclaim him an outlaw.

Thus threatened and put at on every side (for the Catholic nobles were entering into intrigues with Spain), James took the desperate step of calling Arran to Court. Arran he was no longer—the real bearer of the title, Queen Mary's old wooer, was still alive, a maniac. But the name of Arran may still mark the intrepid Stewart, of the Ochiltree House, who dragged down Morton, and fell after the success of the Raid of Stirling. The godly remonstrated with James; James replied that Bruce, the preacher, had harboured Bothwell, a prodigal of whom the Kirk was tender. So preacher and king were brawling, as they were at all seasons. Next Sunday the Edinburgh pulpits were thumped to the tune of Arran's misdeeds, though two of the ministers, by James's desire, also inveighed against Bothwell. Arran met some of the preachers, but he could not move them, and he "came not to Court again." James was aware of a danger which he failed to parry. He bade Lady Gowrie, widow of the leader of the Raid of Ruthven, leave her house in Holyrood (August 1592). She returned to that nest of conspiracy, and succeeded in trapping the king.<sup>64</sup>

The attempt at Arran's restoration proves the desperate estate of James. The reader must naturally have wondered how Elizabeth was behaving towards a kinsman so begirdled by perils, and so destitute of comfort. She had Bowes as her representative at Holyrood,—Bowes, the constant ally of the enemies of the king. He wrote again and again to ask what part he ought to take as regarded Bothwell. His questions were unanswered. Bothwell was entertained on the English Marches by Musgrave, the captain of Bewcastle. Elizabeth held him as a card to be played at the fitting moment, just as she had held Murray, Morton, Angus, and the other foes of Mary and of James. Meanwhile the Northern and Catholic party in Scotland—Huntly, Errol, and Angus—knew what

was to be expected from the restored Kirk. James had taken nothing by his surrender to the preachers; they still threatened, still insulted, and, if they did not openly back Bothwell, they regarded him as "a sanctified plague" for James's behoof, and they did nothing in the way of excommunicating a noble who addressed "their godly wisdoms" in terms so flattering. They had lost "the ministers' king," the pious Angus, cut off by witchcraft. His successor in the earldom, the Angus of 1592, was a Catholic. He was implicated in the great Catholic conspiracy, which now, being detected, filled Scotland with rage and horror, the affair of the Spanish Blanks.

After the execution of Queen Mary, the Catholic Powers, especially Spain and the Pope, found, as we have seen, that the English and Scottish Catholics were divided in policy. Cardinal Allen and Father Parsons, with other English managers, were in favour of a Spanish invasion of England (hence the Armada), while Father Creighton and other Scots held that

"He who would England win  
Must with Scotland first begin,"

and credulously believed that James would be converted. On the failure of the Armada the neglected Scottish Catholics, as we have seen, began to ask Philip to come their way (February 1589). We have described the capture of Pringle with letters to Spain from Huntly, Morton (Maxwell), and Lord Claude, and the scene when these letters were read aloud before their authors. The affair of Brig o' Dee followed, but the conspiracy smouldered on, and it is probable that James knew of and tampered with it. In the early part of 1592 it was known to the English Government (probably through Pourie himself) that Ogilvie, the younger of Pourie, was to be sent on this business to Spain. Pourie, of whom more hereafter, went not; but on December 27 one of the Border Kers, George, brother of Mark, Lord Newbottle, was seized in the Cumbrae Isles by the Paisley minister, Andrew Knox, an energetic man, backed by students of Glasgow University. Ker was trying to carry to Spain letters from Huntly, Angus, Errol, Fintry (an honest Catholic, then in prison, and a friend of Queen Mary), and others of the party. There were also "blanks," unwritten sheets of paper, signed by the chief plotters, and to be filled up by Father Creighton. He was to insert above the signatures the terms of a treaty which he was to arrange with Philip for an invasion by the

Spanish. Letters from Father Gordon (Huntly's uncle) to Father Creighton, and a number of letters to exiles, were also seized.

Angus, on this discovery, was put in ward, but James was mainly moved by the English patronage of Bothwell and the non-arrival of his English pension. Ker was tortured in the boot; he confessed that a Spanish descent on Scotland was desired. Later he was allowed to escape.<sup>65</sup> The private letters in the packet reveal the condition of the country. "Universally, in all shires, many deadly feuds, with great and most odious slaughter, without punishment, reif and oppression through all the country. God wait [?] if the Highlanders lie idle. The Macfarlanes are worse than the Clan Gregor. Alas! the great hership [plundering] of the poor, by these, in all parts where there are any goods." It was easy for the preachers to blame the king as regards these excesses; but James was destitute: police he had none, magistrates were parties to the crimes; the royal Guard was imbecile, and it was found impossible to keep Bothwell out of the precincts of the royal residences. The country was practically in collusion with the marauder, who was distinctly patronised, or at least all uncensured, by the preachers.

On the discovery of the Blanks James was summoned to Edinburgh early in January 1593. There were suspicions that he would favour the conspirators of the Blanks, who were not much less loyal to him than the other factions among his people. To be sure, they proposed to capture him and hold him at the disposal of Philip, to deal with him as his majesty orders.<sup>66</sup> A deputation was sent to the king: it included Andrew Ker of Faldonside, with Bruce, Andrew Melville, and other preachers. James rebuked them for having held a convention without his knowledge, but promised to try the conspirators. James Melville (January 14) preached against the king's grandfather and mother. At last, January 15, it was agreed that James should be allowed to have a guard of 200 men. To keep him without a guard of any force was the usual economy, as every one knew that his own party might at any moment wish to invade the royal person. James (January 19) mingled his grievance against England for fostering Bothwell with promises of severe measures against the Catholics. He himself would march against Huntly.<sup>67</sup> While the host was summoned to proceed against Huntly on February 25, while Fintry (who lay in prison) was ordered to execution, refusing to save himself by turning Protestant,<sup>68</sup> Eliz-



abeth was sending Lord Burgh as an envoy to James. On February 13 Angus escaped, probably by collusion, from Edinburgh Castle. On February 17 James started on his march to Aberdeen, and Bothwell had an address to the preachers placarded at the cross.<sup>69</sup>

The Catholic leaders, as usual, ran away, on this occasion as far as Caithness. But James was suspected by Burgh of favouring the rebels, and it was plain that he did not intend to ruin them by confiscation. That policy never prospered, in fact was very seldom permitted. Mary was not allowed to forfeit Murray and Morton: the great families, though in separate factions, were too near kin to let any of them be ruined. Bothwell by this time was in friendly communication with Cecil, and Elizabeth was sending Mr Locke to announce her acceptance of Bothwell's offers.<sup>70</sup> James roundly informed Burgh that if Elizabeth persisted in supporting Bothwell, "not only our amity is at an end, but I shall be enforced to join in friendship with her greatest enemies for my own safety."<sup>71</sup> James was, of course, bitterly censured for his leniency to the Catholic lords. But, apart from his want of power, they were his last resort against the endless treacheries of Elizabeth, who systematically aided his dangerous and insolent personal foes. Through her ally, Bothwell, she was to win another triumph of insult over the son of her victim, Mary.

It was once more the turn of the General Assembly (April 24) to increase the perplexities of James. They demanded "that all Papists within the realm may be punished *according to the laws of God* and this realm."<sup>72</sup> The laws of God, as far as they are published in Holy Scripture, do not, indeed, denounce fine, imprisonment, exile, and death against Catholics. But penalties are denounced against idolaters in certain parts of the Old Testament, and the preachers (who alone could interpret the Word of God) identified Catholics with idolaters. If, again, any one asked why the preachers were infallible interpreters of the divine will (as Ninian Winzet asked Knox), the answer would seem to be that parish congregations are inspired in their popular elections of preachers, a dogma which, no doubt, could be supported by judiciously "waled" texts. But James could not, and would not, carry out to the full the extirpation of his Catholic subjects. In May and June intrigues went on for the restoration either of Arran or of Maitland. Every kind of violent act, abduction, and murder was frequent in

Edinburgh. The queen, for some personal reason, was opposed to Maitland's return to power, and Bowes tried, but vainly, to prevent the despatch of Robert Melville as an envoy to Elizabeth. At the English Court Archibald Douglas had almost dropped out of sight; but he was still residing in London, in a "semi-official" way. As far back as June 1592 a sympathetic correspondent in Scotland told him that "the ministers is sorry for Bothwell," who, if at liberty, "would put all the papists out of the country."<sup>73</sup> It is a humorous fact that Father Creighton, at this very time, reckoned Bothwell in a list of Scottish Catholics, probably with reason. Bothwell gulled the Kirk (Jesuit Archives).

It was alleged in England that James, too, was mixed up in the intrigue with Spain, and apparently that his advice to Spain was seized with the papers of George Ker, but suppressed in the interest of the king. We have seen that at the time when the Spanish Blanks were seized the Kirk suspected James at least of partiality to the Catholics who signed them. Calderwood writes: "Mr John Davidson, in his Diary, recordeth on the 26th of May (1593) that among the letters of the traffickers intercepted were [*sic*] found one to the Prince of Parma, which touched the king with knowledge and approbation of the trafficking, and promise of assistance, &c., but that it was not thought expedient to publish it. Mr John was acquaint with the discovery, and all the intercepted letters."<sup>74</sup>

Now it seems certain that there actually was a manuscript of James's among the papers found with George Ker. It is printed in the 'Hatfield Calendar' (iv. 214). The piece is really a balancing, after the manner used by Cecil and Robinson Crusoe, of the pros and cons of accepting Spanish assistance. It may be of March-June 1592. James gives first the reasons which may be put forward in favour of instant action by Spain. On the other side is the unreadiness of Scotland. "Since I can scarce keep myself from some of their invasions, much less can I make them invade other countries." He would prefer the attempt to die down, as too many are in the secret. If anything is to be done, he would prefer to do it himself, with some small help of foreign men and money. But he knew that *he* could not do it, and a successful invasion by Philip was not in his interest. He threw cold water on the whole plot. If once he had Scotland settled, and was in the mind, he might forewarn Spain, and "attain to our purpose." The paper is indorsed, "Copy of the Scotch King's instructions to Spain,

which should have been sent by Pourie Oge" (Ogilvie of Pourie), "but thereafter were concredit to Mr John Ker, and withdrawn" (not published) "at his taking for safety of his Majesty's honour" (1593).

Any one who reads the whole document will find that James has no heart for the project, that he is merely "driving time," balancing arguments, and feebly dreaming of what great things he might do "when I like, hereafter." No mortal would send such a paper as "Instructions to Spain," if he wanted to keep Spain friendly to his purpose. Only prejudice could style the paper "Instructions to Spain." Still less is the document, as Calderwood quotes Davidson, "a letter to the Prince of Parma." James wanted "*fewer* strange princes in the secret of it." The paper may have been meant for Father Creighton, to quiet that bustling priest, or it may have been a secret memorandum which fell into Pourie's hands, Pourie being an impudent rogue and double spy. The memorandum was written many months before Ker's intended start to Spain with the Blanks; but, on the other hand, the business for which the Blanks were wanted had been arranged by Creighton before James's memorandum was written, as Ker confessed under torture. We can only say that the memorandum, if really known to the preachers, must have inflamed their habitual suspicion of James. But he never was on the side of Huntly and the other Catholic peers. They knew and said as much in reports to Philip.<sup>75</sup>

He sent Robert Melville to London, and Melville there found Archibald Douglas still in touch with the English Court, and supported at the expense of Elizabeth.<sup>76</sup> Elizabeth in July saw Melville, and wrote one of her unintelligible pieces of euphuism to James, avoiding details as to her support of Bothwell.<sup>77</sup> At about the same time (June 22) Maitland at last returned to Court, attended by Hamilton, Montrose, Seton, Glencairn, Eglinton, and others. Lennox, on the other side, who shared the hatred against Maitland of the queen, Bothwell, and most of the nobles, had Mar, Morton, Home, and the Master of Glamis among his backers. Arran was not far off, passions were inflamed by various feuds, Maitland withdrew to Lethington (June 28).<sup>78</sup> In these stormy days Parliament met, and Bothwell was forfeited, but the Catholic earls remained untouched. For this leniency the king's Advocate, Makgill, gave reasons in law, but the preachers were infuriated. Davidson (July 22) imprecated "sanctified plagues" for James's

behoof. As that "sanctified plague," Bothwell, surprised and seized James on July 24, by that very trap, Lady Gowrie's house, which James had tried to render harmless, Mr Davidson's prayer was instantly effectual: he was a prophet as well as a poet. The ungodly might even suggest that Davidson knew what was impending, and that his inspiration had no source more divine or remote than the English Embassy. Elizabeth had sent Mr Locke to Scotland, and he, with Colville, a veteran intriguer, and Bothwell, had secretly met in Edinburgh and organised their plot.

Some years had passed since the king's last capture. It is to be noted that such attempts continued to be made almost till the year when he attained the crown of England. In many instances these assaults had the support, or at least the sympathy, of the preachers. It is improbable that the king, and Scotland, could ever have escaped the sufferings consequent on such anarchic methods except by the turn of events which placed James on the throne of a more powerful and more law-abiding country than his ancestor's kingdom. The combinations of lawless nobles and powerful preachers must, but for the English succession, have been fatal to Scottish civilisation.

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#### NOTES TO CHAPTER XIII.

- <sup>1</sup> Thorpe, i. 542. <sup>2</sup> Calderwood, iv. 611.  
<sup>3</sup> Illustrations of Scottish History, Miss Warrender, p. 27.  
<sup>4</sup> Spottiswoode, ii. 365-371.  
<sup>5</sup> Spanish State Papers, iv. 45, 51, 100, 138, 145, 308, as to the obduracy of James. Also pp. 179, 204, 227, 320, 427, 429, as to the Catholic traffickers.  
<sup>6</sup> Thorpe, Calendar, i. 543, 544.  
<sup>7</sup> Privy Council Register, iv. 157, 158.  
<sup>8</sup> Hatfield Calendar, iii. 243; Murdin, pp. 587, 588.  
<sup>9</sup> The report of the case is derived from the Register of the Privy Council (iv. 166-168).  
<sup>10</sup> Hatfield Calendar, iii. 258, 259. May 22, Richard to Archibald Douglas.  
<sup>11</sup> Gowrie had no counsel, Norfolk had none; Archibald Douglas, in his collusive trial, had pleaded his own case, as he was well qualified to do. He vowed that he "trusted to his innocence, and desired no prolocutor." The Earl of Orkney had prolocutors (1615). In 1600, in the Gowrie case, the accused were dead, and their representatives dared not appear.  
<sup>12</sup> Act. Parl. Scot., iii. 427-521. <sup>13</sup> Spanish State Papers, iv. 141.  
<sup>14</sup> Privy Council Register, iv. 204, 205.

- <sup>15</sup> Hatfield Calendar, iii. 295, 296.      <sup>16</sup> Hatfield Calendar, iii. 299-301.  
<sup>17</sup> Autobiography of James Melville, p. 260.  
<sup>18</sup> Hatfield Calendar, iii. 307, 317; Calderwood, iv. 677.  
<sup>19</sup> Hatfield Calendar, iii. 313, 326; March 18, 1588.  
<sup>20</sup> Hatfield Calendar, iii. 322.  
<sup>21</sup> Privy Council Register, iv. 277.  
<sup>22</sup> Hatfield Calendar, iii. 326.  
<sup>23</sup> Calderwood, iv. 678, 679; Privy Council Register, iv. 286-293.  
<sup>24</sup> Calderwood, iv. 679, 680.  
<sup>25</sup> Border Calendar, ii. 487.  
<sup>26</sup> Melville (the Rev.), pp. 262-264.  
<sup>27</sup> Hatfield Calendar, iii. 349, 350.  
<sup>28</sup> Thorpe, Calendar, i. 551, 552.  
<sup>29</sup> Ashton to Hunsdon, Thorpe, Calendar, i. 552.      <sup>30</sup> Calderwood, v. 1-3.  
<sup>31</sup> Calderwood, v. 14-37; Thorpe, Calendar, i. 555, 556.  
<sup>32</sup> Calderwood, v. 53, 54.  
<sup>33</sup> Thorpe, Calendar, i. 557.  
<sup>34</sup> Privy Council Register, iv. 371-373.  
<sup>35</sup> This Angus, successor to the good Presbyterian Earl, was Douglas of Glenberrie. He died soon afterwards, and his son, the new Angus, was a Catholic. He was served heir to his father in November 1591.  
<sup>36</sup> Privy Council Register, iv. 371-381; Calderwood, v. 54-56; Spottiswoode, ii. 395; Thorpe, Calendar, i. 559.  
<sup>37</sup> Thorpe, Calendar, i. 560.  
<sup>38</sup> Thorpe, Calendar, ii. 563.  
<sup>39</sup> Calderwood, ii. 57, 58.  
<sup>40</sup> Papers of the Master of Gray, p. 157.  
<sup>41</sup> Papers of the Master of Gray, pp. 161-164.  
<sup>42</sup> Spottiswoode, ii. 400-404.  
<sup>43</sup> Spottiswoode, ii. 408. Compare Calderwood, v. 95, 96, who says nothing of the king's threat.  
<sup>44</sup> Calderwood, v. 100-104.  
<sup>45</sup> For "Witchcraft" see Mr Gurnly, in 'Phantasms of the Living.'  
<sup>46</sup> Thorpe, Calendar, ii. 591; Border Calendar, i. 379, No. 709.  
<sup>47</sup> Calderwood, v. 132.  
<sup>48</sup> Calderwood, v. 106, 112.  
<sup>49</sup> James Melville, pp. 272-276.  
<sup>50</sup> Calderwood, v. 140, 141; Thorpe, Calendar, ii. 600.  
<sup>51</sup> Calderwood, v. 142, 143.  
<sup>52</sup> Gregory, History of the Western Highlands and Isles, pp. 245-253.  
<sup>53</sup> Thorpe, Calendar, ii. 600.  
<sup>54</sup> Privy Council Register, iv. 725.      <sup>55</sup> Privy Council Register, iv. 733.  
<sup>56</sup> Calderwood, v. 148.      <sup>57</sup> Calderwood, v. 150-156.  
<sup>58</sup> Melville, p. 294.      <sup>59</sup> Second Book of Discipline, iii. 12.  
<sup>60</sup> Thorpe, Calendar, ii. 609.      <sup>61</sup> Calderwood, v. 169.  
<sup>62</sup> Bowes to Burghley, August 15, Thorpe, Calendar, p. 611; Calderwood, v. 173, 174. See also, in 'Border Minstrelsy,' the ballad of "The Laird of Logie," and in Child's 'English and Scottish Ballads.'  
<sup>63</sup> Calderwood, v. 179.  
<sup>64</sup> Calderwood, v. 186-190. Bowes to Burghley, December 4, Thorpe, Calendar, ii. 618. For Lady Gowrie, cf. Thorpe, ii. 611, No. 6.

<sup>65</sup> The letters are in Calderwood, v. 192-214. See also Thorpe, Calendar, ii. 618-623. Also 'A Discoverie of the unnatural and traitorous Conspiracie of Scottish Papists,' published by the king's command. John Norton, London. 1593. For the Spanish view, Spanish State Papers, iv. 603-606.

<sup>66</sup> Spanish State Papers, iv. 606.

<sup>67</sup> Thorpe, Calendar, ii. 622.

<sup>68</sup> Forbes-Leith, Narratives of Scottish Catholics, pp. 220, 221. Quoting Father Tyrie's report, State Papers, Elizabeth, MS., vol. 1. No. 4. Apparently not Calendared.

<sup>69</sup> Calderwood, v. 231.

<sup>70</sup> Thorpe, Calendar, v. 624-626.

<sup>71</sup> Tytler, ix. 89, citing Warrender MSS. These, for long supposed to have perished by fire, have recently been rediscovered, and are of importance.

<sup>72</sup> Calderwood, v. 241.

<sup>73</sup> Hatfield Calendar, iv. 206. Francis Tennant, a bourgeois spy, later hanged, to Archibald Douglas, June 4, 1592.

<sup>74</sup> Calderwood, v. 251.

<sup>75</sup> Spanish State Papers, iv. 588-592, 603-607. Mr Hume Brown (ii. 216) says that James had a secret understanding with the Catholic earls, and cites 'Spanish State Papers,' iv. 603. But compare the same series, iv. 606 and 617, and Major Martin Hume's 'Treason and Plot' with Mr T. G. Law in 'Miscellany of the Scottish History Society,' vol. i. I venture to think that James did little worse than avoid the last extremities with the Catholic earls, keeping in touch with their schemes as an ultimate resource. Cf. p. 388, note.

<sup>76</sup> Hatfield Calendar, iv. 334.

<sup>77</sup> Hatfield Calendar, iv. 344.

<sup>78</sup> Thorpe, Calendar, ii. 629, 630.

## CHAPTER XIV.

INTRIGUES OF SPAIN, ENGLAND, AND BOTHWELL.

1593-1595.

BOTHWELL'S new enterprise was at once the most grotesque and the most picturesque of those to which James fell a victim. A Stewart and a Hepburn, Bothwell was aided by the clan of which his king was the chief. Lennox, and Ochiltree, and Atholl, all in the plot, were all Stewarts (the existing House of Atholl are Murrays of Tullibardine in the male line and Stewarts by female descent). The Countess of Atholl was a daughter of Lady Gowrie, whose revenge for her husband's execution in 1584, and for the insults and injuries inflicted on herself by Arran, had never yet been sated. The House of Gowrie had been restored in 1585, on Arran's fall, to its lands and dignities; its head, John, Earl of Gowrie, was at this time a youth of sixteen or seventeen, who had been studying in the University of Edinburgh under the celebrated minister, Mr Rollock. Probably he was now at work on his thesis for his Master's degree, which he took in August. He was then an ardent Protestant, and we shall presently find him already engaged in a revolutionary conspiracy against the king. We are not informed, however, that he was present or took any part in Bothwell's new enterprise, though it had for its base the town house of the Gowrie family—the house which James had held in suspicion (p. 362).

The house of the Gowries was behind and adjacent to the Palace of Holyrood, and thither on the night of July 23 Bothwell, with the basely adventurous John Colville, was secretly conveyed. Between the Gowrie mansion and the palace was a covered passage patent at all times. Coming through this passage, from the palace, Lady Atholl led back Bothwell and Colville into James's ante-chamber, hid

them behind the arras, and locked the door of the queen's chamber. Here, it seems probable, they waited while the gentlemen of the clan of Stewart took possession of the outer and inner courts of Holyrood in the grey of the July dawn. James, early astir, was "private in a retiring-room," his majesty's clothes were loose, and "the points of his hose not knitted up," when Colville and Bothwell appeared before him with drawn swords in their hands. Bothwell said to the king, "Lo, my good bairn, you that have given out that I sought your life, it is now in this hand!" So Bothwell later told the Dean of Durham.<sup>1</sup> James, with a cry of treason, fled as well as he could to the queen's chamber. The door was locked. He turned and called the intruders false traitors, bidding them strike if they durst. Bothwell and Colville knelt down, Atholl and Ochiltree arrived and interceded for the impudent suppliants. James derided their pretence of asking for forgiveness and offering to "thole an assize" on the old charge of witchcraft. He would not live a prisoner and dishonoured. Bothwell, still kneeling, kissed the hilt of his sword and offered it to James, lowering his head and tossing aside his long love-locks. James rose and took Bothwell apart into the embrasure of a window. News had now reached the citizens, "the bells were rung backward"; the burgesses, however, gathered but slowly. They may have heard Davidson's sermon; was it for them to interfere between the king and "sanctified plagues"? Hume of North Berwick, with a few other gentlemen, came under the king's windows, offering to rescue him or lose their lives. Sir James Melville was with Hume, and "cried up at the window of his majesty's chamber, asking how he did? He came to the window, and said all would be well enough,—he had agreed with them on certain conditions, 'which are presently to be put into writing. Therefore,' said he, 'cause so many of the town as are come to my relief to stay in the abbey kirkyard till I send them further word, and return again within half an hour yourself.'" But few of the town had gathered, and these now retired, "so great was their discontent for the time that many desired a change." Melville then went to the rooms of the Danish ambassadors, who sent him back to make anxious inquiries. James appeared at the window with the queen and said that all was well. Melville was later admitted to see James, quoted Plutarch, and prosed in the manner of Polonius. Later James met the ambassadors, but could not tell them whether he was captive or not. Captive he was; a new guard was ap-



pointed, under Ochiltree, one of the conspirators.<sup>2</sup> There was something obscure and unfathomable in this plot. Bothwell, we shall see, met the Dean of Durham, who on August 15 favoured Burghley with a second account of his interview with Bothwell, fuller than that of August 5. The Queen of Scotland, the Dean said, was "not unacquainted with his greatest affairs," and the Dean seems to hint that she was better for England to deal with than the king. Moreover, she was jealous of Morton's "fayre daughter." A letter had been written as to the succession to the Scottish throne, intercepted, and brought to Bothwell. The Dean ends by strenuously recommending Bothwell to Elizabeth as "likeliest to do her faithfulest service in that country." It is useless to guess at the intrigue as to the Scottish throne: it is not credible that the young Gowrie was thought of, on the strength of his fabled Tudor descent.<sup>3</sup>

Whatever Bothwell's secret purposes and his relations with James's queen may have been, the conditions which he accepted from James were these: Full remission of all offences for himself and his accomplices, to be ratified in the Parliament of November 1593. Home, Maitland, the Master of Glamis, and Sir George Hume to be dismissed from office; Bothwell and the rest meanwhile to retire "where they thought good." Lennox, Atholl, the Master of Gray, the Provost, the bailies, and six preachers signed this treaty;<sup>4</sup> "the ministers of the Kirk showed themselves highly gratified at Bothwell's return," says Bowes.

Such was the plot, directed from England by the Ministers of Elizabeth, and worked by the Stewarts and Ruthvens of Gowrie. It demonstrates the utter helplessness of James, who, denounced by his clergy, lost the services of his father's murderer, Maitland; and, betrayed by his own clan, was thrown on the mercy of his most insolent rebel. If, in such circumstances as these, James was unwilling to extirpate his Catholic subjects, and tempted to look abroad for the assistance denied him by his kinswoman, Elizabeth, by his clan, and by his clergy, perhaps he cannot be very severely blamed. His Catholic earls, the Spanish party in Scotland, did blame him for keeping them in hand while he had no intention of joining them.<sup>5</sup>

Bothwell now rode to Berwick, met John Carey (son of Lord Hunsdon), professed his gratitude to Elizabeth, and announced his hope of being made "Lord Lieutenant of the whole country." The

ambition of his accomplice, John Colville, was to be Secretary of State! Bothwell then rode to Durham, on his southward way, quartered himself on Toby Matthew, Dean of Durham, already mentioned, and regaled the horrified dignity of a respectable Church by a lively account of his performances.<sup>6</sup> He had not betrayed Elizabeth to James, he said; and he had told the king that *he* might forget the death of Mary, as James had forgiven it. He advised that a plan of Elizabeth's for uniting the Catholic and Protestant parties in Scotland should be deferred, "lest the multitude of the one may in time, and that soon, wreck the other, being fewer in number, and so become rulers of the king." Hence it would appear that the Catholics were still a numerical majority, which is unexpected. Bothwell then wrote a letter to Elizabeth, "Most Renowned Empress," kissing "her heavenly hands." Had he been an English subject, Bothwell would have rivalled Essex—he wrote in the style that Gloriana loved. He picked up on the Borders some hounds and horses for James, and was "cleansed" of witchcraft at his assize on August 10. Being in power, he was acquitted, but a letter to him from John Colville, later, makes it very probable that Bothwell had really tried an experiment in poisoning James, by aid of Richard Graham, the wizard. He had only dealt with the wizard Graham, he said, in the interests of the dying Angus.<sup>7</sup>

From that day it is almost impossible to paint the maelstrom of eddies, waves, and cross-currents of tides upon which James swam like a cork, now submerged, now visible to the anxious eye. He owed his life, probably, to the circumstance that he had no successor in whose interest it was worth while to kill the king. Hamilton had a better claim than Lennox, among the Stewarts Bothwell was of an illegitimate branch, Atholl and Ochiltree were much too remote, Gowrie can hardly have been thought of, and, in any case, all, though banded together by the blood-feud for the bonny Earl Moray, were too jealous of each other to attempt a change of dynasty. James's queen was a Bothwellian: chiefly because she hated Maitland, partly because she always opposed her husband, partly, perhaps, because Bothwell was "a gay gallant" and an amusing companion.

On the night of the day after Bothwell's acquittal on the charge of witchcraft James had arranged an escape. The Humes were at feud with the Hepburns,—the whole tangle is a mass of family

feuds,—and Home was a Catholic. The idea was that Huntly should be ready with his Gordons, Home with his Humes, and, as James had an unwonted *tendresse* for the daughter of Morton (that is, Douglas of Lochleven), Morton also was in the affair. Three Erskines about the king's person were of the king's party, and two of his gentlemen, Lesley and Ogilvy, were reckoned trustworthy. James gave out that he was to ride to Falkland, but a speedy nag was intended to bear him to Morton's house, Lochleven, while Home was to attack the hostile faction in Edinburgh. But in the grey dawn of August 11 Lesley was detected as he stole through the palace grounds with James's ring and a letter for Home.<sup>8</sup> So wakeful a guerilla soldier as Bothwell was not to be caught asleep: the Erskines, Thomas and James, Ogilvy, and Lesley were handed over to Ochiltree's guardsmen, and a quarrel broke out between Bothwell and James. He would not leave the king, or let him out of his power, till he was formally restored by Parliament and had avenged the bonny Earl Moray. Bowes was called for, and protested, with an innocent air, against the enterprises of Bothwell. The preachers and burgesses arranged a *modus vivendi*, being, "after a sort," guarantors of the king's promises. Bothwell on one side, Maitland, Home, and the Master of Glamis on the other, were to avoid the Court till Parliament met in November. So Bruce, the preacher, wrote to the presbytery of Dunfermline (August 15).<sup>9</sup>

On September 9 a convention assembled at Stirling. A strange cross-current arose from the intrigues of Elizabeth and of Cecil's son, Sir Robert, who now was chief English manager of Scottish affairs. We have seen that Bothwell, immediately after the success at Holyrood, entertained the Dean of Durham with Elizabeth's plan for uniting Scottish Protestants and Catholics. How she expected fire and water to become bosom friends it is hard to understand, and Bowes (September 6) wrote to express his bewilderment. The arrangement could not be concealed from "£86£6"—that is, the preachers. As Huntly and the Catholics were certain to demand religious toleration, the preachers would be purely frantic. Like Lord Hamilton, when James ventured to hint at toleration, they would exclaim, "Then are we all gone, then are we all gone, then are we all gone! If there were no more to withstand, I will withstand."<sup>10</sup>

The desperate intrigue, however, certainly went on till Elizabeth presently shook off Huntly and the Catholics, with whom she was

certainly intriguing as late as September 6. Elizabeth, indeed, had apparently thrown over Bothwell, in a letter of August 23, bidding James "kingly and resolutely make his unsound subjects know his power," and expressing her doubt whether the news of his arrangement with his rebel was not an auditory hallucination of her own.<sup>11</sup> On September 6 Bowes wrote that "Huntly and his friends will go forward agreeable to their offers to her majesty,"<sup>12</sup> though he also expressed, as we saw, his perplexity about the arrangement. At Linlithgow (September 11) Bothwell was apprised that he must not come near James, though he would be formally restored by Parliament in November; after which he must quit the realm till he had licence to return.<sup>13</sup> James, in fact, had recovered his liberty, and he left Stirling with Lennox. Why Lennox had deserted Bothwell is uncertain, but he may have heard of his ambitious design to become Lieutenant-General of the whole kingdom. Mar and Morton accompanied James to Lochleven, and there he was joined by Home and the gentlemen of his name, with the Master of Glamis. All these, by the original compact with Bothwell, had been debarred the Court. Maitland with the Kers of Cessford also came to James, and it was clear that the Stewart-Ruthven-Bothwell combination against their chief was broken up, while on September 22, by public proclamation at Edinburgh Cross, Bothwell was forbidden to approach the king under pain of treason.<sup>14</sup> Ochiltree ceased to be captain of the Guard; the post was given to Home, a Catholic: to be sure the Guard never interfered with any gentleman who had a fancy for kidnapping his monarch.

Elizabeth remarked (October 7) that, inured as she was to Scottish revolutions, "I should never leave wondering at such strange and uncouth actions. . . . One while I receive a writ of oblivion and forgiveness, then a revocation with new additions of later consideration." "Sometimes, some you call traitors with proclaim" (meaning Huntly, Angus, and Errol), "and anon there must be no proof allowed, though never so apparent against them." Elizabeth had abandoned her intrigue with Huntly, hence these tears. "And for Bothwell! Jesus! Did ever any muse more than I that you could so quietly put up so temerarious indigne a fact. . . . I refer me to my own letters what doom I gave thereof." Elizabeth had a disinterested passion for lying: James, of course, knew perfectly well that Bothwell's shaft came

out of her quiver.<sup>15</sup> Probably Elizabeth's letter was written after Carey (September 29) had given Cecil alarming news from Berwick. The king had nobody to whom he could intrust his personal safety except the Catholics. "There is nothing but peace, and seeking to link all the nobility together, *which I hope will never be.*"<sup>16</sup>

The preachers were as little in love with peace as Carey. Tolerance in religion has become so much a commonplace to recent generations that we can scarcely understand the ferocity which the ministers of the Kirk were to display at this and other critical moments. But their behaviour is intelligible, if we accept the statements, already cited, of Archibald Douglas and of Bothwell. The Catholics may still have been—according to Bothwell, they were—the numerical majority in Scotland. There, as in England, they were denied the exercise of their faith by an organised revolutionary minority. The Indifferents, it is probable (or to the preachers it seemed probable), would openly desert the Kirk as soon as toleration was proclaimed. The Church is infinitely more agreeable than the Kirk to the natural man. Not to speak of the charms of her service, of her music and other ecclesiastical arts, the Church had thrown her sanction over holidays and harmless sports, over all the innocent traditional recreations and mummeries which Stubbes was reviling in 'The Anatomy of Abuses.' Relics of paganism, of agricultural magic, these May-day, or Easter, or Christmas amusements may have been, but all the offence had been purged from them: their original significance was lost, though now in many cases recovered by the researches of Mannhardt and Mr Frazer. To these things, if once toleration was granted, the populace would eagerly revert. They would gladly be emancipated, too, from the inquisitorial tyranny of kirk-sessions, the prurient prying into the details of private morals or absence of morals, a subject to which we shall return. It is the boast of writers who take the traditional view of the Reformation in Scotland, that it raised the moral tone of the country. To do this was the object of the Presbyterian clergy, but their own manifestos constantly bear testimony to their failure. Profanity, adultery, simple fornication, incest, murder, and robbery were rife, and this condition of morals was not peculiar to parishes inadequately served by ministers, or not "planted" with ministers at all.

Thanks to the ministers, education was relatively prosperous, and the University of St Andrews, under a scholar and Latin poet like

Andrew Melville and his "Regents," was perhaps not inferior, in elegance and range of learning, to the same university to-day. But the education, for one reason or another, bore but scanty fruit in literature. In the June of the year with which we are concerned (1593) Christopher Marlowe died in London, a great poet in a throng of great poets. To compare with these what had Scotland to show? Of her poetry in that age, what remains in common knowledge except such ballads as "The Queen's Marie" and "The Bonny Earl Moray"?

Meanwhile the intolerance of the Kirk must have bred the ugly vice of religious hypocrisy. The crypto-Catholics and Indifferents were compelled to a hypocritical compliance with the Kirk. Writers like Mr Froude have applauded the honesty of the Reformers, men who would not pretend to believe in what they deemed to be a lie. But the pretence of this belief was enforced on reluctant Catholics. The coolest and darkest intriguer of the age, Logan of Restalrig, would end a treasonable letter with "Christ have you in His holy keeping." As to the public morals of the age, a whole generation after the Reformation, every page of this book testifies to their unspeakable iniquity. One thing was obvious to the preachers—admit toleration, and, as Hamilton said, "then are we all gone." The country would veer round to the ancient faith: Presbyterian excommunication, that cruel weapon, that "gully of absolute power," would become a jest. The ancient Church would return, and where would the holders of Church lands be? When we look at the patriotism of the persecuted English Catholics, in face of the Armada, we ask why these men were forbidden the exercise of a religion which left them true to their country? It might rather appear that tolerance would remove all temptation to treasonable dealings with France or Spain. The Scottish Catholics could only hope to escape a grinding persecution by aid of foreign Powers. It is impossible to pretend that the Protestants were ethically better men than the Catholics. But the preachers knew their own business. Grant toleration, "and then are we all gone," the Kirk and the lay holders of Church lands in Scotland would be swamped and lost in the reaction, and what the preachers believed to be "the Truth" would perish among men. They were as convinced, and as despotic, as St Dominic.

The king was known to be capable of tolerance, like his mother. In 1584 Father Holt had written, "He has evidently made up his

mind to grant full liberty of worship, provided he can do so consistently with his own personal safety, and the peace of the country."<sup>17</sup> He had especially no wish to alarm the Catholics of England by proving himself a persecutor. Thus, for the preachers, the most drastic measures were a matter of life and death.

Fife, where the two Melvilles ruled, was foremost in the agitation. The Provincial Assembly met at St Andrews on September 25, 1593. Davidson was present—the most irreconcilable of the Brethren. The danger, he said, proceeded from “the defection of the king,” who had shaken off Bothwell, that sanctified plague. It was proposed to excommunicate the Catholic earls, who, when undergraduates at St Andrews, must have signed the Confession of Faith. James Melville pronounced the sentence, and delivered them to Satan. All who harboured them were placed under the same anathema. The sentence of these shepherds of the East Neuk was to be intimated in every kirk in the kingdom. A fast was declared to atone for many sins, and the persecution of the English Puritans, and the commercial intercourse with Spain. Three preachers were sent to scold Morton for dealing with idolaters. Home was given into the hands of Satan.

While the preachers thus employed the spiritual weapon, a new and very dangerous conspiracy against the king was rising in the North. Bothwell kept all the country south of Forth in agitation: he was now approached by a group of Northern lords. Atholl on October 8 wrote to him from Dunkeld, addressing him as “My Lord and Loving Brother.” He feared that the “Spanish factionaries,” Huntly, Errol, and Angus, were likely to win over the king, “to the imminent peril of religion,” and to the endangerment of relations with Elizabeth, “that most gracious and benign queen.” He therefore advised Bothwell to listen to Henry Locke, the man whom Cecil used in his darkest enterprises. Bothwell was to deal through Locke with Elizabeth, who had in that very week been expressing to James her horror of Bothwell! Atholl added that he would aid Bothwell against James, and that his allies were the Earls of Gowrie and Murray, the Masters of Montrose and Gray, and the Forbeses.<sup>18</sup>

James was not unaware of the machinations of Atholl and Gowrie. They were holding a convention at the Castle of Doune when James made a descent on them. Atholl had warning and

fled: Montrose and Gowrie awaited the king's arrival, "and wer hardlie persevit be the king's companie, and in perrele to have been slayne," had not Lord Hamilton rescued them.<sup>19</sup> Spottiswoode says that Bothwell had trusted with Atholl at Stirling for an effort against the king for October 1; that Atholl arrived, but found that James had gone to Linlithgow, where were Hamilton and other nobles. Bothwell, knowing this, did not "keep tryst" with Atholl, who pretended that he had mustered his men at Doune Castle (the house of the Earl of Moray) merely to hold a court. James did not accept this excuse,—what court needed the presence of Atholl, Gowrie, Montrose, and Moray? Home was sent to reconnoitre, and then took Montrose (and Gowrie, as Moysie adds).<sup>20</sup> (It was at this time, October 8, that Atholl wrote to Bothwell as to dealing with England through Cecil's agent, Locke.) Montrose explained that he was merely a messenger from Atholl to explain to James that they were all engaged in holding a court of justice.

He was dismissed, and the affair passed over at the time; but the intrigues between the Atholl confederacy, Bothwell, and the agents of England endured. Young Gowrie, now an Edinburgh student of sixteen or seventeen, was in 1600 to become famous for the mystery of his death, and his alleged conspiracy. He is already seen as a partner in what might have proved a new Raid of Ruthven. This conspiracy, though it never came to a head, pervaded politics till the summer of 1594, and attempted to place itself under the ægis of the Kirk, to which Gowrie, as became his father's son, was at this time enthusiastically devoted. In part the fear of the Catholics, in part hatred of Maitland, had united the Kirk, England, the adventurous Bothwell, the godly Gowrie, Atholl, and the dark Master of Gray against the king. These combined forces and strong measures caused Huntly, Angus, and Errol to approach the king. They desired to stand trial as to their conduct in the matter of the Spanish Blanks (October 9).<sup>21</sup> They met James, and knelt to him, between Soutra and Fala.<sup>22</sup> If guilty, they would suffer; if acquitted, would satisfy the Kirk or go abroad. They were only accused (as regards the purpose of their signatures to the blank sheets of paper) by one witness, George Ker, under the boot. They explained that the matter which Father Creighton was to have inserted above their signatures only concerned money owed to them by foreign princes for the subsistence of the Jesuits whom



they confessed to having harboured. So Angus and Errol declared. Huntly's signature, he said, referred to the necessity of allowing his uncle, Father Gordon, to leave the country; and he had Father Gordon's attested statement that his blanks bore no other sense. George Ker, under torture, had declared that the blanks were to be filled up with the conditions on which Philip of Spain would invade Scotland, and Fintry appears to have corroborated.<sup>23</sup> James gave to Elizabeth the account of the blanks put forward by Angus, Atholl, and Errol (December 7).<sup>24</sup> This did not satisfy her. Yet, as late as October 11, Angus, Huntly, and Errol wrote to her thanking her for "her gracious acceptance of their suits," and begging her to "continue her princely favour."

So far the proposals of the earls had an appearance of candour. They would stand trial, as Bothwell had recently done. But, according to the custom of Scotland, trial in such affairs was a mere trial of forces. Knox, Murray, Lethington, and Bothwell, we know, when engaged in such circumstances, appeared attended by large levies of armed supporters, and justice was overawed. If the earls were tried at Perth, as was their wish, they would be backed by all the Hays, Gordons, and perhaps Douglasses, who could mount a horse and wield a spear. By October 18 they had mustered their men.<sup>25</sup> James told the Protestants that he would be answerable for order on the day of law: "such as came undesired should not be welcome."<sup>26</sup> The preachers, however, summoned their own supporters, "bodin in feare of warre"—that is, fully armed. All were to meet at Perth on October 24. The fiery cross (metaphorically speaking, for the actual symbol is idolatrous) was sent round to all the kirks. A Committee of Kirk Safety, twelve preachers, sat at Edinburgh. James refused to acknowledge conventions held without his orders. The assemblage of such armed bodies of partisans was one of his main grievances against the Kirk. The earls' forces were meeting at Perth, where Atholl and young Gowrie, a true chip of the old Ruthven block, were inclined to keep them out. There was every prospect of a battle royal at Perth, which would have been the focus of all feuds and an Armageddon of the Kirk. Humes would have met Hepburns; Kers, Hays, Gordons, Forbeses, Stewarts, Grahams, Ruthvens, Campbells, Mackintoshes, with burgesses and lairds under Andrew Melville, would have been let loose at each other's throats. We may almost regret that James, as it were, threw down his baton and

cleared the lists. In the same way the Regent Murray had deferred the trial of Lethington when the forces were gathered at Edinburgh for the fray. The king forbade the trial. He may have heard of a plot to kidnap him, described by Carey to Cecil.<sup>27</sup> The godly of Edinburgh, armed with muskets and pretending to act as a Royal Guard, were to hand James over to Bothwell, who acted with "the Kirk, barons, and boroughs." The Catholic earls, unattended but unmolested, must therefore wait at Perth, and be examined later before a commission of nobles, burghs, and the Kirk. The preachers had demanded their imprisonment, "according to the lovable laws of Scotland." But who was to imprison them? The attempt would only have entailed the battle royal, which was not to be.

Meanwhile (October 22) the Catholic earls, through Archibald Douglas, were still in the treaty with Elizabeth, and had written a letter of thanks to her.<sup>28</sup> Our old friend, Lesley, Bishop of Ross, had suggested that religious tolerance should be proposed in the Scottish Parliament, so Archibald Douglas writes; but (October 29) Elizabeth was threatening James for his tardiness in punishing the earls,—she had declined to intercede for them, and was working through Locke on Atholl, Bothwell, and Gowrie. Meanwhile James "drove time," or procrastinated, and assemblages of partisans in Edinburgh during the convention appointed for November 12 were forbidden. The meeting was scantily attended, the ministers were not encouraged.

On November 26 a compromise as to the Catholic earls was attempted, and an "Act of Abolition" was promulgated. By February 1, 1594, all subjects were to profess themselves Presbyterians. Those who could not do so "in conscience" (a dangerous term, the thin end of the wedge) were to depart abroad, retaining their estates, and were not to be outlawed. The story of the Spanish Blanks was to be dropped, unless the accused relapsed into treasonable dealings abroad. The Catholics were to have preachers planted in their households to convert them, and were to send away the Jesuits, under heavy pecuniary guarantees. Acceptance of the arrangement must be made before January 1, 1594. The preachers denounced this sinful attempt. What! were idolaters to be allowed to worship Baal abroad and yet retain their property? In the privileged Canaan of Scotland (December 6) the Maxwells and Johnstones had a great clan battle on Dryfe sands, and Lord

Maxwell was slain. From the pulpit Bruce threatened James: "his reign should be troublesome, *and short*," if he did not abolish his Act of Abolition.<sup>29</sup>

We know what such prophecies meant: they had a way of securing their own fulfilment. Elizabeth wrote an angry reply to James's letter about the pleas of the earls. Had he not permitted George Ker, their messenger, and the witness against them, to escape? James had, in fact, just hanged one Smeatoun through whose aid the escape was effected. Elizabeth now sent Lord Zouche to Edinburgh (January 15, 1594), and Zouche instantly began to intrigue with Bothwell's ally, the Master of Gray. Zouche's purpose appears to have been to unite the Northern conspirators, Gowrie, Atholl, the Masters of Gray and of Montrose, with Ochiltree, Bothwell, the Johnstones, fresh from victory over the Catholic Maxwells, and with the Kirk. This powerful combination would seize the king as usual, oust Maitland and Home, drive the Catholic earls to ruin, and avenge the bonny Earl. The scruples or the avarice of Elizabeth stifled the plot.<sup>30</sup> Meanwhile she would not incite such proceedings, but would protect the enterprisers. Yet (January 4, 1594) she had written to deny that Bothwell was harboured in England by her permission.

The Act of Abolition, so odious to the godly, was now withdrawn; the Catholic earls had declined the terms, on the plea of being unable to find sureties. While Elizabeth's envoy, Zouche, was arranging a civil war on a great scale for Scotland, in which the Stewarts and Ruthvens, under Atholl and Gowrie, should combine with the sanguinary Johnstones of the Western Border, and Bothwell, Ochiltree, and Montrose, to attack Home, Maitland, and the Catholics, Prince Henry was born at Stirling (February 19, 1594). The event was welcome to loyalists, and, to use a phrase current at that period, it "was nuts" to the Brethren. They had long felt it as a heavy cross that there was nobody except James to kidnap,—no feasible successor who could be set up against him. But now there was the baby, who might be captured and used to James's prejudice, like the Prince against James III., and James himself, as an infant, against his mother. The proposal was at once made to the English envoys of Elizabeth, but Elizabeth discouraged it in a letter from Robert Cecil to Locke, her agent with the godly (March 4).<sup>31</sup> Zouche was told that he had shown *trop de zèle*. Locke was warned not to carry any compromising papers about

nim. "The proposal to follow the king into the Castle of Stirling" (where the royal infant was in the charge of Mar), "and to besiege the castle, makes her majesty a little careful to prevent so dishonourable and so unjustifiable a course, mean they ever so dutifully."<sup>32</sup> "They" are probably the Atholl and Gowrie gang, as Stirling was well within their reach. Elizabeth, in fact, would not part with her money.<sup>33</sup>

It had, however, been arranged that Bothwell should muster men, English and Scots, and invade the country on two pretexts. "The one was, with help of the kinsmen and ministrie, to banish the Catholic lords from the realm of Scotland." The other pretext was to avenge the bonny Earl. The author of 'The Historie of King James the Sext' (John Colville, as is supposed) acknowledges that England was aiding Bothwell, and that James arrested one of Zouche's suite, who, by that ambassador's command, had dealt with Bothwell. To check his advance, Home, Cessford, and Buccleuch were stationed at Kelso, and a general levy was proclaimed.

The preachers, in *daily* sermons, did what they could to hamper the king in his peril by preaching against him, and prophesying evil. When he asked how he could leave Edinburgh defenceless by marching against the Northern Catholics, they offered to pray for him! For some reason Kelso was evacuated by Buccleuch, and occupied by Bothwell on April 1. Next day he reached Dalkeith, and was in Leith on the 3rd of April. To conciliate the preachers, James promised, in church, to march against Huntly when he had settled Bothwell. A few nobles, and the town, a disorderly array, then went out against that hero, who moved southward, slowly and in good order, lest his line of retreat should be cut. The royal levies thought that he had fled, but their patrols were driven in when they attempted to occupy a hill near Woolmet: Bothwell then charged, and drove the Royal Guard in rout, the infantry flying to Craigmillar. Within half a mile of James's position on the Borough Moor Bothwell's trumpets sounded the retreat, and he lay that night at Dalkeith. Probably he could have entered Edinburgh, but the castle he could not have taken, and there was no sign of a popular rising in his favour. He certainly bore off the honours of the day, with many prisoners, whom he released. He issued proclamations gratifying to the godly, and awaited another opportunity.<sup>34</sup>

John Colville at once (April 6) wrote to Cecil, telling "how

courageously and reverently" Bothwell and Ochiltree had behaved. They did not press their victory, out of respect to James's person. He makes it pretty clear that Bothwell was disappointed of the aid of the Atholl-Gowrie contingent. "They have been tardy and slothful who have promised"; he thinks that perhaps the "letters of advertisement" to them were intercepted. Carey writes that Atholl was expected with 2000 men. Colville puts himself at Elizabeth's disposal "as her born subject."<sup>35</sup> There is an undated address of Gowrie, Bothwell, Atholl, Ochiltree, and Murray to "the Reverend Pastors of the Kirk presently assembled at Dunbar," to announce their rising in arms against the Spanish faction, and requesting the preachers to take record of their proceedings.<sup>36</sup> It is even said, in 'The Chronicles of the Families of Atholl and Tullibardine' (i. 51), that Atholl was present at the Raid of Leith (April 3) with Bothwell. He was denounced rebel (April 26) for not appearing to answer concerning his dealings with Bothwell.<sup>37</sup> Hunsdon, who knew about the plot, could not learn that Atholl "or any other of his confederates" had appeared in arms (April 7).<sup>38</sup> From a letter of John Colville to Locke (April 28) it appears that Atholl and his party deemed that their success and Bothwell's was impossible, if James really meant (as he had promised) to "pursue the papists." Cecil had advised the Atholl-Bothwell party to await events, and they would not act violently "unless Atholl be pursued."<sup>39</sup> On May 3 Colville complained that both England and the Kirk had advised delay, to them and to Atholl, till James's intentions as to the Catholic earls were thoroughly known. Many of Bothwell's horses had died; his party meant to assemble at Hexham.<sup>40</sup>

By July Atholl had been appointed one of James's lieutenants to pursue Huntly with fire and sword, and by August his brother-in-law, Gowrie, had retired to Padua, there to prosecute his studies. Thus the Atholl-Gowrie branch of the Bothwell-Ochiltree confederacy was broken off: its existence was due partly to Elizabeth and Robert Cecil, partly to family feud against Huntly, partly to hatred of Maitland, and in part to Protestant excitement. Had the Northern lords warmly backed Bothwell at the Raid of Leith he would probably have triumphed. The Kirk had temporised, but now one of its members gave James some trouble.

There was a preacher at Perth, named John Ross, who dealt very plainly with James. He said that there were many traitors, but the

king was the chief. "We never got good of the Guisian blood, for Queen Mary, his mother, was an open oppressor of the saints of God." When examined on this historical statement, he admitted that he remembered no persecutions by Queen Mary; doubtless he had thought it a safe remark to make, on general principles. James was "a reprobate king," and (which was true) "a dissembling hypocrite." How the ministers looked on Ross's performance is not very clear. The author of 'The Historie of King James the Sext' says that Ross was examined before certain select ministers and the king's commissioners. "The whole number of the Assembly" (including the king's commissioners?) "approves his whole doctrine,"—as to his threats of judgment and rebukes,—"except in such heads as seem to be most offensive."<sup>41</sup> The author sympathises with Ross. But he has only made an excerpt from the judgment of the Assembly which "admonished" Ross because the occasion of his sermon might have made it appear that the Kirk sided with Bothwell; because he produced a sentence against the House of Guise, *de futuro*, and because he was harder on the king than his own years and experience warranted. Ross was therefore warned to speak at all times reverently of his majesty. This was the decision of the General Assembly, and Ross's reluctant and guarded apology was the result. But there had been an earlier inquiry, on May 1, in Mr Robert Bruce's garden. Here, too, Ross was admonished; "some of the brethren thought it hard to say that the king should die in blood for sparing the shedding of blood, yet others justified it, that 'it was agreeable to the Word and common experience.'"<sup>42</sup> Apparently James was not satisfied, for 'The Historie of King James the Sext' adds that "as he could not be avenged on Ross by any ecclesiastical law of theirs, or municipal law of his own," he, by advice of his Council, banished Ross from the realm. This Ross was a kinsman of Bothwell on the Hepburn side. He avowed a desire to see all papists hanged.

If we consider the state of affairs when Ross preached, and the dangers from the Atholl-Bothwell confederacy, his sermon has much the air of a provocative to assassination. There were preachers who justified his words about James "dying in blood." Though the general sense of the Assembly did not carry it to the length of approving of Ross, he was certainly let off very lightly, without even a sentence of temporary suspension. Dr M'Crie states the matter thus: "They censured a preacher of the name of Ross, who had

been guilty of this offence"—that is, of "rash or irreverent speeches against the king or his Council."

We have given fuller details, and dwelt more than may seem needful on these performances of the ministers of religion, because they show the nature of the relations between Kirk and State. Were they endurable relations? Could the king oblige Mr Ross by hanging perhaps the majority of his subjects? Had he more power than his ancestors possessed in the way of forfeiting some of his most potent and least accessible nobles? Was it feasible for him to capture men who, if defeated, had the roadless retreats of the Highlands behind them; and was this action specially possible when Bothwell was threatening the capital? It was in such circumstances that the clergy, when consulted, so mildly "admonished" the preacher of a sermon which was, at the least, bitterly insulting, and in some places provocative of those murders of kings familiar "to the Word and common experience." As James's reign was the prelude to a terrible civil war, provoked in great part by royal retaliation on the ministers, it appears desirable to leave no doubt as to the conduct, the ideals, and the aspirations of the Brethren. It may be said, on their side, that they merely represented "his majesty's Opposition"; that, in the absence of the press (which, however, dealt in scurrilous pamphlets and ballads), the pulpit was the only place where freedom of speech was possible. But neither a parliamentary Opposition nor an advanced Liberal press pretends to be inspired by "the Spreit of God," and finds its claims accepted by its party. This pretence the preachers did make, therefore they were dangerous to an intolerable degree, and the perils caused by their pretensions were the direct source of James's equally unjust repressions.

Turning from his clergy to the eternal disturber of his country, Elizabeth, James was able to answer her letters in her own style. She had been surprised, wondered whether she dreamed or not. James also asked whether there were visions about. Bothwell had not only been harboured in England, but had received English gold, and had raised English soldiers, proclaiming his rate of pay at English parish churches. He had appeared at Edinburgh, and had led his troops back, with banners displayed, to English ground. Where were Elizabeth's many promises not to receive Bothwell? In what had James deserved her anger? His one offence was that he had not dealt with certain of his own subjects in such form and at such time as Elizabeth, in his place, might have deemed fitting.

He had sent Zouche back with scant courtesy, reckoning him rather a herald with a challenge than a friendly ambassador.<sup>43</sup>

The General Assembly met in May, made their usual complaints, and produced a pleasant piece of folk-lore, "the horrible superstition in not labouring a parcell of ground dedicated to the Devil, under the name of 'The Goodman's Croft.'" We may conjecture that, the devil being addicted to sowing tares, it was thought well to leave him a "poffle or pendicle" of ground where he could exercise his industry. On May 30 Parliament forfeited Angus, Errol, and Huntly, but Mr Davidson gave "a free rebooke of all estats." He accused the preachers of greed, and of "winking at the profaning of the Sabbath day" (Sunday). He drew a parallel between James and Charles IX. of France, the man of the Bartholomew Massacre: the parallel was rather in favour of Charles. Charles had been kind to Coligny and the Huguenots, kinder and more promising than James was to his Protestant subjects. Yet Charles had massacred the Huguenots on a large scale, and therefore it was well to keep a watchful eye on James.<sup>44</sup>

We must remember that the Brethren lived in constant fear of a popish plot and a massacre. This appears curious, for we are apt to suppose that Edinburgh was entirely Protestant. Davidson declared, however, that he "feared the multitude of Edinburgh . . . more than I fear the Court." This looks as if, while the richer citizens were orthodox, the Reformation had not really touched Knox's old allies in mischief, "the rascal multitude."

Though forfeited, the Catholic earls were passing their time "in great jollity," and Huntly continued to make new buildings at Strathbogie. Bothwell was in poverty in Liddesdale, and already it was rumoured that he would join the Catholic earls. A ship from Spain arrived at Aberdeen (a report in the 'Spanish State Papers' says that it contained a papal subsidy of gold for the king). The barque was taken by the citizens, whom Huntly terrified into surrendering the passengers by threats of fire and sword, while he seized the money *meant for his sovereign!* This is alleged in a strange legendary report sent by an anonymous writer to Spain, but the document is full of wild myths and romances (July).<sup>45</sup> \*

\* It seems to me very improbable that the money "from Pope Clement VIII. to the King" was really destined for James with his knowledge. The authority cited by Mr Hume Brown (ii. 217, note 2) is 'Spanish State Papers,' iv. 590. That document is not only anonymous, but is sheer mythology. In my opinion



Meanwhile James prepared for war in the North, and granted a commission of lieutenancy to Argyll and Atholl, who, according to Colville, was as much a traitor as ever.<sup>46</sup> In the defect of a police force, or of a regular army, it was the practice, when one noble or chief was contumacious, to give another noble "letters of fire and sword" against him, and Huntly is said to have had some such commission against the bonny Earl Moray. The preachers and burgesses of Edinburgh were now asked to raise "waged men" for the Northern raid, which they did with some reluctance. War was delayed till the infant prince had been baptised at Stirling (August 30), where Sussex represented Elizabeth. The festivities included the usual fantastic pageantries, and James vexed "good men" by wearing his French order of the *Saint Esprit*.

James and Elizabeth were now on the best terms. Bothwell was bidden to leave England. On July 30 he had let Cecil know, through Colville, that the Catholic lords had been soliciting him. They offered 25,000 crowns if he would come over to them, and bring the Atholl-Gowrie party with him, and abandon Colville. He waited to know Elizabeth's mind: as for the money (Spanish, no doubt), if he did not take it, Home would. He proposed, if Elizabeth agreed, that he should accept the 25,000, and then use it "for pursuit of the said papists" who gave it, while Elizabeth might pay back the papists. Bothwell wished Colville to put this remarkable proposal to Cecil as an abstract question in casuistry, "an A B case" of conscience: "May A, to whom B (a papist) offers money for his alliance, take the money and use it against B?" Colville asked Cecil to answer in the abstract form, that Bothwell might think Colville had so stated it. Colville added that James rather thought Prince Henry to be the son of one of his courtiers, probably of Lennox. A Darnley and Mary quarrel, he said, was at hand.

This Colville, at whose wedding John Knox was present, is a Father Gordon, Huntly's uncle, had persuaded himself that he might persuade the Pope that James, if supplied with gold, would be converted, and later, persuaded himself that Huntly was a worthy recipient of the ducats. Major Martin Hume's 'Treason and Plot' (1901) may be recommended to readers curious in these intrigues. I am not as convinced as Major Hume that James was deeply concerned in them; and, if he was, he only sought preservation from the disgraceful intrigues of Elizabeth, and of the factions whom she suborned in Scotland. The King, naturally, wished to protect his powerful Catholic subjects from persecution, and to escape from Elizabeth's *spadassins*, Bothwell and his adherents. He also needed to know what his Catholic earls really intended.

fairly representative scoundrel of the period: his later fortunes were such as he deserved, but the interesting point is the use of such abominable tools by England.<sup>47</sup> In September Colville had to report that "unhappy Bothwell" was not running a straight course with Elizabeth, but was off to meet Huntly. This deeply grieved a professor so earnest as Colville, who could only hope that "the Lord would send light out of darkness." So sincere a Protestant as Colville could no longer be a partner with one who had joined himself unto idols. He went to Edinburgh on September 12 and wrote a letter of farewell to his old master. The Earl had openly said that Colville meant to betray him (which he probably did intend), and Colville was hurt. But he had got Bothwell cleared of "the odious imputation of witchcraft," he said: and who but he had given tone to Bothwell's enterprises in general? Colville had often hazarded his body for this ungrateful patrician, "but God only knows how far I hazarded my conscience in making black white and darkness light for your sake." That was what Colville felt most bitterly. He therefore proposed to seek James's pardon, "spending the rest of my days quietly in the fear of that gracious and omnipotent Lord," with other canting phrases.<sup>48</sup> To James next did Colville write, likening himself to a dead dog, and addressing the king as "Oh, Glory of Albion!" He quoted Ovid and the Bible, and rather impiously likened James to the Founder of Christianity. He simply wallowed in remorse and abject apology.<sup>49</sup> He reported to Cecil the shameful backsliding of Bothwell. But a few months ago, to quote Moysie, "all the ministry favoured the Erle Bothwell, thinking him most meit to be chiftaine for the professoris," and now he had joined the idolaters.<sup>50</sup>

We know what Bothwell had been doing. He had met the Catholic lords in Angus; his messenger, one Orme, was caught, and a proclamation of September 30 disclosed his iniquitous intentions. He was to make a raid on Holyrood, seize James, shut him up in the Keep of Blackness, raise the Borderers, and capture the Northern castles.<sup>51</sup> Home, Cessford, and Buccleuch had taken his lands, and would make the Border too hot to hold him.\* Colville

\* The man who had led Bothwell to this course was "Mr Thomas Cranstoun." A person called "Mr Thomas Cranstoun" came home with Gowrie from France in 1600, and was hanged for the Gowrie Conspiracy of that year. He, however, "lest suspision be taken from his name," averred that he had been abroad since 1589. The Cranstouns at this time were usually of the Kirk party.

wrote thus on September 16. On August 20, three weeks earlier, he had informed Cecil that Bothwell was offering Lennox 1000 crowns to pay men to seize James, and that Lennox had induced Mar to join the plot. The other plan was to allure James away from his retinue, "when he hunts his bucks in Falkland." "The captain of that house has promised us, any morning we please, to draw him out with the huntsmen only to any part of the wood we please to hide ourselves into."<sup>52</sup> This plot is much akin to that of the Gowrie Conspiracy (1600), by which James was to have been allured away from the chase in the woods of Falkland. Probably Lennox, an honourable man on the whole, declined to take part in these proceedings. We have to note, however, that Robert Cecil was hardened in such iniquities. It was when he failed with the Protestant or Indifferent Lennox that Bothwell threw himself into the arms of idolaters, to the consternation of the godly Colville, and with them he was still hunting the king. As Bothwell was now a lost sheep, Elizabeth abandoned him, and Colville was bidden to seek a pardon from James. This he obtained: we have seen in what terms he asked for it (September 30), and he assures Cecil that now he will be a more useful spy than ever! He did not say what he had offered "for his peace," but Ochiltree had offered to catch Angus. What Mr Colville offered will presently appear: it was the blood of Bothwell's brother.<sup>53</sup>

As for Bothwell, he tried to propitiate the Kirk; he explained that though now leagued with papists, it was only in his temporal interests.<sup>54</sup> On October 3 the forces of Argyll, going in advance of the royal army, encountered those of Huntly at Glenrines, in Glenavon. Argyll, a lad of nineteen, had the slaying of the Bonny Earl to avenge. His force of 6000 men was, in part, a light armed Highland levy, and he had neither cavalry nor guns. "The Highland men are naked men," says a much later ballad: they were no better equipped with defensive armour now than at Harlaw or Killiecrankie. Mackintosh was with Argyll, and all Clan Gilzean. That day one of the chiefs of the Macleans "undoubtedly played the man," says a letter quoted by Calderwood. The Macleans were the Spartans of the North; down to Drummossie day it was their motto and practice never to turn their backs, but conquer, or die with their faces to the foe. Such was their ancient and honourable tradition, which many a time left them a weakened people. Clan Chattan was divided; the Macphersons held Ruthven Castle for

Huntly; Clan Gillivray and the Mackintoshes were with Argyll. Huntly, like Mar at Harlaw, had a force far inferior in numbers, but well armed, well mounted, and provided with six guns—weapons of which the Celts stood in some awe, as being unfamiliar. Argyll, wisely, was anxious to await the arrival of the more regular forces, cavalry, and artillery of James. Huntly, however, sent out a cavalry patrol, which cut up the skirmishers of Argyll and reconnoitred the position of his main body. With Argyll naturally was the first cadet of his house, Lochnell. He, it will be remembered, was a partner of Huntly in “the great band” for the murder of Campbell of Calder, of the bonny Earl of Moray, and of Argyll himself. Moray and Calder had been slain in February 1592. Now was Lochnell’s chance to betray Argyll to the same fate.

Lochnell, if we may believe a letter cited by Calderwood, had expected to lead the van. He therefore arranged with Huntly that he should direct his whole artillery on the yellow flag of the clan, under which Argyll himself would be stationed. Lochnell would then take to flight, which would lead to the flight of his vanguard, and the ruin, probably the death, of Argyll. But Argyll, instead of letting Lochnell lead the vanguard, kept him beside his own person, under the yellow standard, which had formed no part of his ingenious scheme. Either by the artillery-fire, or in Huntly’s charge on the yellow standard, Lochnell was slain, and a great number of the Campbells turned and fled; but the main body occupied a hill-top, beneath which lay a morass, while the sun blazed in the eyes of Huntly’s and Errol’s cavalry. Errol turned to avoid the marsh and outflank the enemy, but Auchendown, making a frontal attack, saw his men mowed down by the arrows and musket-balls of Clan Gilzean, covered as they were by a coppice. Nevertheless Gordon of Auchendown pressed on, charging up-hill; but he was shot, and the Celts cut off his head. Huntly’s force was now enclosed between the Macleans and the Campbells, but he led a desperate charge to extricate his vanguard. Now Maclean, plying a Danish battle-axe and wearing heavy armour, cut his way to Huntly’s standard, which he captured, slaying the man who bore it. Errol was wounded by a bullet and an arrow, Gordon of Gight was slain, Huntly was unhorsed, but remounted, and led a fresh charge. On this the Campbells who had stood fled, while Argyll wept for the dishonour of his name. The victory, after heavy loss, remained with Huntly: the Macleans retired in good order, but Argyll’s camp

fell into the enemy's hands. In a report to Spain Huntly has only thirty-seven men, who kill 500 of Argyll's force, losing only one man wounded—a miracle.<sup>55</sup>

It was on the day after this gallantly fought affair that James rode out of Edinburgh, Morton being left in command of the town. The Melvilles, by James's desire, accompanied him, "because the people were jealous of him." Nor was James Melville satisfied. Huntly's force, sorely shaken by their losses at Glenrinnnes, dispersed, and James occupied Aberdeen. But money was needed for the forces, and James Melville was sent to Edinburgh to procure supplies. He was to announce that James would burn the castles of his foes, yet "moyen was maid" that they should be spared. However, the arguments of Andrew Melville prevailed, Strathbogie and other seats, Errol's, and the houses of some Gordons and Ogilvies, were demolished.<sup>56</sup> This was not enough for James Melville. The royal raid ended for lack of supplies, and, says Melville, "when all was done, little sound meaning and small effect further was produced." The king returned to Edinburgh, Lennox remained at Aberdeen in command, and many barons and chiefs, the Earl Marischal, Lovat, Grant, Mackintosh, and others came under oaths of loyalty.

Though the Catholic earls and their new associate, Bothwell, were practically broken, the state of the country and of political factions was purely chaotic. While the earls were gathering head again, and it was found necessary to reinforce Lennox in the North, Argyll was mustering his forces anew (December 12).<sup>57</sup> Smarting from the shame of his defeat at Glenrinnnes, he had discovered the whole secret of the great band, the complicity of Ardkinglas, and the treachery of Lochnell, which fate had so strangely avenged. He would take further vengeance himself upon Huntly's country and his own faithless clansmen and allies. In many districts there was "much blood shed, and many horrible murders were committed; the son slaying the father, one brother the other, and brothers' sons killing each other, thieves spoiling and oppressing, and men daily ravishing" (probably abducting is meant) "women; but no execution of justice, either by the king or the inferior magistrates," says Calderwood.

It was not possible for James to execute justice, if he had been so inclined, for want of force, and the cause of want of force was want of money. At any time Elizabeth could have secured a peaceful

Scotland, at great advantage to her own revenues, by a subsidy of some £20,000 annually. But she preferred to pension traitors, and James, having done her work in the North, was now refused £2000 which had been promised to him. He was naturally annoyed, and sent Colonel Stewart on a fruitless search for assistance in the Low Countries (December 12).<sup>58</sup> In her habitual avarice Elizabeth fostered the many troubles of Scotland. Money she would supply to James's rebels: to himself she grudged or denied it, thereby doing her best to throw him on the side of Spain, and to cause the very dangers which it was essential to her to prevent. Nevertheless James arrested Argyll in the midst of his enterprises of vengeance and spoliation, warding him for a time in Edinburgh Castle. Calderwood, who grumbles at the defect of justice, also grumbles at the detention of Argyll as a mere pretence for extorting money.<sup>59</sup> James (January 29, 1595) summoned a convention of nobles and endeavoured to alleviate the condition of the people. His "waged men" had disbanded for want of pay, and he was almost as helpless as usual.<sup>60</sup> Atholl as well as Argyll was "warded."

Moved by the king, however, the preachers at last agreed to excommunicate Bothwell (February 18, 1595). He had shown his true colours by leaguings with papists, *hoc nocuit*. We must not regard all of the Kirk as official allies of Bothwell. James Melville openly denied that he had ever dealt with him. Others sympathised with him, and he had skill in flattering the Brethren. Regarding him as a "sanctified plague," they had done little or nothing to check his popularity or impair his successes, for he used the pretext of avenging the Bonny Earl, and of earnest Protestantism. The noted intriguer, John Colville, the agent of the exiled earls after the death of Gowrie, now betrayed Bothwell's natural brother, Hercules Stewart, who was hanged (February 18).<sup>61</sup> In brief, Bothwell's meteor course was run, and after skulking about the country, and attempting to imitate the piratical career of his uncle, Queen Mary's Bothwell, in the Orkneys, he fled to France. A man of courage, enterprise, wit, and many accomplishments, he had all the Hepburn ambition, with all the charm of recklessness. His ambition was boundless, but crossed by a madcap vein which frustrated his desires. From the queen to the lowest of the people he was popular, and, among so many ruffians, he alone had a touch of what is genial, sympathetic, and boyish. He, at least,

would gladly have avenged Queen Mary, donning armour as the most suitable mourning. From the Continent he kept vexing the king with fears of change, and before August 1600 was urging Philip to invade Scotland.

Huntly still lingered in the North, but his plans were ruined (March 25) by the arrest of a Jesuit, Father Morton, who had landed at Leith, from Spain. He brought no money, but rather rebukes for the ill use to which previous supplies had been devoted. James treated Father Morton with a gentleness which Father Creighton later applauded. Morton gave a jewel, representing the crucifixion, to the king: James is said to have remarked that, on account of the minute scale of the work, he could not kiss the crucifix without kissing the thieves and the soldiers. It is said that the preachers desired to have Morton tortured. Calderwood does not mention this: Father Creighton praises the king's humanity.<sup>62</sup> In the ruin of the Catholic cause, Errol, Huntly, and his uncle, the excellent Father Gordon, now took ship for the Continent. Probably James kept on terms with them, and their retreat was an arranged affair, as their party informed the Spanish Court.

A domestic trouble was next added to the confusions of the State. The queen had for long been the enemy of Maitland: the cause was said to be a dispute about the ownership of lands at Musselburgh, but there were probably other causes of resentment. Maitland, however, had lately paid court to the queen, and had backed, or inspired, her wish to remove the child prince from the governance of Mar, whose ancestor had kept good watch over James himself when a child. Allied with the queen and Maitland were Buccleuch and Cessford, great chiefs of the reckless border spears. They had expected Bothwell's lands, and, says Colville, had been disappointed.<sup>63</sup> It was believed that they entertained the somewhat conventional design of kidnapping the little Duke of Rothesay for their own political purposes: Maitland, we know, was capable of anything; and Cessford and Buccleuch were disappointed men. The murder of one of Mar's men, on account of a love affair, led to a great demonstration by Mar, and it was expected that Buccleuch and Cessford would give him a meeting.<sup>64</sup> The quarrel about the prince lasted from April into August, James siding with Mar and opposing Maitland. The queen was again about to be a mother, and was in a fretful, perhaps hysterical, frame

of mind. At the end of July she was ill, and Nicholson, the English resident at Edinburgh, tells us that James suspected her of feigning a malady, and of merely desiring to bring him to her from Stirling for some evil purpose. Melville, however, found that the queen's ladies believed her to be really ill, and James hurried from Stirling. He found her majesty with Buccleuch and Cessford! James had his room carefully guarded, and sent for Robert Bruce and other preachers as advisers. Meanwhile the queen was suspected of trying to keep James by her that he might be kidnapped in the usual way. Buccleuch, the bauld Buccleuch of the Kinmont Willie ballad, was thought to favour this course.<sup>65</sup> But Maitland, now nearing his end, ill and old, lost nerve: James rode back safely: Mr Galloway admonished the queen in a sermon, and the royal pair were reconciled (August 15).<sup>66</sup>

On August 25 Maitland's illness was serious: Buccleuch and Cessford had him at their mercy, they knew so much of his designs: and his malady was thought to be diplomatic. He died on October 3, much concerned, and with good cause, about his soul. Calderwood takes rather a favourable view of his spiritual estate, though "his practices, at his first entry to Court, were very pernicious and offensive to the godly many years after. . . . He granted, at his death, that he had greatly offended that man of God, Mr Knox," perhaps on the subject of the amusing skit on Knox, Murray, Wood, and other brethren, a shaft which certainly came out of the quiver of the witty House of Lethington. This jest does not seem so much matter for contrition as Maitland's alleged share in Darnley's death, and alleged partnership in "the great band" for the murder of Calder, Argyll, and the Bonny Earl. What his latest design, in company with Buccleuch, may precisely have been is not certain, but doubtless it was on the old lines. None the less, and despite his confederacy with Huntly, Maitland had been a Protestant, and no enemy of England. James is said not to have regretted the loss of his old adviser.

Maitland founded the House of Lauderdale, which later gave Scotland a famous statesman. At this very time we first meet Archibald Primrose, an intriguer with John Colville and Elizabeth's Ministers. Here first appears in affairs the ancestor of the House of Rosebery. While new men arose, Atholl died (September 22). By the end of the year the strife between Mar and Buccleuch and Cessford was appeased, and Buccleuch was received at Court. The



Scottish queen later threw all the blame of the quarrel about her child on the dead Maitland, insisting that she had warned James, and preserved him from an attack on his person.<sup>67</sup> The queen's biographer, Miss Strickland, takes a less favourable view of her conduct. In origin the affair was a nursery cabal which politicians used for their own purposes. But James came better out of the contest than his unfortunate and exiled descendant, James, eighth of the name, was to emerge from a similar affair (1726). Anne was already suspected, we learn, of idolatrous tendencies, fostered probably by Lady Huntly and others of her intimates.

The autumn had been notable for the Irish rising of Tyrone, who was to have been backed by several thousand warriors from the West Highlands and the Isles. Maclean of Duart, who wielded the battle-axe at Glenrinn, had the address to capture large numbers of the Highland auxiliaries under Clanranald, and with the aid of Argyll relieved England from a considerable danger. He found it much more difficult to extract from the avarice of Elizabeth a trifle of 2000 crowns for his expenses. An incident of local interest was a heroic "barring out" at the High School of Edinburgh in September. "The little boys began to shoot and stab." Docked of half their holidays, a poor fortnight, the boys held the school, the old building on the site of the Blackfriars, near Kirk-o'-Field. An impetuous bailie, Macmorran, led a charge against the doors with an improvised battering-ram, and was shot by William Sinclair, son of the Chancellor of Caithness. The main interest to us is that Sir Walter Scott as a boy may have known "the bailie's window," whence the shot was fired.

In August of the year there had been trouble with a preacher presently to become more notorious. This was Mr David Black, of St Andrews. He was accused of speaking ill of Queen Mary, and an effort was made to convict him before a mixed and informal commission. Andrew Melville interfered in his usual masterful way, but James Melville smoothed the matter over. He alleged at St Andrews, in a sermon, that Mr Black "had commended his majesty's mother for many great and rare gifts, and excellent virtues." If Black did this, it is unfortunate that his sermon has not been preserved. He "very sparingly and soberly had touched the truth of the judgment of God which had come on her for resisting the wholesome admonition of the Word of God." Everything considered, common decency should have warned Black

against raking up the history of his king's mother, or of any living man's mother, and the Brethren seem, provisionally, to have come into this opinion.<sup>68</sup>

The ministers were still very sensitive about the Catholic earls. Their wives were practically left in possession of their property: movements of Catholics, involving feuds, were common in the North, and a new Spanish invasion was apprehended in November. The exiled earls were in the same position as the Hamiltons and the Ruthven raiders had been when banished: it was certain that they would come back sooner or later.

James in November 1595 was playing the part of Protestant Hero, and ordering a universal "wapinschawing," or review of the whole armed forces of the country, all for "the defence of the kingdom against the detestable conspiracy against Christ and his Evangel presently in readiness."<sup>69</sup> The wapinschaw, when it did occur, exhibited a mournful array of "Guse Gibbies."

The death of Maitland left James free to manifest his own powers and policy. He denounced the carrying of pistols: he demanded a list of all "horners" (outlaws), which he never got: "he will let them know that he will be obeyed and revered as a king," and will suffer no more blood-feuds to run their sanguinary course.<sup>70</sup> He might as well have tried, like Canute, to make the waves "reverence and obey" him. He was backed by no force of men or money. A generous gift of a purse of gold from the queen on New Year's Day 1596 much astonished James. Whence came that rare metal? he asked, and her majesty praised her household financiers, Alexander Seton, the President; Lindsay, Elphinstone, and Thomas Hamilton. James resolved to employ them in Treasury matters: Seton throve to be the great Chancellor, Dunfermline; Elphinstone, as Balmerino, had a remarkable career of favour, with a mournful end; and Hamilton, popularly styled Tam o' the Cowgate, flourished as King's Advocate, was created Lord Binning, then Earl of Melrose, and founded the existing House of Haddington. The anecdote of the New Year's purse of gold is related by John Colville.<sup>71</sup>

## NOTES TO CHAPTER XIV.

- <sup>1</sup> Border Calendar, i. 490; August 15, 1593.
- <sup>2</sup> Sir James Melville, pp. 414-417; Calderwood, v. 256, 257; Spottiswoode, ii. 433, 434; Border Calendar, i. 481-484.
- <sup>3</sup> Border Calendar, i. 491. Calderwood, v. 257, 258.
- <sup>5</sup> Spanish Papers, iv. 588, 613, 614. <sup>6</sup> Border Calendar, i. 490 *et seq.*
- <sup>7</sup> Border Calendar, i. 486-488. An account of the trial.
- <sup>8</sup> Border Calendar, i. 488, 489.
- <sup>9</sup> Calderwood, v. 259; Border Calendar, i. 493.
- <sup>10</sup> Calderwood, v. 269. <sup>11</sup> Hatfield Calendar, iv. 363.
- <sup>12</sup> Thorpe, Calendar, ii. 634. <sup>13</sup> Border Calendar, i. 497, 498.
- <sup>14</sup> Calderwood, v. 259-261; Thorpe, Calendar, ii. 635.
- <sup>15</sup> Hatfield Calendar, iv. 383, 384. <sup>16</sup> Border Calendar, i. 502.
- <sup>17</sup> Forbes-Leith, Narratives of Scottish Catholics, p. 191.
- <sup>18</sup> Letters of John Colville, pp. 258, 259; Bannatyne Club, 1858.
- <sup>19</sup> Moysie, Memoirs, p. 105. <sup>20</sup> Spottiswoode, ii. 437.
- <sup>21</sup> Bowes to Cecil, Thorpe, Calendar, ii. 636.
- <sup>22</sup> Calderwood, v. 270; Border Calendar, i. 506, 507.
- <sup>23</sup> Calderwood, v. 225. <sup>24</sup> Hatfield Calendar, iv. 430.
- <sup>25</sup> Bowes to Cecil; Thorpe, Calendar, ii. 637.
- <sup>26</sup> Calderwood, v. 273, 274. <sup>27</sup> Border Calendar, i. 510. October 31.
- <sup>28</sup> Thorpe, Calendar, ii. 638. <sup>29</sup> Calderwood, v. 289, 290.
- <sup>30</sup> Tytler, ix. 146. I have been unable to find the letter, quoted by Mr Tytler at the Record Office.
- <sup>31</sup> Thorpe, Calendar, ii. 646. <sup>32</sup> Thorpe, Calendar, ii. 646.
- <sup>33</sup> Cecil to Zouche, March 12, Thorpe, Calendar, ii. 647.
- <sup>34</sup> Historie of King James the Sext, pp. 306-314.
- <sup>35</sup> Letters of John Colville, pp. 259, 260; Border Calendar, i. 525-528.
- <sup>36</sup> Thorpe, Calendar, ii. 650; Historie of King James the Sext, pp. 312-314.
- <sup>37</sup> Bowes to Burghley, April 30, Thorpe, Calendar, ii. 650.
- <sup>38</sup> Hatfield Calendar, iv. 504.
- <sup>39</sup> Hatfield Calendar, iv. 517, 518. <sup>40</sup> Hatfield Calendar, iv. 523, 524.
- <sup>41</sup> Historie of King James the Sext, pp. 324, 325.
- <sup>42</sup> Calderwood, v. 299, 321, 323.
- <sup>43</sup> Tytler, ix. 151-154, citing a Warrender MS.; Hatfield Calendar, iv. 509, 510, April 13, 1594.
- <sup>44</sup> Calderwood, v. 337, 338.
- <sup>45</sup> Thorpe, Calendar, v. 654, 655; Spanish State Papers, iv. 590.
- <sup>46</sup> Letters of John Colville, p. 106.
- <sup>47</sup> Colville to Cecil, July 30, Letters of John Colville, pp. 113-115.
- <sup>48</sup> Hatfield Calendar, iv. 629, 630. <sup>49</sup> Hatfield Calendar, iv. 630-632.
- <sup>50</sup> Moysie, Memoirs, p. 104. <sup>51</sup> Privy Council Register, v. 173.
- <sup>52</sup> Hatfield Calendar, iv. 583.
- <sup>53</sup> John Colville's Letters, pp. 123-131.
- <sup>54</sup> Miss Warrender's Illustrations of Scottish History, pp. 45-51, Bothwell to the ministers.
- <sup>55</sup> Spanish State Papers, iv. 590, 591.

<sup>56</sup> James Melville, pp. 318, 319; Privy Council Register, Aberdeen, October 19, v. 182.

<sup>57</sup> Thorpe, Calendar, ii. 668.

<sup>58</sup> Cockburne to Bowes, Thorpe, Calendar, ii. 668.

<sup>59</sup> Calderwood, v. 361, 362.

<sup>60</sup> Thorpe, Calendar, ii. 670, 671; Border Calendar, ii. 17.

<sup>61</sup> Calderwood, v. 364, 365. Colville writes that he was present at the taking of Hercules, but interceded for his life (Letters, p. 139).

<sup>62</sup> Calderwood, v. 366; Creighton, *An Apologie*, Miscellany of the Scottish History Society, i. 53.

<sup>63</sup> Letters of John Colville, p. 146.

<sup>64</sup> Thorpe, Calendar, ii. 679, 680.

<sup>65</sup> State Papers, Scot., MS. Eliz., vol. lvi., No. 62.

<sup>66</sup> Thorpe, Calendar, ii. 689-692.

<sup>67</sup> Thorpe, Calendar, ii. 705, February 24.

<sup>68</sup> Calderwood, v. 380.

<sup>69</sup> Thorpe, Calendar, ii. 699; Privy Council Register, v. 235, 236.

<sup>70</sup> Privy Council Register, v. 246 *et seq.*

<sup>71</sup> Letters of John Colville, p. 190.

## CHAPTER XV.

## THE KING CONQUERS THE PREACHERS.

1596-1597.

THE year 1596 was one of the most remarkable in the history of Scotland. The empty exchequer caused the king to adopt one, if not two, unusual measures. The first was the appointment of a board of eight men to control finance and expenditure: these "Octavians," as they were called, became practically a ruling Cabinet, but their authority did not outlive the year. The king's second expedient, if we may believe statements which contain suspicious elements, was the endeavour to raise money from Spain and the Pope, accompanying his petitions with promises of change of creed. The history of the relations of Church and State in this year was rich in variety. As Calderwood writes, "The Kirk of Scotland was now come to her perfection, and the greatest puritie that ever she atteaned unto, both in doctrine and discipline, so that her beautie was admirable to forraine Kirks." But before the carols of Christmas-tide were sung (these were among the left-hand fallings off which good men deplored) all was changed, and there began "that doolefull decay and declynning of this Kirk, which has continued to this houre, proceeding from worse to worse," for Calderwood wrote before the glorious revival of the Kirk in the Great Rebellion. The return of the Catholic earls, involving the decay of the Kirk, and the famous affair of Kinmont Willie, also marked the year 1596.

The Octavians, appointed as auditors of the Exchequer for life, for the collection and administration of public and royal revenue and expenditure, were a body who sat daily without salary. James was personally reckless in expenditure and lavish in giving, while

funds were collected with difficulty, and official salaries were always in arrears. The Octavians were expected to take order in these affairs, but the suspicion of idolatry that was attached to some of them mortally offended good men; while bad men, the *Cubiculars* or courtiers, resented their economies. The end, at the close of the year, was a revolutionary scene, and the Octavians fell in the crash of Kirk, State, and Court. The Octavians themselves appear to have been wisely selected. First comes the President of the Court of Session, Alexander Seton, called Lord Urquhart, the third son of George, seventh Lord Seton, the famous Catholic friend of Mary Stuart. Every one knows his sister, Catherine Seton, the charming fictitious heroine of 'The Abbot.' The son of such a father as Lord Seton, this Octavian could not but be suspected of leanings to idolatry, and he was to be especially odious for his share in reintroducing the banished Catholic earls. William Stewart, lay Prior of Blantyre, was also a judge, and rose to be Treasurer. Carnegie of Colluthie had long been an active member of the Privy Council, and belonged to a shire of dubious Protestantism. John Lindsay, a member of the House of Crawford, was one of the judges, a man of affairs, who had worked hard at a scheme for the proper endowment of the Kirk. Ecclesiastical finance, owing to the change of faith and the depredations of laymen, was in a state of chaos, and it is asserted that four hundred parishes were unsupplied with regular ministers. Lindsay drew up what was called "The Constant Plat," or scheme, for Church endowment. The experienced Alexander Hay, Clerk of Register, held that no such scheme could be invented, or, if invented, carried into practice; Lindsay constructed the system, but died in Hay's belief that it was impracticable.<sup>1</sup> The details of the plan are too complicated for such a work as this, but Lindsay acknowledges that there is no means at present to augment the stipends of poor ministers, nor to plant new ministers, "albeit the most part of all the parish kirks of Scotland are altogether destitute of all exercise of religion."

Every reader must have remarked that vice and wickedness, if they did not increase after the Reformation, at all events did not diminish, and we might infer that Calvinism, whatever its merits, bore no better moral fruits than plain idolatry had borne. But it ought not to be forgotten that, thanks to the greed of the nobles and gentry of the Congregation of the Lord, many parts of Scotland were as destitute of religious teaching as the Solomon Islands,

or at best the pious had to climb by ladders into the upper rooms, where skulking Jesuit missionaries officiated.<sup>2</sup> The financial scheme of this Octavian, Lindsay, for re-endowment, was therefore grateful to the preachers, though they not unjustly held that the Court used the "plat" as a mere sop to conciliate the Brethren.<sup>3</sup>

Another Octavian, Elphinstone of Innernaughty, was one of the judges, but was suspected of Catholicism, as was Hamilton of Drumcairn, "Tam o' the Cowgate," so called from his palace in that street of palaces. Skene of Curriehill, also a judge, was one of the most eminent of Scottish legists, a classical scholar, and well acquainted with the Teutonic languages,—“a good, true, stout man, like a Dutchman.” Finally we have Mr Peter Young, James's old tutor and librarian, whom he employed on diplomatic missions. He, at least, was a good Protestant. It may seem that James could have made no better selection of officials, all men of learning in law or in fine scholarship. If they lay under suspicion of Catholic tendencies, that merely proves the slender hold of Calvinism on the higher intelligences of the country, despite the adherence of St Andrews with its distinguished scholars.<sup>4</sup>

The year opened, politically, with the return of Bowes as Elizabeth's ambassador. Elizabeth complained of want of money: James lamented her broken promises. She hinted that there were rumours of his dealing with Spain: he replied that Spain was liberal, but that he would not be entangled in the threatened plan of invasion. How far we may think him honest depends on our sense of an intrigue at Rome and Madrid, then being conducted by a person who bore alleged letters of credit from James.<sup>5</sup> That negotiator, Ogilvie of Pourie, concerning whom more is to be said later, had since June 1595 been dealing with Spaniards in the Low Countries. He left Scotland when Huntly was exiled, and a letter of a Catholic sympathiser at Campveire (February 24) speaks of “the King of Scots man” (Pourie) as “a false knave,” adding, “his credit is lost with Huntly and Errol.”<sup>6</sup> Was Pourie actually “the King of Scots man,” was he an accredited envoy to Spain and the Pope; if so, were all his papers and promises genuine? He was at once James's spy on Huntly, Cecil's spy on James, and an adventurer intriguing “for his own hand.” James was perhaps trying to get papal and Spanish gold, and to induce Philip to regard him as successor to the English crown, at which Philip, with the assent of a party of the English Catholics, was aiming himself. James was per-

factly capable of deceiving Elizabeth, Spain, and the Pope; but, on the other hand, Pourie was "a false knave," and the truth about this intrigue (which the Kirk shrewdly suspected to be in progress) is hard to ascertain. Bowes, at all events (March 10), sent an unwontedly favourable report of James's loyalty, and efforts in the cause of religion, justice, peace, and sound finance.<sup>7</sup> But Lady Huntly (sister of Lennox, and a friend of the queen) was at Court, and a source of anxiety to good men.

On March 24 the General Assembly met in Edinburgh. There was a great outpouring of grace. The irreconcilable Mr Davidson handed in the ideas of the presbytery of Haddington, now, in a new sense, *The Lamp of the Lothians*. The Assembly ought first to deplore the national off-fallings, beginning with a catalogue of the backslidings of the ministers themselves. "Let the priests, the ministers of the Lord, weep between the porch and the altar" (Joel ii. 17). There was no altar, and sometimes no porch. Next, the more congenial theme of the sins of princes was to be faithfully exposed and lamented. It was acknowledged that the king swore terribly: indeed James's colloquial eloquence was florid both in the matters of profanity and indecency. Lastly, the offences of the general public were enumerated in "a catalogue over easy to be made."

On March 25 James made a speech to the Assembly. He wanted money for national defence; but as to his own sins he requested that he might be admonished privately. That, we conceive, was his right, and the right of the humblest of his subjects, according to the First Book of Discipline. Queen Mary had, we saw, drawn Knox's attention to this point, but he replied evasively. James declared that "his chamber door should be patent to the meanest minister in Scotland," but the preachers much preferred "to do it in public," to castigate him from the pulpit. Regarding money for national defence, Andrew Melville proposed to take it from the property of the Catholic exiles. This was a natural suggestion, but the earls had only gone abroad on a compromise arranged by Huntly's brother-in-law, Lennox. Their wives and families were not left destitute, but enjoyed their estates. Melville denounced this arrangement, which was part of the detested policy of not extirpating and ruining Catholics. Doubtless, according to the law of the land and his own promises, James ought to have extirpated all idolaters. But however desirable that policy may be ideally, reasons of State, and of family affection, perhaps even of the old Adam, our fallen nature, prevented



James and the ruling classes from making real the ideal of the Kirk. In Knox's time the same slackness had been displayed. Technically, the ministers were right, and could charge James with hypocrisy and falsehood; but in a world of compromise practical politicians may incline to palliate his offence.

In reply to Davidson, who followed Melville on the same side, James said that he would not refuse to be judged by the Assembly, or any minister, "providing it be done privately." Davidson, turning to his brethren, answered that as to whether private admonition for "open, and manifest continuing therein" (in sin), was in accordance with the Word of God, "ye are to judge." The Book of Discipline recommends private admonition first, then public denunciation if the sinner persists. But what *is* "sin"? Of that the preachers, "the prophets," were to be judges, and their inspiration usually led them to denounce James's policy, or "sin," from the pulpit. James's policy (if Pourie was his envoy) was sinful enough. But the old claim to deliver inspired denunciations of the political tendencies of rulers is not compatible with the existence of the State. The preachers erected an *imperium in imperio*. Within a few months James dealt a heavy blow at the interfering system of the Kirk.

The Assembly then passed to its functions as the War Office of the period. Parochial Captains and county Colonels were to be selected; there were to be monthly drillings, or at least musters; corslets, muskets, and pikes were to be prepared. Later in the year the Kirk, or some of its representatives, were engaged in a scheme which would have turned these musters and muskets against the king. The financial supplies, the Assembly insisted, must be raised from the estates of the Catholic exiles. It was decided to keep a day of humiliation, Mr Davidson presiding. The enormities of the ministers were next dwelt upon: they mainly arose from the system of patronage, which probably introduced ministers "in gorgeous and light apparel," given to dancing, card-playing, and hazard, while others kept taverns, were factors or traders. It is unlikely that these joyous or commercial spirits entered the Kirk by any other door than that of patronage. Probably they did not assiduously attend the General Assemblies, where we hear little or nothing of votes given in the Court interest. The day of humiliation was March 30. With sighing and moaning "the Kirk resounded, so that it might worthily have been called Bochim."

Before leaving Bochim the Assembly held up their hands, "to testify their entering in a new league with God"; and only one person "despised that exercise"—namely, Mr Thomas Buchanan, who went not unpunished, for in the end he was killed by a fall from his horse. The renewal of the Covenant was recommended to the Kirk at large.

These impressive scenes displayed the sincere belief of the Assembly that they directly represented the people of Israel. Scotland was their Promised Land, to extirpate Amalekites was their bounden duty. The more popular preachers were prophets, like Samuel and Elijah: the king was usually cast for the part of Saul, Ahab, or Jeroboam, according to circumstances. The queen was, more or less, like the daughter of Herodias: three ministers were sent to point out that she and her ladies were too fond of dancing. As to the general public, family prayers were either neglected or directed by "cooks, stewards, jackmen, and suchlike." There were still holidays, bonfires, pilgrimages, and singing of carols at Christmas-tide. The Sabbath was not devoutly kept: profane swearing was too much exercised; there was "a flood of bloodshed and deadly feuds"; sexual morality was at a low ebb; and rents were much too high, while there was "extreme thralldom in services"—that is, labour-rents. Pipers and fiddlers and sturdy beggars were numerous. Justice was corrupt, and lay abbots, priors, and "dumb bishops" were allowed to vote as the spiritual estate in Parliament. The Court of Session was amenable to bribery.

Such is a sketch of the condition of Scotland in the year 1596, when the Kirk was now come to her perfection. "And here," says Calderwood in despair, "end all the sincere Assemblies General of the Kirk of Scotland, enjoying the liberty of the Gospel under the free government of Christ!" "Too soon despairer!" The Kirk was again to be terrible as an army with banners, till Oliver Cromwell sent an officer of hussars to turn the General Assembly into the street. (Calderwood, v. 394-411.)

While James was making as fair weather as might be with the Brethren, he had an envoy, Fowlis, at the Court of Elizabeth. But negotiations were clouded by Buccleuch's rescue of Kinmont Willie from bonds in Carlisle Castle. This joyous feat of arms is best described in the famous ballad, however much or however little it may owe to the touch of Sir Walter Scott. Kinmont Willie,

to be brief, had been captured by a large force of Englishmen as he rode to his Liddesdale home on the evening of a Warden court. A truce existed, by Border law, till sunrise of the day after the meeting; but "the false Salkeld," Lord Scrope's deputy, had seized Willie contrary to law and custom. This must have been in March 1596, for Buccleuch's remonstrances are mentioned by a correspondent of Bowes on April 1.<sup>8</sup> Remonstrance with Scrope was in vain, Willie was destined to be hanged at Hairibee; but Buccleuch had taken his measures. The Castle of Carlisle was strong, the town populous, the position girdled by Esk and Eden. But Buccleuch determined on entering, by a night camisade, a fortress which had repelled the war-leaders of the Bruce. His kinsmen dwelt hard by his house of Branxholm on Teviot, four miles from Hawick. Not a mile farther down the river stands the fortalice of Goldielands; two miles across the hill behind Branxholm, on a cliff above a burn that flows into Borthwick Water, is the keep of Wat Scott of Harden. From Teviotdale, Borthwick, and Slitrig waters the Warden called in two hundred riders of his clan and of the Armstrongs. From Liddesdale, as they rode south, the Border pricklers came in, bearing scaling-ladders, crowbars, hammers, and axes. Apparently they rested at Langholm, and started thence on the following night. The Grahams of the Debatable Land were in the plot. The night was mirk with torrents of rain, but, starting from Langholm, they knew every foot of the way, splashed through Esk, swam their horses over Eden,—“The water was great, and mickle o' spate.”

“He's either himsel' a devil frae hell,  
Or else his mother a witch maun be.  
I wadna hae ridden that wan water  
For a' the gowd o' Christentie!”

says Lord Scrope in the ballad.

At Caday burn Buccleuch dismounted most of his men and led them to the castle wall. The ladders were short, but they found an entrance, seized the sentinels, forced open a postern, and while Buccleuch kept watch in the court a band broke into the Kinmont's chamber, bore him off, ironed as he was, and the trumpets of Buccleuch sounded “Rise for Branxholm readily.” Scrope, knowing nothing as to the numbers of the assailing force, preferred the better part of valour; Willie roared his good night to the Warden, and at the first smith's bothy on the Scottish side

was liberated from his "heavy spurs." Elizabeth of course was enraged, and demanded that Buccleuch, the most popular man in Scotland, should be surrendered to her. It is usually said that he was, and that he had an interview with her majesty, but, after a brief period of courteous warding in St Andrews Castle, James released the gallant captor of Carlisle (November 10).<sup>9</sup> Buccleuch was needed on the Border,\* and he had only righted by the strong hand a wrong which the strong hand had done. By way of raising a counter-grievance, James complained that he and his mother had been insulted in Spenser's "Faery Queen," but Edmund Spenser escaped trial and punishment.<sup>10</sup>

At this time our old acquaintance, Archibald Douglas, was in trouble on a charge of trafficking with Bothwell. All his craft had not availed to keep him in that singular diplomatic situation of a semi-official envoy of Scotland, paid by England.<sup>11</sup> We hear little more of this versatile and unredeemed miscreant, who dwindles into a spy of the Cecils.

With the warm weather of early summer the Catholic exiles and their friends began to bestir themselves. Lady Huntly was at Court, and, no doubt, was working privately on the king and queen. From Augsburg a Mr Anderson sent a warning letter to the preachers (April 27, 1596). "The storm was imminent," intriguers were busy at Rome, Walter Lindsay had been sent to Spain. But the Spaniards objected that, after sending large sums in gold, they had not received their money's worth from Huntly and his allies. They blamed Bruce, who, as we saw, declared that Huntly could not be trusted with the gold, and Bruce was now under a cloud. In fact none of them, nor any Scot of any party, could be trusted with money. Bruce himself was a double spy, as occasion ministered opportunity. One of the Lethingtons (author of the MS. Apology for his father, the great Secretary) was travelling in Italy on treasonable business, which he had already worked from the house of his father-in-law, Lord Herries, dealing especially with Cecil, an English priest.<sup>12</sup>

This Cecil, a secular priest, and a spy of his namesakes, the statesmen Cecils, was, in fact, accompanying and counter-working Ogilvie of Pourie. In September 1594 Pourie had been denounced as a papist and rebel.<sup>13</sup> Yet in the years 1595-96 he appears in

\* He was later warded in Berwick for other reasons. Still later he had an interview with Elizabeth on his way to fight in the Low Countries.

the Low Countries and Italy calling himself accredited envoy of James to the Pope, Spain, and idolaters in general. To the Pope he presented what he called James's petitions: James asked for 2000 gold crowns a-month that he might put down his rebels, and 4000 a-month after he had professed Catholicism. Father Tyrie plainly said that James's promises in the way of religion were all "invention and deceit." Another paper was designed to show, by James's past conduct, that he was no enemy of Catholics. In fact the paper justified all the suspicions which the preachers entertained about the king. But the statements themselves have a very suspicious air. James must have known, for instance, that his father was not "Earl of Lennox," and was not murdered by order of Elizabeth! Yet Pourie makes James talk thus in his Letter of Credit. Indeed Pourie made so many absurd and contradictory proposals that he was not trusted at Rome, nor in Spain. He was accompanied by the secular priest, named Cecil, already mentioned as a spy of his namesakes in England, and Cecil wrote a tract against Pourie's statements in favour of James. Pourie was imprisoned at Barcelona, and the Catholics of the English and Spanish faction had a bitter controversy among themselves over the whole set of transactions. Cecil (the priest-spy) maintained that Pourie's letter of credit from James was either forged or obtained by fraud. Pourie declared later that he had no commission, and erred only from *trop de zèle*. Both Pourie and Cecil became spies of the Cecils, and in May the Ministers of Elizabeth seem to have received the papers of both intriguers. On July 13 Bowes enclosed copies to Cecil, with a letter from the Spanish Ambassador at Rome to the King of Spain.<sup>14</sup> It is not easy to determine the amount, if any, of James's share in these futile plots, but if, in despair of Elizabeth, he was promising to Spain and the Pope his conversion to their creed, he was certainly deceiving these Powers.\* Probably Pourie had forged his letters of credit, or had amplified something of milder character.<sup>15</sup> The documents, as any reader must see, are impudent impostures as they stand.

In any case, the elder Cecil's suspicions were aroused. In a letter to his son, Sir Robert (July 10), he speaks of the Octavians as "hollow papists," and advises that Bowes should ferret out things concerning them by aid of the preachers.<sup>16</sup> This was written

\* See a letter of Pourie to James, written in 1601, at end of chapter xviii., p. 496.

after Cecil had got wind of the proceedings of Pourie, which were communicated to James. (By October Pourie appears to have been in alliance with Cecil.) The king, of course, denied that he had any share in Pourie's enterprise (August 3), and declared that, to his knowledge, Huntly had not returned to Scotland. Lady Huntly, however, was making suit for her husband.<sup>17</sup> By August 10 Bowes announced Huntly's arrival: the Kirk was greatly dissatisfied. Robert Cecil advised Bowes that, if Huntly was likely to come into the king's peace, he had better invite Elizabeth to mediate for him (August 27). The ministers began to preach against Huntly, who, by returning without licence, had certainly broken the compact; though it was whispered that James had licensed both him and Angus.<sup>18</sup> The excitement of the ministers on the reappearance of an idolater, the murderer of the Bonny Earl, may be imagined. On October 19 Lady Huntly proposed certain conditions to the synod of Moray. Her lord offered himself for trial, and, if convicted, would "underly the censures of your wisdoms, king, and Council." He would give security for his behaviour; would banish from his presence all Jesuits and notorious papists; would listen to the arguments of the preachers, and be converted, if he could; would keep "an ordinar minister" in his house; and he begged for a reasonable time wherein to be conscientiously converted.

On October 20 the Commissioners of the General Assembly and the synods met at Edinburgh, and sent a circular to all the presbyteries. The most dangerous and threatening fact had been a decision of Council at Falkland on August 12.<sup>19</sup> It had been decided that Huntly should not receive licence for his return. But James, in the exercise of his clemency, would draw up conditions: if Huntly accepted these the country would be free from the dangers incident on the exile and discontent of the Catholic earls. Seton, the President, pleaded in favour of this plan: Andrew Melville burst in uncalled, and charged everybody with "high treason both against Christ and the king." James turned Andrew out, and won over James Melville and the other brethren present. "The Estates conclude that, the king and Kirk being satisfied, it were best to call them" (the exiles) "home, and that his majesty should hear their offers for that effect."<sup>20</sup> Early in October the Melvilles and the others again approached James. The younger Melville spoke temperately, but the irascible Andrew "doucht nocht abyd it"—

could not endure it. He seized James by the sleeve, "he laid his hands on an anointed king," and called his sovereign "God's silly vassal." There were in Scotland, Mr Melville observed with much vehemence, two kings, Christ and James. Now the preachers were the deputies of the former and superior monarch, and James must attend to *them*, and not to his "devilish and most pernicious" lay advisers.

James had not much nerve when confronted by this kind of violence, as Fontaine had observed ten years earlier. He ought to have called the Guard (if he had any) to remove Mr Melville, but he truckled. A king should not permit himself to be practically collared in his own house by a furious college don. But his majesty, according to James Melville, promised that the exiles should not be heard till they left the country, and should not come into his peace till they satisfied the Kirk.<sup>21</sup>

It was in consequence of all these proceedings that the Commissioners of the General Assembly met in Edinburgh on October 20. They recited the circumstances, warned the country, ordered a day of public humiliation in the first week of December; decided that the excommunication of the earls should be published; and established a permanent Committee of Public Safety in Edinburgh. They also had what to modern minds seems the extravagant insolence to summon the President, Seton, Lord Urquhart, before the synod of Lothian.<sup>22</sup> Whether these things were, or were not, within the powers of the Kirk, ecclesiastical lawyers may decide. But the proceedings, legally justifiable or not, were absolutely unendurable, and how Cromwell would have dealt with the officers of the General Assembly we can readily guess. James was not Oliver. He sent Seton and others to treat with some of the preachers, in place of warding them in Blackness. He offered to show the exiles no favour till they had satisfied the Kirk. This offer the Commissioners of the Kirk graciously accepted. Next he humbly inquired whether, if the exiles did satisfy the Kirk, he might be allowed to extend to them his favour? The Commissioners answered, No, he might not. The law of God and Parliament had adjudged the exiles to death. But the bosom of the Kirk would he open to the repentant. Apparently, if repentant, the exiles might die, free from excommunication. Mr Tytler takes this sense of the decision.<sup>23</sup> If he is right, the Kirk was, in modern phrase, "rather above herself."

James also was in an exalted frame of mind. There was at this time a St Andrews minister named Black, who is said to have caused a moral reformation in a city which sadly needed it. On November 1 Bowes reported to Cecil that Mr Black had used in a sermon offensive phrases about Queen Elizabeth. The preachers and the English embassy were usually close allies, but Mr Black's words could not be passed over. The event at once irritated James, and afforded him a handle against the Brethren. His annoyance was freely expressed, and on November 9 four preachers were sent for to converse with him.<sup>24</sup> The preachers remonstrated: James's "common talk was inventions against the ministers and their doctrine." Whether this meant that James invented stories, or believed the inventions of others, the phrase was uncivil. They also complained of his favour to the exiles, and to Lady Huntly, who had been invited to the baptism of the queen's daughter, Elizabeth, later the beautiful unhappy Queen of Bohemia. Further, the child's governess was to be Lady Livingstone, a Catholic, whom the Kirk meant to excommunicate.

James replied. There could be no peace between him and the Kirk "till the marches of their jurisdiction were rade" or defined. They must not preach on affairs of State. The General Assembly must not be convoked except by his authority. This appears to have been the actual state of the laws since 1592. It was lawful for the Kirk every year, and oftener as occasion arose, to hold General Assemblies, *provided that the king or his Commissioners with them, before each Assembly dissolved, "nominate time and place, when and where the next General Assembly shall be holden."*<sup>25</sup> Thus the preachers could not legally spring an Assembly on James, and perhaps raise levies of armed men. Thirdly, James required that Acts of the Assembly, as of Parliament, must receive his ratification. Fourthly, the Kirk must not meddle with cases which fell under the civil or criminal law of the country. He granted nothing as to the grievances about the earls and the ladies. The preachers replied, and sent some of their number to study the legislation affecting the Kirk. That day (November 11) the preachers learned that Mr Black of St Andrews was called before the king and Council for "infamous speeches" in his sermons during October. As Aston reported to Bowes, Black had styled Elizabeth an atheist; Bowes had remonstrated, and Black was summoned.<sup>26</sup> He had called all kings "devil's bairns," insulted the



queen, and so forth. If correctly reported, Black had certainly gone to great lengths. On November 12 "the whole Brethren of the Council" (the sixteen members, apparently, of the Kirk's Committee of Public Safety) summoned Lady Huntly, bade the presbytery of Stirling excommunicate Lady Livingstone, and decided that Black should decline the jurisdiction of the king and Council. Probably the Brethren were within their legal rights on the first two points, considering the penal laws against Catholics. By November 16 they had reduced James to promise "to purge the land from all papists and papistrie, and to suffer none, in whatsoever degree, to be of another religion that he was of," whatever that may have been. As to Black, James "thought not much of that matter"; only let Mr Black "compeare" and prove his innocence, satisfying the English Ambassador. "But take heed, sirs," said James, "that ye decline not my jurisdiction; for if ye do so, it will be worse." The Brethren, then (November 17), wrote out Black's declinature of jurisdiction, and signed it, all of them.

Whether the Brethren were now technically within their legal rights, as at that hour existing, is a question for legists. Dr M'Crie, whose sympathies were on the side of the Kirk, has discussed the problem in reference to an earlier declinature, practical if not explicit, by Andrew Melville (1584). Others, Dr M'Crie remarks, had declined, in secular matters, the jurisdiction of the Council, and appealed to that of the Lords of Session. The case is not parallel, of course, to the old claim of criminal clerks to be tried by courts spiritual, say, on charges of murder or theft. Black only appealed to trial by his brethren, *as a court of first instance*.<sup>27</sup> Dr M'Crie did not uphold the theory that a preacher, if acquitted by his brethren of treasonable phrases in a sermon, was free from trial thereafter by the civil magistrate on the same count. Such a claim, says the learned author, would have "deserved to be resisted and reprobated." The question, however, ought first to have been heard before an ecclesiastical tribunal. If they, through the influence of undue partiality, should justify the accused "erroneously, it was still competent for the civil magistrate to proceed against him."<sup>28</sup> "Such was the full amount of the claim made by the Church at this time."

This is vastly well, but who was to determine whether the ecclesiastical court, in acquitting a preacher accused of treasonable or libellous remarks in his sermons, decided "erroneously" or not?

To judge by the language used in Mr Black's declinature, and indorsed by the signatures of many leading preachers, the ecclesiastical court in such cases was incapable of judging "erroneously." Dr M'Crie knew that "undue partiality" was possible in a tribunal of ministers, and was aware that presbyteries and Assemblies (like General Councils, in the Anglican theory) "may err, and have erred." The civil courts, in Dr M'Crie's view, might (in such instances) revise the judgment and correct the error, and he appears to hold that the Kirk of 1596 was of the same opinion. Now it is true that Mr Black declined the jurisdiction of the Council, "at least in the first instance."<sup>29</sup> It seems to be, at least, arguable that Black had a right to decline secular judges "in the first instance."<sup>30</sup> But if we read on, we shall find the words "in the first instance" are a mere technicality or "hedge," for the language of the declinature indicates the opinion that there could be no "second instance," that nobody could pretend that the decision of the ecclesiastical court might be "erroneous," and that, if dissatisfied by the decision of the Kirk, the Government had no appeal. Black and his allies maintained that he was the "ambassador" of our blessed Lord; that "the Word" contained his "only instructions"; that, when preaching, he "cannot fall in the reverence of any civil law of man, but in so far as I shall be found to have passed the compass of my instructions." Now, this question "cannot be judged . . . but by the prophets"—that is, the other ministers. Therefore "of necessity the prophets" (in this case the Fife presbytery) "must first declare whether I have kepted the bounds of my directions before I come to be judged by your majesty's laws for my offence."<sup>31</sup>

It is plain that if the prophets are the first judges in such a case as Black's (and this he asserts), there is no court that can revise the prophets' verdict. Neither the Council nor the Lords of Session were inspired; in fact, part of the charge against Black was that he had denounced both courts as corrupt, and as cormorants. His conduct "cannot be judged except by the prophets." The words as to "the first instance" are therefore meaningless, if the presbytery acquits the accused. In this essential respect the claims of the preachers in 1596 differ from the opinion of Dr M'Crie in 1819. Dr M'Crie admits the possibility of error in the verdict, say, of the Fife presbytery. Mr Black and his allies do not admit the possibility of error. The prophets (the presbytery) are inspired, and

(in this matter) are infallible representatives of the apostles, and inherit directly the apostolic privilege of judgment.

For our present historical purposes it does not matter whether the charges against Black were well bottomed on evidence or not. It does not matter whether the state of the law as it stood justified his declinature or not. Nor are we concerned with the fact that Black would have had no more chance of a fair trial before the Council than the king would have received unbiassed justice from the prophets. Historically we only try to show what the claims of the Brethren actually were. In such cases as Black's they would be judged by the prophets in the first instance, and, by the nature of their contention, there could be no second instance. Therefore the Kirk was the ruler of the State. That James and his Council placed themselves legally in the wrong during these proceedings is highly probable, or certain. But our object is to explain the precise attitude towards civil jurisdiction assumed by the preachers. Black's declinature was given in on November 18. Cessford and the bold Buccleuch, men of this world, were among the Council. The minutes of the day record that Black "alleged that none should be judges of matters delivered in the pulpit but the preachers and ministers of the Word," and therefore desired to be remitted to his judge ordinary—namely, his presbytery—to which James must come as a Christian, not as a king. He admitted that James might judge in matters of treason, but the Church must judge in the first instance.<sup>32</sup>

The Brethren now (November 20) sent the declinature to all the presbyteries, with a letter inviting the other prophets to sign it. This irritated James, and the Committee of Presbyterian Public Safety appointed a General Assembly to be held in January (November 24). This they did without the presence of the king or his Commissioner, contrary to the law of 1592, or so it seems to the present writer. They also sent four of their number to ask James to leave off "pursuing" Black till after this General Assembly.<sup>33</sup> On the same day the Privy Council declared the Committee of Public Safety (the permanent session of the sixteen Commissioners of the General Assembly) to be illegal. They meant, by sending round the declinature for signature, to "raise trouble, sedition, and insurrection." The Commissioners must therefore return to their neglected flocks within twenty-four hours. They must desist from calling unlawful convocations of barons and others.<sup>34</sup> The Com-

missioners refused to obey this order. James weakly permitted them to remain and split straws of legal delicacy. They would defer the declinature if James would postpone pursuit of Black till after the meeting of the Assembly. On November 30 the king and Council unanimously voted themselves lawful judges in the case of Black. But on the same day Black was again summoned, the summons being "slanderous, blasphemous, and malicious," says Calderwood.

The "convocations" assembled by the preachers without royal licence were pronounced seditious. The Committee of Public Safety (the sixteen Commissioners of the Kirk) were bidden to leave Edinburgh in twenty-four hours. In reply they ordered the preachers to "deal mightily by the Word" against the king's proclamation. The preachers are "answerable" to Christ alone, "and not to be controlled or discharged by any other." Here is a plain proof that their verdicts could not be revised by any lay court.<sup>35</sup> On November 29 the Sixteen had drawn up articles to be presented to James. Their general purpose was to remit the matters under consideration to the General Assembly. On November 30 Black put in a second declinature, full of Scriptural texts. James once more tried to escape the battle by a feeble personal compromise, which the Commissioners refused. He would pardon Black, if Black would come and "resolve his majesty of the truth of all the points libelled, by the declaration of his own conscience."<sup>36</sup> In fact James had practically truckled, and renounced his cause, when some of his advisers put a little heart into him, and he sent to Black bidding him come and confess "an offence done to the queen at least, and so receive pardon." Black appealed to testimonials which he had received from the city and University of St Andrews, and would "confess no fault, how light soever."<sup>37</sup> On December 2 the Council found Black guilty in his absence, left the penalty to the king, and meanwhile ordered him to pass "be north the North Water," on pain of outlawry if he disobeyed.<sup>38</sup>

Even after this "truces" and negotiations went on, James trying to have peace with a shred of honour, which he could not keep if he did not punish Black in the terms of the decision of December 2. The President, Seton, was blamed for enlightening James on the rather obvious point that his jurisdiction over the Kirk was not secured unless Black was put to some penalty.<sup>39</sup> All this while fasts were being kept, and the people were being excited by

sermons; "the doctrine sounded powerfully;" in fact there was organised agitation (Sunday, December 12). On December 13 James announced his intention to cut off the supplies of the preachers, by refusing their stipends to such as would not sign a "band" which was to be submitted to them.<sup>40</sup> The Sixteen were desiring the presbytery of Edinburgh to excommunicate "such persons of highest rank as are known, or may be found, to be malicious enemies against the ministry and cause of Jesus Christ."<sup>41</sup> This was a strong measure. The presbytery might choose to think the king and Council malicious enemies, and might deliver them, and all who harboured them, over to Satan. But now the sixteen Commissioners were officially summoned to leave Edinburgh within twenty-four hours. They obeyed, leaving a manifesto behind them. James once more tried to negotiate, but the Edinburgh preachers would not parley till the Commissioners were publicly recalled.

James at this time appears to have been a mere shuttlecock. When in presence of the Commissioners he looked on all sides for an evasion. When surrounded by his Council he adopted vigorous measures which next day he tried to water down. But on December 17 events occurred which at once forced his hand and gave him an opportunity. For three weeks the pulpits had rung with "the doctrine," the populace was at once puzzled and irritated—the Presbyterian populace, for we learn nothing about the Catholic populace, which Davidson dreaded worse than the Court. Probably "the rascal multitude" (earnest professors apart) had no very fixed theological tenets, but was merely "against the Government." If the king had the upper hand, they would be against him. If the preachers "ruled the roast," as the saying was, and interfered with markets and holidays, the multitude would be against the preachers. On this occasion the populace was on the side of the "prophets." It has been said that the "Cubiculars," gentlemen of the Household, hated the Octavians for their economical measures. But they naturally did not love the precise. They therefore circulated rumours—on one hand, that the lives of the Octavians were in danger from the citizens; on the other, that the Octavians were the causes of the ill-treatment of the Kirk. Twenty-four substantial burgesses, the story went, were to be expelled from the good town. News of a private intrigue, by a "macer" for banishing a bookseller, reached Balcanquhel, or Balcalquall, the preacher, who preached a sermon on the subject. Bruce next held what is

now styled "an indignation meeting," in the "Little Kirk," where he had an audience of barons and other gentlemen.

This meeting was a "convention," not a congregation. Balcanquhel "showed that he had a warrant from the Kirk to convene them," and such conventions, gathered by warrants from the Kirk, for political purposes and without royal authority, the king reckoned illegal. Bruce directed the Assembly "to hold up their hands, vow and swear to defend the present state of religion against all opponents whomsoever."<sup>42</sup> Among those present, Bowes writes, was the great Maclean, he of the hauberk and the battle-axe, the hero of Glenrinnes. The meeting deputed the fierce Lord Lindsay and others to visit James, who was sitting with the judges in the Tolbooth. During their absence Cranstoun, a preacher, read to the angry crowd the story of Haman and Mordecai, "and such other places of Scripture." The king received the deputation with courtesy, he declares; but they went back to their allies discontented, and, according to Spottiswoode, numbers of people were at this time thronging unmannerly into the king's presence. The multitude was great, armed, perplexed, and unruly. How dense was the throng we may gather from the proceedings of Maclean of Duart. "Hearing the tumult kindling in the streets, he sought access to the king for the defence of his person, which he could not attain," says Bowes (December 21). Lachlan was no weakling, but he could not force a way through the rioters. He was not timid, but he deemed the situation so grave that he rode post-haste to Argyll in Stirling, apparently thinking that Clan Gilzean and Clan Diarmaid were needed for the royal rescue. These facts, neglected by our historians, prove that there was a veritable appearance of danger, which the Presbyterian writers endeavour to deny.<sup>43</sup>

Spottiswoode, later no Presbyterian, describes a scene of uproar: "some cried to arm, others to bring out Haman"; and the tumult was only stilled by a man Wat, who with a guard of craftsmen kept the mob from assaulting the door of the Tolbooth. Sir Alexander Home, too, the Provost, rose from a bed of sickness, and his eloquence had the pacifying effect of a *vir pietate gravis*. Calderwood admits that "two or three" came to the Tolbooth yelling for Octavians to be delivered to them. He also says that the nobles and gentlemen in the Kirk went out in armour, which was not usually worn in church. The armour may

have been donned by the town, as James Melville says, after a cry of a popish massacre was raised; for there was a report that Errol was approaching in force, and other wild rumours.<sup>44</sup> Mar went to the churchyard, where he and Lindsay wrangled. It is certain that there was a hubbub, and that the godly were in arms, with Lindsay at their head. The immediate cause was the sermon of Balcanquhail and the action of Bruce. Less than all this was enough to alarm and irritate James. He bade the discontented nobles send in their grievances in writing, and, the uproar being ended, went to Holyrood with the city magistrates. About five o'clock a deputation came to Holyrood, coolly bidding James dismiss his Ministers, but got no answer. The king, "being misinformed that the ministers had stirred up the town to that tumult, was in a great rage that night against them and the town." This is not very surprising; "the doctrine had been sounded mightily" for weeks, and sermons less numerous had caused tumults much more dangerous in times past.<sup>45</sup>

Next morning (December 18) the noisy townfolk learned that the Court had withdrawn to the Palace of Linlithgow. James met Maclean and Argyll on his way as they returned from Stirling. A royal proclamation, delivered at the cross, damped the civic ardour. James announced that a treasonable sermon had been preached at St Giles's; an assembly of nobles, barons, and others convoked; that the ministers and gentlemen had broken in on the king with violent and seditious discourses; that most of the burgesses, "hounded out" by the preachers, had treasonably armed themselves, and endangered the lives of his peaceful majesty and others. The Court of Session and the Court were therefore removed from Edinburgh; he bade strangers in the town depart in six hours, and prohibited them from convocating anywhere by persuasion of the preachers or others.<sup>46</sup> This measure terrified the burgesses with fear of loss of business, caused by the withdrawal of the courtiers, and of all who sought the town on legal affairs. The intrepid Mr Robert Bruce, as indomitable as his royal namesake, did not despair of the Kirk. We have seen that for some time the practical head of the almost Royal House of Hamilton, a house which had long wavered between Church and Kirk, was a true blue Presbyterian. He it was who had thrice ingeminated "Then are we all gone," when James had whispered that there might be such a thing as religious toleration. To Lord Hamilton Mr Bruce instantly applied

himself (December 18). He wrote that, after many wrongs, the retention of stipends, the expulsion of the Sixteen, the warding of Black, the similar threats against the preachers and "a great number of our flock," the populace had taken up arms. The commotion had been pacified by the preachers (though really the Provost seems to have deserved the credit). The godly barons and others "have convened themselves, and taken upon them the patrocine and mediation of the Kirk and her cause." Bruce did not add that the godly barons had convened in arms. "They lack a chief nobleman to countenance the matter against these councillors, and with one consent have thought it meet that I should write unto your lordship." Hamilton was therefore prayed to come, employ his credit, "and so to receive the honour that God calls unto you." Four preachers signed the request. If Hamilton had complied he would have disobeyed the royal proclamation against assemblages convened by the ministers.

As the letter was on its way (if we believe Spottiswoode and the 'Register of the Privy Council,' for Calderwood does not mention the circumstance) Mr John Welsh preached in St Giles's. This celebrated saint, the husband of Knox's daughter, Elizabeth, and an ancestor of Mrs Thomas Carlyle, "did rail pitifully against the king, saying that he was possessed with a devil." He used the favourite commonplace of the Scottish Liberals: the king was like an insane father of a family, whom his sons might dutifully disarm and tie hand and foot. Mr Welsh in early youth had been a Border reiver, and was of a high temper. According to Spottiswoode (iii. 34), Hamilton received the bearer of Bruce's letter well, and returned the original by the bearer. This, as we shall later see<sup>47</sup> in the case of Gowrie and Logan of Restalrig, was the usual precaution in cases of treasonable conspiracy. Had Hamilton been daring and ambitious, he might probably have overpowered James at Linlithgow, though Bruce suggested no such measure. But, on the other hand, he had a copy made of the letter, a copy "vitiating and adulterated." In this copy the rioters were said to have been "animated, no doubt, by the Word and motion of God's Spirit." The phrase of Bruce was, "the people, animated as *effeirs*, partly by the Word" (the preaching?) "and violence of the course" (the king's proceedings), "took arms." Where Bruce wrote that Hamilton was wanted "to countenance the matter *against these councillors*," the copy omitted "these councillors." The clause "employ your credit" was



also omitted. Bruce's averment that the preachers had quelled the tumult (as they did, according to Melville) was also left out. As all these changes intensified the nature of the invitation, they can hardly be attributed to mere haste and inadvertence in the copyist employed by Hamilton. Later (December 27), Bruce wrote a letter of remonstrance to Hamilton. "I am assured that your sister's son, the Earl of Huntly, would not have done the like that ye have done, and if I failed in anything in that letter, I failed only in this, in framing my pen over far to your lordship's humour, *which I knew to be ambitious.*" Knowing this, Bruce had called in Hamilton, and had said that God called him! And then Bruce, having knowingly invited an ambitious man, and attributed the invitation to the Deity; having summoned a prince who, failing James and his issue, was nearest the crown, expressed surprise that "the king takes it, as I hear, as if I had pressed to set you in a chair *foreanent* him. Surely it came never in my mind; and of all fools I had been the worst, if so I had done."<sup>48</sup>

Mr Bruce's excuses are inconsistent: we shall see other examples of his logic and his conduct, in the affair of the Gowrie conspiracy. It did not need much intelligence to see that, in summoning as a leader a man notoriously ambitious, and by birth so near the throne, Bruce laid himself open to the king's construction of his action. It was the natural, and probably the correct construction, and, as Bruce saw, was replete with "inconveniences" to himself "and the good cause." Spottiswoode cites, but not quite verbally, Hamilton's copy of Bruce's letter. But the sense of that letter itself is sufficiently patent.<sup>49</sup> Spottiswoode may be condemned, as he is by Dr M'Crie, for disloyalty as a historian, and for displaying Presbyterian zeal during the troubles in December, and turning his coat in January.<sup>50</sup> All the accounts of the tumult are naturally coloured by the partisanship of the narrators. Spottiswoode did not invent Welsh's seditious sermon, of which Calderwood says nothing (Sunday, December 19), though he cites at length Bruce's sermon. Dr M'Crie also omits the inconvenient eloquence of Mr Welsh, though it is embalmed in the 'Register of the Privy Council.' "I am heartily sorry," said Bruce, later, "that our holy and gracious cause should be so obscured by this late tumult," which, according to Dr M'Crie, "scarcely deserves the name of a riot." "I had rather," Bruce said, "have been banished Scotland for ever, ere one drop of their blood had been shed that day." Bruce insisted now on the

virtue of patience: he was careful to discriminate between James and his advisers: he mourned the defection of many preachers and others, whence we may gather that the Brethren had not been unanimous during the troubles of the last two months.

All this was very well, but it came after the reading to an excited populace of the story of Haman, and it came after Bruce's invitation to Hamilton. If the ministers were all for peace and patience, why did one of them read inflammatory scriptures about hanging a statesman and massacring malignants? Was the leadership of the godly by an ambitious prince such as Hamilton likely to lead to public tranquillity? Bruce's pacific sermon came two days too late, and was not reinforced by the sermon of Welsh on a devil-possessed king, who ought to be tied hand and foot. The tumult was caused by the exciting sermons, the "indignation meeting," the inflammatory lessons from the Book of Esther, the exaggerated rumours, and the panic (whether wilfully stirred or not) of a popish massacre. The armed townsmen, like the mob of Ephesus, knew not wherefore they were come together. Some were intent on rescuing the king, others on hanging a few Octavians. Last came the preachers' dealing with Hamilton, which wore an ill face. James was first alarmed, then angry, finally he saw his chance, and the tumult, a confused brawl, gave him his opportunity. On the 20th four ministers, including Bruce, were ordered into Edinburgh Castle, then held by Mar; these men, with Cranstoun, were to appear at Linlithgow on December 25. Among them was Andrew Hart, the publisher, described as "bookbinder." Bruce and Balcanquhel fled to England, James Melville concealed the other prophets in Fife.<sup>51</sup> The town heard with terror tales that the Borderers were to sack the town. "They offered to put all in the king's will, both concerning Kirk and policy, to save their goods."<sup>52</sup> On January 1, 1597, the Provost, Hume of North Berwick, who pacified the riot, and the bailies made proffers "to appoint neither magistrates nor ministers in future without the king's approval," disavowing the tumult as provoked by the preachers.<sup>53</sup> The king entered his capital on January 1, 1597. He forbade assemblies of the Kirk in Edinburgh. He forbade the ministers to live together as they had done, "in the circuit of a close." He asserted the power to make ministers preach, or desist, whenever he thought fit.<sup>54</sup> Threats hung over the town: the meeting of the judges was summoned to Perth. Welsh, whose sermon of December 18 Calderwood does not notice, was denounced a rebel:

it is clear that Spottiswoode took the words of the sermon from the 'Privy Council Register' (v. 359).

James had grasped his nettle, and it had crumpled harmless in his hand. All the proud preachers and prophets, the bold barons and burgesses, who had so long threatened and controlled him, they to whom he had truckled, "an irresolute ass," had ceased to be terrible. And thus was avenged the old Hammer of the Preachers, the bane of Morton, the discouraged Arran. He did not live to see the day of triumph. In the height of the war of the Kirk (November 1596) he appears to have ridden to offer James his services. Returning to Kyle, he was warned to shun the feud of Douglas of Parkhead, nephew of Morton. Arran said that he would not leave his way for him nor for all of the name of Douglas! Parkhead armed a company and mounted: he overtook Arran at a glen called Catslack (there is a Catslack burn on Yarrow) and ran the famous Chancellor through the body with a spear (December 1, 1596).<sup>55</sup>

So in the notable year '96 perished Arran, "Captain James Stewart," the stately, the brave, the kinglike, the accomplished, but avaricious, cruel, and untrustworthy glory of the House of Ochiltree. He "died in his enemy's day," and did not behold the triumph which would have gladdened his heart, perhaps restored his power.

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#### NOTES TO CHAPTER XV.

<sup>1</sup> Calderwood, v. 420, 421.

<sup>2</sup> Forbes-Leith, *Narratives of Scottish Catholics*, pp. 226-229.

<sup>3</sup> See the scheme in Calderwood, v. 421-433.

<sup>4</sup> See 'Register of Privy Council,' v., Dr Masson's Introduction.

<sup>5</sup> Thorpe, *Calendar*, ii. 711; Tytler, ix. 212. Major Hume in 'Treason and Plot' may be consulted.

<sup>6</sup> Thorpe, *Calendar*, ii. 706.

<sup>7</sup> Thorpe, *Calendar*, ii. 706, 707.

<sup>8</sup> Thorpe, *Calendar*, ii. 708.

<sup>9</sup> Thorpe, *Calendar*, ii. 720-723.

<sup>10</sup> Thorpe, *Calendar*, ii. 723, 724.

<sup>11</sup> Thorpe, *Calendar*, ii. 710.

<sup>12</sup> M'Crie, *Life of Andrew Melville*, pp. 483-485; ii. 524-528 (1819).

<sup>13</sup> *Privy Council Register*, v. 172.

<sup>14</sup> Thorpe, *Calendar*, ii. 715, 716.

<sup>15</sup> See Mr T. G. Law's essay, with copies of the documents, in 'Miscellany of the Scottish History Society,' vol. i. No. 2.

<sup>16</sup> Thorpe, *Calendar*, ii. 715.

<sup>17</sup> Thorpe, *Calendar*, ii. 718.

<sup>18</sup> Thorpe, *Calendar*, ii. 720-723.

<sup>19</sup> *Privy Council Register*, v. 310, 311.

<sup>20</sup> James Melville, pp. 368, 369.

<sup>21</sup> Melville, pp. 370, 371.

- <sup>22</sup> Calderwood, v. 443-448. <sup>23</sup> Tytler, ix. 231.  
<sup>24</sup> Thorpe, Calendar, ii. 723; Calderwood, v. 450-453.  
<sup>25</sup> Calderwood, v. 163. <sup>26</sup> Thorpe, Calendar, ii. 723.  
<sup>27</sup> See Dr M'Crie's 'Andrew Melville,' i. 295-302 (1819).  
<sup>28</sup> Life of Andrew Melville, i. 295-298. <sup>29</sup> Calderwood, v. 458.  
<sup>30</sup> M'Crie, Andrew Melville, *loc cit.* <sup>31</sup> Calderwood, v. 458.  
<sup>32</sup> Privy Council Register, v. 326. <sup>33</sup> Calderwood, v. 463.  
<sup>34</sup> Privy Council Register, v. 332-334, 336.  
<sup>35</sup> Calderwood, v. 469. <sup>36</sup> Calderwood, v. 482.  
<sup>37</sup> Calderwood, v. 486. <sup>38</sup> Privy Council Register, v. 340-342.  
<sup>39</sup> Calderwood, v. 496, note. <sup>40</sup> Privy Council Register, v. 348.  
<sup>41</sup> Calderwood, v. 501. <sup>42</sup> Calderwood, v. 512.  
<sup>43</sup> Nicolson to R. Cecil, December 21, State Papers, Scot., Eliz., MS., vol. lix. No. 90. Bowes to Robert Cecil, December 21, 1596, State Papers, Scot., Eliz., MS., vol. lix. No. 88. For James's version see 'Privy Council Register,' v. 362, 363.  
<sup>44</sup> Melville, p. 517.  
<sup>45</sup> Calderwood, v. 510-514; Spottiswoode, iii. 27-32.  
<sup>46</sup> Privy Council Register, v. 349-352.  
<sup>47</sup> See Appendix B., "Logan of Restalrig and the Gowrie Conspiracy."  
<sup>48</sup> Calderwood, v. 515, 534, 535.  
<sup>49</sup> Mr Tytler, ix. 250, 251, also cites this copy from a Warrender manuscript.  
<sup>50</sup> M'Crie's Andrew Melville, pp. 194, 195, and notes; ii. 94, 95 notes (1819).  
<sup>51</sup> Calderwood, v. 520, 521; Privy Council Register, v. 353.  
<sup>52</sup> Calderwood, v. 531. <sup>53</sup> Privy Council Register, v. 356.  
<sup>54</sup> Privy Council Register, v. 357; Act. Parl. Scot., iv. 107.  
<sup>55</sup> Privy Council Register, v. 360, 361, and note 1.

## CHAPTER XVI.

JAMES ON ILL TERMS WITH ENGLAND.

1597-1600.

THE preachers never recovered their supremacy in James's lifetime, but they never were thoroughly subdued. There survived a remnant, holding tenaciously to the old, impossible, theocratic ideals; and in a later generation they too had their hour of triumph. To us who see the past in a perspective unattainable in the sixteenth century, it is plain enough that two ideas were destined to prevail—toleration in religion, and democracy in politics. But under James the democratic idea, and the idea of toleration, occupied opposite camps. The preachers, and their representatives in the universities, at least in St Andrews, taught the Radical opinions of George Buchanan. They also upheld (except when an opposite theory suited their purposes) that the ministers should be chosen by their flocks,—a process which, following their line of argument, put the supreme power of the State into the hands of inspired persons elected by the votes of popular constituencies. A theocratic democracy was thus arranged for, but we should greatly misjudge the Brethren if we thought that they were mere believers in majorities. As against the greater number of votes, the votes of "the best" ought to prevail, and "the best" were the minority who would go all lengths with the preachers. This rather confused theologico-political theory and practice obtained its opportunity from the absence of a really representative and constitutional Parliament in Scotland. In place of such a body, the Kirk had her kirk-sessions, presbyteries, synods, and General Assemblies. Their power was enormous, and touched on military affairs as well as on politics and jurisdiction. But the power reposed on the belief in "prophets," and in direct inspiration.

Moreover, as must always have been suspected, and as will soon be seen, the ruling assemblies of the Kirk had not represented the full array of presbyteries and Presbyterians. Power had lain in the hands chiefly of the preachers of Edinburgh and the Lothians, of Fife and Ayrshire, always the centres of the Covenanting forces in later days. In these regions the preachers were the most learned, the most resolute, and the most pugnacious. They, and their lay associates, lairds and burgesses, had throughout been the power behind and above the throne, the *imperium in imperio*. But these regions probably had not a majority of the ministers, though, living near the capital, they could soon be on the spot when politics called for their presence. The ministers of remoter parishes, men much less zealous, were neither so rich nor, in the conditions of travelling, was it nearly so easy for them to concentrate south of Forth. Such was the theocratic democracy: it did not rest on a mere majority of the votes of members of the Kirk.

The doctrine most vigorously held by this theocratic and, in its way, democratic party, was the doctrine of religious intolerance. The leaders, being inspired interpreters of the Word, gave out that, according to the Word, idolaters must be extirpated. The theory, of course, was not peculiar to the Kirk: the old Church, when in power, had lit her fires and issued her censures. But a secular Government could not easily acquiesce in the idea of extirpation. Priests or preachers might have their way now and again, but the Crown was never whole-hearted in persecution, nor were the nobles. On this point the inspired certainties of the Brethren always encountered the opposition of the State: had James been a whole-hearted bloody persecutor, he might have had comparatively little trouble with the Kirk. They chiefly quarrelled over his policy towards the Catholic earls and Catholic States, over his failure to exterminate Jesuits and other emissaries of Rome.

Thus the two tendencies which had the future on their side—toleration (of a kind) and democracy (of a sort)—were at open war, entailing the war of Kirk and King. The conflict was inevitable. Perhaps human wisdom could not have found a compromise, a *modus vivendi*, between the inspired prophets on one hand and the existence of a free secular State on the other. The country had to be governed either by the Crown or by the pulpit. No modern observer can applaud the method by which James, for his day, gradually secured the supremacy of the Crown. His opponents

were morally much superior to himself and to many of his lay advisers. But their unhappy belief in their own inspiration made them irreconcilable. James was obliged to gain his end (and freedom from clerical dictation is a respectable end) by employing the low means of working on popular representatives by what, in the style of democracy, is termed "lobbying," "wire-pulling," and so forth. To "lobby" and "wire-pull" among prophets, such was his policy. It could not but follow that the least scrupulous of the prophets were the most easily to be secured by such methods. The others, the precise, the men of the old rock, held aloof from the preachers whom James selected, and branded them as apostates. The day of the Remnant came at last, and they triumphed over Spottiswoode as they had triumphed over Adamson. But these things "lay on the knees of the gods."

James himself, when the preachers became but weak allies of discontented nobles, was able to put forth his cherished theory of royal absolutism, which was encouraged by the higher clergy of England and the despotic tradition of the Tudors. Thus all the elements necessary for the explosion of the Covenant and the Great Rebellion were being accumulated. Forces were gathering which, in the long shock and collision of a century, destroyed each other, leaving the State open to the advance of democracy, no longer theocratic, and of toleration. It is hard for us to see how, in the conditions of Scotland after the Reformation, these things could have been ordered otherwise. The pretensions of preachers and kings were alike intolerable and intolerant: they were compelled to clash, to break each other and be broken. Modern sympathies are apt to be with the force which on each occasion has the worse in the encounter. No sooner are the prophets down than their sufferings and their courage appeal to us; no sooner has the Kirk recovered her tyranny than the cause of human freedom claims our regard. Not easily to-day can the observer of the past be either Cavalier or Covenanter, Kirk's man or king's man. Either cause is *victa causa*: both ideals perished in the century of strife: it is but a sentiment that makes a few cherish the White Rose or the Blue Banner.

As far as internal politics were concerned, the year 1597 was passed by James, first in securing a hold over the Brethren, next in reconciling the Catholic earls with the Kirk. His method as regards the former object was first to terrify by threats,—all Edinburgh was

to be put to the horn, her ministers were to be treated as rebels,—and then to allow the town to return into his favour, and to relax his measures against the town preachers. He next summoned a convention of the Kirk and the Estates to meet at Perth on the last day of February. The northern ministers found Perth far more accessible than Edinburgh; indeed, in fairness to them, Perth was the most suitable, as the most central, place of meeting. James next circulated a paper of fifty-five questions, to which the assembled divines were to reply. The queries bore on Church government, and the Synod of Fife raised a legal objection. No presbytery had the right to send commissioners to discuss the conclusions already sanctioned by a General Assembly, any more than a burgh could legally call in controversy an Act of Parliament. James's practical reply was to induce the Brethren at Perth to recognise themselves as an authentic General Assembly, a thing not accepted by the more precise. The Fife synod insisted that Church government can only be regulated by the Word, and that only the pastors and doctors of the Kirk can show what God's will, in the Word, really is. Now they had established that point already, once for all. Their motto was, "Nolumus leges Ecclesiæ Scoticanæ mutari"; but, like all other laws, those of the Kirk proved to be mutable.<sup>1</sup> The questions are said to have been drawn up by Lindsay the Octavian. To give them at full length is not possible. To the first, "May not the matters of the external government of the Kirk be discussed without injury to faith and religion?" the Fife synod said "No." As to whether the king alone, or the Kirk alone, or both, have power to modify the external government of the Church, the synod declared that the pastors and doctors were the ordinary, and prophets the extraordinary, authorities, whose decisions kings must ratify and sanction. This naturally raises the question, How are we to know a prophet when we see one? The only answer is, that God endows a prophet with extraordinary gifts, which are not specified. The gift of preaching is obviously one, and probably the faculty of premonition (in a layman "second-sight," and punishable as witchcraft) is another "extraordinary gift" and note of a genuine prophet. Wishart, Knox, Peden, and a number of others had this note of the prophet.

"The principles then laid down" by the Fife synod "were incompatible with the existence of civil government," says Mr Tytler. The right of public denunciation of individuals from the



pulpit was also claimed. The king had no right to annul an unjust sentence of excommunication. An interesting question was, "Is not the consent of the majority of the flock, and also of the patron, necessary in the election of a pastor?" The election, we learn from the reply, should be made by pastors and doctors, and the congregation and patron "should give their consent and protection." The selected candidate, if unpopular, was apt to need all the protection he could get.<sup>2</sup>

The commissioners from the presbyteries met at Perth, and James Melville gives a lively account of what he witnessed there. The ministers of the North were gathered in unwonted numbers, "and every one greater courtiers than another." Flocks of preachers were passing in and out of the king's palace, "finding fault with the ministers of the South, and the Popery of Edinburgh." James Melville had a friend, a fellow-soldier of the Kirk, who was his bedfellow. The king "captured" this evangelist, detained him from Melville's couch, and converted him in the midnight hours, which were probably not uncheered with the wines of Southern France. Next day Melville's bedfellow opposed him in the discussions of the meeting, and he quietly withdrew himself from the town. His noisy brother, Andrew, was detained at St Andrews by a rectorial election. The end of all was, after some demur, that the Assembly voted itself a genuine Assembly, and that the king carried his points. He might, it was agreed, propose modifications in Church government; no unusual conventions were to be called without his permission; the Acts of Parliament or of Privy Council were not to be preached about; no ministers in the great towns were to be appointed without the consent of the king and the flock; and nobody, as a rule, was to be personally attacked from the pulpit.<sup>3</sup> The Catholic earls were to discuss with chosen ministers and be converted, or leave the country.

While the process of conversion was going on, Barclay of Ladyland (who, with Balcarres, had been intriguing in Spain and Italy) tried to seize Ailsa Craig, off Ballantrae in Ayrshire, and use it as a place of arms for Spain. Being discovered by Mr Andrew Knox, and in danger of capture, he drowned himself. Bowes had for months given warnings of "plottings with Spain,"<sup>4</sup> Ladyland had returned thence in February. By July 4 he had lost his life, and Huntly and Errol, reconciled to the Kirk, had been absolved from excommunication.<sup>5</sup> The Kirk had done her best to make the

conversion genuine. Preachers had been appointed as members of the households of the proselytes, "to read and interpret Scripture ordinarily at their tables," and to catechise their families. Mr Hill Burton regarded these intrusions as a severe process of torture, and "permanent tormentors were to be put on a permanent establishment at the expense of their victims." We know how Father Gordon, Huntly's uncle, regarded the matter. He landed in the North while the process of conversion was going forward, and found Huntly a sore altered man. The Catholics everywhere were flocking into the Kirk. Huntly could not arrest (as was his legal duty) his uncle and old friend, who was put under the boycott of excommunication. A thousand pieces of gold were offered for his head; but Huntly obtained a remission, promising to send Gordon out of the country. He left Aberdeen, after holding a friendly discussion with the local ministers. In 1599 he returned, and had some interesting adventures. On the whole, the submission of Huntly and Errol did much to break down the Catholicism of the north-east of Scotland.<sup>6</sup>

The Old Kirk of Aberdeen on June 26 was the scene of the reconciliation. The decisions of Perth had been ratified by a General Assembly at Dundee in May, after an uproarious scene between the king and Andrew Melville. They shouted at each other, "they heckled on till all the house and close both heard, mickle of a large hour." The king was the first to recover his temper.<sup>7</sup> Fourteen king's commissioners, a kind of clerical Lords of the Articles, were selected; they removed Black and another preacher from St Andrews, and Andrew Melville, deprived of the rectorship, was made Dean of the Faculty of Theology.<sup>8</sup> The new board of commissioners, "both in General Assemblies and without, rule all," says Melville. But the Edinburgh preachers were restored to their flocks, "with a new imposition of hands," in the case of the preacher Robert Bruce, a ceremony not favoured by the earliest Reformers. An earthquake in the North was reckoned a judgment on the king, a new Uzziah; but it never came near him, nor was he smitten with leprosy, like his Jewish prototype. Later (February 25, 1598), an eclipse of the sun caused the deaths of four notable lights of the Kirk of Scotland,—at least James Melville mentions these as "notable effects of this eclipse." Melville knew the cause of eclipses as well as we do; about the effects he was much more fully informed.<sup>9</sup> Yet there

was difference of opinion. Among the extinguished lights was Thomas Buchanan. Now he was killed, as Calderwood has told us, by being dragged along the road, after a fall from his horse, for which the eclipse was not responsible. It is interesting to note that the old and very natural superstitious beliefs (natural while the real causes of the phenomenon were unknown) survived among men of learning, perfectly acquainted with the science of the subject.

The politics of 1597, ecclesiastical matters apart, were relatively tranquil. The Octavians resigned their thankless office, and the royal finances presently fell into the usual chaos (January 11, 1597).<sup>10</sup> Border affairs were unquiet: Elizabeth kept demanding the surrender of Cessford and Buccleuch, and for a brief while (October 1597–February 1598) Buccleuch did “render himself” across the Marches.<sup>11</sup> Sir William Bowes succeeded the veteran Bowes as English Ambassador, old Bowes dying in November, after a career of mischievous treacheries against the Court to which he was accredited. In July James had the pleasure of burning a number of witches at St Andrews.<sup>12</sup> One St Andrews witch, of a rather earlier date (*ob.* 1588), seems to have been merely a dealer in folk-medicine. She doctored Archbishop Adamson with “ewe-milk and claret wine,” though a satirist, Sempill, describes her as “Ane carling of the Quene of Phareis,” a comrade of “the faery queen, Proserpina.” The witches burned in July 1597 were from Pittenweem. The preachers had sense enough to deprecate the carrying of a witch about the country to detect other witches by bodily marks to her known. This method later led to horrible cruelties, and the witch-finder was herself convicted of fraud. James was acting precisely in the fashion of T’chaka and other Zulu kings. Later, in England, Bishop Jewel fell in with James’s notions about witchcraft. Bancroft, on the other hand, he who dealt so hardly with Scottish Presbyterian eloquence, treated witches and witch-finders with equal disdain, “such as could start a devil in a lane as soon as a hare in Waltham forest.” The witnesses were “gidddy, idle, lunatick, illuminate, holy spectators of both sexes, and specially a sisternity of nimps, mops, and idle holy women, that did grace the devil with their idle holy presence.” Thus were bishops divided, the most anti-Puritan being the most averse to witch-hunting.

A historian of the Kirk, Principal Lee, has made the odd suggestion that James’s zeal against witches, like his love of Episcopacy,

“was assumed for the purpose of ingratiating himself with the English nation, where a passion for the wonderful has always been much stronger than in this northern climate,” where second-sight is still common, and fairies are both seen and heard unto this day. The truth is, that James would have ingratiated himself with Elizabeth on many an occasion by being a devout Presbyterian. In England he would, possibly enough, have ingratiated himself best by at least favouring the Puritans. He wanted bishops merely to keep the preachers in their place, and witchcraft appealed to his acute and inquiring but ill-balanced mind. Even John Wesley held that disbelief in witches was the thin end of the wedge of infidelity. What went under the name of witchcraft was a web of fraud, folk-medicine, fairy tale, hysteria, and hypnotic suggestion, including physical and psychological phenomena still unclassified. The Bible undeniably regarded some of these phenomena as the result of “possession” by intelligent discarnate entities. To disbelieve the Bible was flat atheism, so James and the preachers agreed in holding. In France in 1850-1854 some men of science, and several ecclesiastics, fell back on James’s theory when confronted with talking-tables and clairvoyants.<sup>13</sup>

On the other hand were laughing and humane sceptics, like Reginald Scot. James took the line which the religion of the age and his constitutional bias made him select, the line of Richard Baxter, Glanvil, and Cotton Mather. His performances, so far, were such as the Kirk recommended. If, like Saul, he resisted the prophets, like Saul he persecuted witches. A hideous example of the manners of the age has been published by Mr Hay Fleming. In 1598 the laird of Lathocker, near St Andrews, was in trouble about a murder. At the same date, or shortly afterwards, the minister of Crail, by order of the presbytery, captured a woman suspected of witchcraft, “whom the laird of Lathocker took from him, and carried her to his place of Lathocker, and there tortured her, whereby she is now impotent, and may not labour for her living as she was wont.”<sup>14</sup> In this folly of witch-burning, neither the Church of Rome, the Church of England, nor the Church of Scotland can throw the first stone at sister sinners. In Scotland, however, witch persecution became infinitely more frequent and stringent after the Reformation, as part of inquisitorial discipline in general. Just after James’s witch-burnings at St Andrews in July 1597, the Privy Council discharged the commissions of justiciary against witches,

“understanding by the complaints of divers his Highness’s lieges that great danger may ensue to honest and famous” (reputable) “persons” under the powers of these commissioners.<sup>15</sup> Spottiswoode explains this discharge by the case of Margaret Atkin, who, under torture, confessed to witchcraft, and put herself forward as a “smeller out of witches,” in the Zulu phrase. She knew them by a mark in the eye; but when women whom she had detected were brought before her in disguise, so that she failed to recognise them, she acquitted them. Especially at Glasgow innocent women were put to death “through the credulity of the minister, Mr John Cowper.” Brought back to Fife, Margaret Atkin confessed that her previous confession, and her detections, were all equally false, and she was executed. But this did not put a stop to the witch-trials and witch-burnings, an epidemic more permanent than that which devastated Salem in America a century later.<sup>16</sup>

In November and December James himself visited the Borders and hanged a number of reivers.<sup>17</sup> In December a Parliament met, during a feud between Hamilton and Lennox, to whom the Castle of Dumbarton, the old strength of his House, previously in Hamilton’s hands, was now intrusted. James delivered an oration about his mother’s wrongs and his own. It needed some lack of shame to grumble that the slayer of the mother did not pay the pension of the son. A grant of 200,000 marks was voted by the Estates.<sup>18</sup>

The great affair was the covert reintroduction of Episcopacy. The king’s commissioners of the General Assembly, fourteen in number, petitioned that ministers might vote in Parliament. Consequently holders of prelatie titles (preachers so promoted by the king) were permitted to sit and vote with the Estates.<sup>19</sup> A General Assembly was proclaimed for March 1598. James reconciled himself with the Edinburgh preachers, who in future were to have each his separate flock, which did not suit their collective policy. In the same way they had already been turned out of their “close,” where they used to live conveniently assembled. James explained that he did not mean to introduce “papistical or Anglican bishoping,” but merely to admit the best ministers, chosen by the General Assembly, to represent the Kirk in the national council. Andrew Melville had not been allowed to take part in the Assembly, and the northern preachers outvoted the Brethren of Fife and the Lothians only by a majority of ten.<sup>20</sup> Thus were the “horns of the mitre,”

allowed to peep forth; thus, as the godly said, was the Trojan horse of Episcopacy brought within the walls of our Zion.

The new ecclesiastical members of Parliament were to be fifty-one in number, partly chosen by the king, partly by the General Assembly. Later (March 1600) the king was to choose each bishop out of a list of six, selected by the Kirk. Each was to attend to his own "flock"; they were to exercise no ecclesiastical discipline, and were to be amenable to the jurisdiction of presbyteries and General Assemblies. To avoid prejudice, they were only styled "commissioners." Meanwhile, in 1598, at Dundee, the godly had one safe victim, the witch. It was reported that civil magistrates discharged persons convicted of witchcraft. "Therefore the Assembly ordains that, in all time coming, the presbytery proceed in all severity with their censures" (excommunication?) "against such magistrates as shall set at liberty any person or persons convicted of witchcraft hereafter." The common-sense and humanity of the laity was not to override the cruel fanaticism of the preachers. They objected, indeed, to setting a witch to catch a witch, because that was using Satan against himself, a disreputable king's evidence enough. They also tried to check commercial intercourse with Spain, an idolatrous country.<sup>21</sup> But, too clearly, the great days of the Kirk were over for a while.

James had complained grievously of Elizabeth in the Parliament of December 1597. The relations between the two Crowns continued to be uneasy. They were complicated by the vexed affairs of the Western Isles and Highlands. For long Elizabeth had been trying to engage the brave and accomplished Maclean of Duart, the hero of Glenrines fight, to aid her against her Irish rebel, Tyrone. But Elizabeth would promise and not pay. Maclean muttered that he would take his men where they would be welcomed, probably by the Irish and their Spanish allies. All the Macdonald and Macleod country was embroiled in the private wars and treacherous diplomacies of the chiefs. One of these, James Macdonald of Dunluce, was a man of the world at Holyrood, a determined and traitorous ruffian in the heather. He had been aiding Elizabeth's Irish rebels (who knew him as "Macсорley"), and Robert Cecil bade William Bowes to remonstrate with the king for admitting Dunluce to his presence, also for secret dealing with Tyrone (January 4, 1598).<sup>22</sup> He had a claim, a baseless one, on Kintyre and Isla, held by Angus Macdonald, his father. The king

made the handsome freebooter a knight ; he might be useful some day.

At this time, and in the Parliament of December 1597, Highland affairs had been taken in hand. The natives did not pay their crown-rents, and the chiefs were bidden to exhibit their title-deeds on May 15, 1598, and to give security for law and order. Disobedience was to entail forfeiture : obedience was difficult or impossible. "Sheepskin titles" were rare among the Celts. The Court probably hoped to reap forfeitures, but the claymore was apt (as James found) to engross charters on the bodies of Lowland claimants. The Lewes and other Macleod lands were granted to a kind of chartered company which had occasion to rue its bargain. Meanwhile, in a series of feuds, Macallester of Loupe killed his guardian, and was backed by Dunluce, who burned a house in which Loupe's foes were, and also his own father, Macdonald of Dunyveg. He imprisoned Dunyveg, and was put at by James, but made his peace. Such was the Macsorley (Dunluce) whom Elizabeth thought an ill companion for James. She was also vexed by his words in Parliament, and he was irritated by Doleman's (that is, Father Parsons') book in favour of a Spanish successor to the crown of England. He excused himself on all counts of Elizabeth's indictment (February 1, 1598). He engaged, however, an Irishman, Quin or Gwyn, to write in favour of his title, and also to scourge the author of the peccant 'Faery Queen.'<sup>23</sup> Mr Bruce, the preacher, at this time much out of James's favour, offered to reveal "certain dangerous practices" to Robert Cecil, who guaranteed a recompense. (This appears to be the Protestant Bruce, not the Catholic double spy of the same name.) Probably the "practices" were a notion of reverting to Spanish relations, and dealings with Elizabeth's Irish rebels (March 1598).<sup>24</sup> Bruce might thus avenge himself on James for the loss of his pulpit. James was naturally wroth that Robert Cecil had met Bothwell at Rouen, and a play in which Scotland was ridiculed offended the Court and country.<sup>25</sup> Elizabeth wrote haughtily to James (April 25), and if Cecil could have made mischief by aid of Bothwell, he would doubtless have pursued the usual policy of the Tudors. Elizabeth did present James with £3000, such were his "fiddler's wages."

Meanwhile there was grumbling at the expenditure of public money on banquets to the Duke of Holstein. To make matters worse, in May a scoundrel called Valentine Thomas gave out that

James had employed him to murder Elizabeth, and James was all the more indignant, as Elizabeth had received Bothwell's ally, the unwearied intriguer, John Colville. Elizabeth sent Bowes to soothe James by protesting that she was not "of so viperous a nature" as to believe the allegations of Valentine Thomas (July 1). Meanwhile Maclean was more and more impatient for his pay, and Glenorchy, a secret correspondent of Cecil, was the chief restraint on Highlanders who wished to join the Irish rebels. On August 7 Glenorchy reported the death of Maclean in a clan battle. It is a melancholy circumstance that the authors of clan histories cannot be relied on for that impartiality without which history becomes fiction. It is agreed that the great Maclean fell in Isla, where he and his nephew (Dunluce) had met to attempt an arrangement of their differences. But while the Maclean chroniclers assert that their chief arrived at the tryst in the garb of peace, a silken suit, armed only with the long rapier of Tybald or Mercutio (this is Mr Tytler's version), the learned Gregory maintains that Maclean was killed in a regular pitched battle. The evidence of Nicholson, writing to Robert Cecil (August 16), supports the theory of the Macleans. Duart was invited to a friendly meeting, he was accompanied by only 200 of his men, and was dressed in silk, doubtless in the embroidered doublet and puffed breeches of a Court gentleman. His rapier was a present from Argyll, whose own portrait, in the costume described, is at Inverary Castle. At the close of the meeting Dunluce's party attacked the Macleans, and a hidden force of armed men assailed them. Maclean slew three with his rapier, and sent his son away to live and avenge him. The bowmen of Clan Gilzean fled when they saw their great chief go down.<sup>26</sup> When a young son of Maclean's knelt to the king for justice James remarked that "it was well fought on both sides," but his intelligences denied that Maclean was attacked "under trust."

However, Gregory gives quite a different account. There was an open battle. Maclean was worsted and slain in a regular set fight. The tactics of Dunluce were ingenious. The key of the position was a certain hill-top. Dunluce, in the opening of the fight, caused his vanguard to make a feigned retreat. They then gained the desired eminence by a detour, and charging downhill, broke the Macleans. The son of the chief with difficulty escaped.<sup>27</sup> As is natural, Calderwood takes the Maclean view, and accuses the king of "hounding out" Dunluce. He had never



forgiven Maclean, says Calderwood, for his behaviour in the Edinburgh riot of December 17, 1596. What that behaviour was we have explained. On August 30 Dunluce presented James with a gun, so they must have been on good terms.<sup>28</sup> It was the king's intention to proceed to the Isles and suppress the disorders. Calderwood represents this purpose as a mere farce.<sup>29</sup>

At this time (August 1598) the preachers were much vexed by the restoration of Archbishop Beaton, Mary's old ambassador, to his temporalities. Mr Patrick Simpson preached against the king at Stirling, and James, who had a passion for "brawling" in church, arose and bade him cease to meddle in these matters.<sup>30</sup> The churchgoers of this age enjoyed many exciting scenes of mere secular interest. In fact Sunday was the day, and church was the scene, of the most animated political debates. James's book, 'The True Law of Free Monarchies,' was published in September, and supplied much matter of discussion. By a "free monarchy" James meant a monarchy in which the king, and nobody else, is free. Like the preachers, he based his absurd and ruinous pretensions on detached texts of the Old Testament. But here the ministers had the better of the argument. The monarchies of Israel and Judah were tempered by prophets, of whom the ministers were the representatives. James overlooked that side of the question. The preachers were also offended by the Christmas revels of the Court, and in January 1599 James informed the Edinburgh ministers that, "if ye speak against me, my crown or my estate, hanging shall be the pain of the first fault."<sup>31</sup> The arrival of Huntly and Home gave umbrage to the Brethren, and James himself was accused of writing to the Pope (October 3, 1598).<sup>32</sup>

As in the case of his memorandum, captured with the Spanish Blanks, and of the mission of Ogilvie of Pourie, it is difficult to ascertain how far James was really tampering with the Catholic Powers. There was enough to justify suspicion. James (October) is said to have had a dream that Elizabeth would outlive him, wherefore he bequeathed his wisdom to his son, Prince Henry, in the book 'Basilikon Doron,' which procured for him trouble enough.<sup>33</sup> In November Father James Gordon, Huntly's uncle, boldly returned to Scotland, and walked straight into Holyrood. His object was to hold a public controversy with the preachers. He was taken to the castle and well treated, though the preachers clamoured for his death. The Council decided merely to banish Gordon, and execute him if

he returned. By James's desire he went to stay with Lord Seton, the preachers threatened Seton with excommunication, and there were all the materials for a quarrel. But Gordon, finding that the ministers would not meet him in argument, withdrew from the country in May 1599.<sup>34</sup> All these affairs, with others, made the relations between James and the Kirk unpleasant in the opening of 1599. If Elizabeth had at last frankly expressed her disbelief in Valentine Thomas's charges against the king, she was vexed that he had sent envoys to ask the aid of Protestant Powers, if ever he had to assert his claim to the English crown. Elizabeth justly censured this conduct as "indelicate," but had sent £3000 (December 31).<sup>35</sup> But James remained dissatisfied with Elizabeth's treatment of the affair of Valentine Thomas, which trailed on for years.

The discontent of James with the preachers found in February 1599 an outlet. In earlier days, when Bruce the preacher was a favourite, James had given him a pension out of the rich lands of the Abbey of Arbroath, once held by Cardinal Beaton. This pension James withdrew in an arbitrary manner. Bruce brought an action for recovery, and the king tried to intimidate the judges. When it came to a vote, he asked who dared to vote against him. Several rose and said that they must do their duty. The President, Sir Alexander Seton, later Chancellor Dunfermline, was particularly resolute. All honest men, he said, would vote according to their consciences or resign. The king was defeated. The interesting point is that the judges braved the king in defence of one of the preachers, though certain preachers had slandered them from the pulpit. Seton in particular had often been attacked as an idolater, especially when he was one of the Octavians. The Court of Session for very many years after this event was certainly believed to be much swayed by kinship, if not by bribes. The behaviour of the judges on this occasion is a rare example of honesty and courage on one side, on the other of James's disastrous theories of royal prerogative (March 16).<sup>36</sup>

These shine in his book, the 'Basilikon Doron,' a legacy of advice to his son. We hear of it in the autumn of 1598. On February 17, 1599, Nicholson, the English agent in Edinburgh, writes that he has obtained a copy.<sup>37</sup> At first only seven copies were printed, or at least were privately distributed. One of them, or extracts from it, fell into the hands of a St Andrews preacher through Andrew Melville. Dykes, the preacher (September 1599),

laid them, without explicitly stating the authorship, before the Synod of Fife, who humorously forwarded them to James as works of a malignant but anonymous author. Dykes had to fly, but the synod distinctly scored a trick off the king. He had said in his book that "the rewing of the Kirk weill is na small part of the king's office." "Ministers should not mell [meddle] with matters of State in pulpit." "No man is more to be hated of a king than a proud Puritan." "The Ministers sought to establish a democracy in this land, and to become *tribuni plebis* themselves." For these evils Episcopacy was the only remedy.<sup>38</sup> In 1603 James published his book, with a few alterations. It is easy to sympathise with his hatred of inspired tribunes of the people. But he saw no alternative except the covert, and we may say fraudulent and illegal, introduction of Episcopacy on one hand, and an attempt to erect a despotism on the other. These ideas proved fatal to his House and ruinous to public peace. But we may still ask, What course ought James to have taken? The problem of Church and State has only drifted into an illogical *modus vivendi* by efflux of years, and by weariness of warfare.

In spring and summer the State verged on bankruptcy. The Master of Elphinstone (Balmerino) at last took the Treasury (April 20), and the company of Lowland lairds attempted to get money by colonising the Isle of Lewes. It were too long to tell the story of their disasters and defeat by the Celts. In June the English Ambassador, William Bowes, coolly kidnapped an English gentleman named Ashfield. The victim, rather bemused with drugged wine, was beguiled into Bowes's carriage and driven off to Berwick.<sup>39</sup> This was managed by Sir John Guevara, cousin of Willoughby, who commanded at Berwick. Willoughby, to aid the plotters, had a swift yacht lying off Leith. The adventure has a resemblance in outline to the probable aim of the Gowrie conspiracy later. The arrival of an ambassador from France increased Bowes's and Robert Cecil's belief in the king's trafficking with Catholic Powers.<sup>40</sup> Sempill of Beltrees was sent to Elizabeth's Court to patch up peace about the outrage on Ashfield and other matters. Robert Cecil suspected that Scotland was taking the Catholic course, and unluckily the treasurer, Elphinstone, with or without James's connivance, implicated him in dealings with the Pope. Elphinstone's own account, given years later, was that Archbishop Beaton moved him to open communications with Rome. He approached

James, who only refused to call the Pope *Pater* and *Beatissime*. The object was to get Chisholme, a Scot, Bishop of Vaizon, made a cardinal. The scruple about the Pope's titles (like that of an earlier Pope about King Robert Bruce's title) caused a difficulty. Elphinstone therefore had a Latin letter drawn up in proper form (*Pater Beatissime*, and all) begging for the Bishop's promotion. As Cardinal he might disprove the calumnies against James as a persecutor of Catholics, calumnies which stood between him and the Catholics of England. This letter James was induced to sign, unread, among a heap of other documents. Such, as we shall see, was the account given later by Elphinstone (Balmerino).<sup>41</sup> This intrigue was probably unknown at the time to the watchful preachers; indeed, according to Elphinstone's confession, it was unknown to James, who signed the compromising letter unwittingly. The Pope's answer to the letter is extant: he regrets that James does not even remotely hint at a chance of his conversion. The story reached the world in consequence of a later controversy between James and Cardinal Bellarmine. But if the King of Scotland did not know that he had approached the Beast, and corresponded with anti-christ, the Queen of England did know. In the August of the following year (1600) the Master of Gray wrote to Cardinal Borghese: "All that was done for our king in Rome last winter is as well known to the Queen of England as to the intriguers themselves, though perhaps they are not aware of it. Therefore I do not see how what was promised in the king's name can be granted, nor that what was said can be true, especially as to his religious opinions. I suppose he may favour the Catholics so far as they have not yet attempted anything against his will." The Master of Gray had not quite recovered favour with James, and was now a spy of Cecil's. He was also in communication with Borghese, and what he learned from Borghese of secret dealings at Rome he doubtless reported to Cecil in England.<sup>42</sup> Gray added, what was true, that the preachers had still a great deal of influence in Scotland, and that the king resisted them "in a fashion, and as far as he can, not for religion, but in defence of his own royal authority" ("pro læsa sua majestate et autoritate").

This was the correct view. Doctrinally James and the preachers were at one. The struggle was for the freedom of the secular authority. Meanwhile (1599) the preachers found matter for sermons in the permission accorded to the French Ambassador (a

Sully of Bethune) to hear a private mass. Their next grievance was the appearance of Fletcher and Martin's troop of English actors in Edinburgh. They took (by James's warrant) a house in Blackfriars' Wynd. The four town sessions forbade the public to attend the performances. The preachers were summoned before the Council. They excused themselves by saying that James had granted the players the use of a house, but not licence to act plays. This insolent evasion, put forth by Mr Bruce, did not pass. The magistrates were obliged, says Nicholson, to withdraw the prohibition on the players, and there was a quarrel with "the bellows-blowers" (as Nicholson invidiously styles the preachers) on the point of their intimating James's proclamation from the pulpit.<sup>43</sup> The Kirk continued for centuries to be hostile to the drama.

In November James's constant anxiety about the English succession inspired the formation of a "band" wherein his subjects promised to maintain his rights. This was known in England. The weakness of the country was proved at a convention in December, where James did not shine as a financier, his suggestions for increased taxation being shelved.<sup>44</sup> In November Kirk affairs had occupied a convention at Holyrood. The discussions concerned the beginnings of the introduction of Episcopacy, and turned on disputed texts in the Greek Testament. The Brethren argued that all the caveats, to secure the Kirk from bishops, would be broken if preachers with prelatie titles sat in Parliament. Andrew Melville and others reasoned the cause of the Brethren: the conference was preparatory to a discussion in the General Assembly of 1600.

In December the beginning of the year was fixed on January 1, 1600, not on March 25, as had been the usage, in itself apt to provoke chronological confusion in historical writing.

## NOTES TO CHAPTER XVI.

- <sup>1</sup> James Melville, pp. 388, 389.      <sup>2</sup> James Melville, pp. 390-403.  
<sup>3</sup> Spottiswoode, iii. 53, 54.      <sup>4</sup> Thorpe, ii. 731.  
<sup>5</sup> Thorpe, ii. 739.      <sup>6</sup> Forbes-Leith, Narratives, pp. 232-242.  
<sup>7</sup> James Melville, p. 416.      <sup>8</sup> James Melville, p. 418.  
<sup>9</sup> James Melville, p. 438.      <sup>10</sup> Thorpe, ii. 729.  
<sup>11</sup> Spottiswoode, iii. 67.      <sup>12</sup> Thorpe, ii. 739.  
<sup>13</sup> Mirville, Des Esprits. Paris, 1855.  
<sup>14</sup> Hay Fleming, St Andrews Kirk-Session Register, ii. 882 and note 2. See also Introduction, lxxviii, lxxxi, whence other anecdotes are cited.  
<sup>15</sup> Privy Council Register, v. 409, 410.  
<sup>16</sup> Spottiswoode, iii. 66, 67.      <sup>17</sup> Thorpe, ii. 745.  
<sup>18</sup> Act. Parl. Scot., iv. 142-146.  
<sup>19</sup> Calderwood, v. 668, 670; Act. Parl. Scot., iv. 130.  
<sup>20</sup> Calderwood, v. 695.      <sup>21</sup> Calderwood, v. 707-709.  
<sup>22</sup> Thorpe, ii. 746.      <sup>23</sup> Thorpe, ii. 747.  
<sup>24</sup> Thorpe, ii. 748.      <sup>25</sup> Thorpe, ii. 749.  
<sup>26</sup> Nicholson to R. Cecil, August 16. State Papers, Scot., Eliz., MS., vol. lxii. No. 67.  
<sup>27</sup> Gregory, pp. 284, 285; Tytler, ix. 285; Calderwood, v. 726.  
<sup>28</sup> Thorpe, ii. 755.  
<sup>29</sup> Calderwood, v. 726, Nicholson to Robert Cecil, September 2; Thorpe, ii. 755.  
<sup>30</sup> Calderwood, v. 727.      <sup>31</sup> Calderwood, v. 731.  
<sup>32</sup> Thorpe, ii. 757.      <sup>33</sup> Thorpe, ii. 759.  
<sup>34</sup> Forbes-Leith, Narratives of Scottish Catholics, pp. 243-261; Privy Council Register, v. 503, 504.  
<sup>35</sup> Thorpe, ii. 762, 763.      <sup>36</sup> Thorpe, ii. 767, Nicholson to Robert Cecil.  
<sup>37</sup> Thorpe, ii. 766.      <sup>38</sup> James Melville, pp. 444, 446.  
<sup>39</sup> Border Calendar, ii. 607, 608.      <sup>40</sup> Thorpe, ii. 771-773.  
<sup>41</sup> Calderwood, v. 740-744.      <sup>42</sup> Papers, Master of Gray, p. 187.  
<sup>43</sup> Calderwood, v. 765, 767; Thorpe, ii. 777, 778, Nicholson to Robert Cecil November 12.  
<sup>44</sup> Thorpe, ii. 779.

## CHAPTER XVII.

## THE GOWRIE CONSPIRACY.

1600.

THE year 1600 is marked in Scottish history by that mysterious event called "The Gowrie Conspiracy." The political effects of this affair, in which the son and successor of the Gowrie of the Raid of Ruthven and his brother were slain by the king's servants, were considerable. England lost, in young Gowrie, an ally perhaps too devoted, and the Kirk was deprived of a leader, that is, if Gowrie was not a Catholic playing a double game. Making his advantage of the subsequent conduct of some of the preachers, James reduced their already enfeebled power, and took steps towards their more complete abasement. But his own character was blotted by the belief that he planned deliberately the slaughter of the Ruthvens, Gowrie and his brother, a point on which historians are still divided. The affair seemed to come like a bolt from a serene sky, but attention to preceding occurrences proves that, in the usual course of Scottish affairs, a plot to capture James and reinstate the party of the Kirk was due, and might have been expected. The relations of James and Elizabeth were highly unsatisfactory. As she neared her death she became even more sensitive on the question of her successor. James's secret relations with Essex, who was meditating a *coup d'état* in his interests, were suspected, if not clearly known, by Cecil. James complained that his meagre annuity was unpaid, and pressed on the publication of new books defending his rightful claim (January 12).<sup>1</sup> The English priest spy, Dr Cecil, had put out a tract nominally against the Scottish Jesuit, Father Crichton, but really most injurious to the character and rights of James. The book, whereof only a single copy is

known, was finished in the August of 1599.<sup>2</sup> Dr Cecil's whole object was to discredit James among the English Catholics. It is actually averred by him that James in 1586 wrote to Elizabeth a letter urging the death of his mother, with the celebrated words, *Mortui non mordent*. "How little would be the gain to Catholics were he to become king of three such kingdoms as England, Ireland, and Scotland." Such, as early as 1596, were the opinions of Dr Cecil. Thus among James's anxieties was the possible opposition of perhaps a majority of the English—namely, the Catholics—to his claim. He was also fretted by a proposed marriage for Arabella Stuart, the daughter of his father's younger brother. She, not being like himself an alien, might have her own faction in England, and might offer a sounder legal claim to the succession.

While these were the relations of England and the king, on April 3 the young Earl of Gowrie returned from the Continent to England. He had quitted Scotland, as we saw, when aged about seventeen, in August 1594. From October 1593 to April 1594, or later, Gowrie with Atholl had been engaged in a confederacy with Bothwell, and they had informed Cecil that they regarded themselves as subjects, or servants, of Elizabeth. The Bothwell-Gowrie-Atholl combination failed, and young Gowrie in August 1594 went abroad, and studied in the legal faculty of the University of Padua. Here he and his tutor, Mr Rhynd, were scholars, as the archives of the University show. All that is known of the young man at this period is that in 1595 he answered in a friendly manner a friendly letter of the king's, while to the minister of Perth he expressed fanatically Protestant sentiments, and a hope of remedying on his return whatever in Scotland was amiss through his absence.<sup>3</sup> Padua had in Scotland a name for magical studies, and after his death Gowrie was accused of having talked about the cabala, and worn a talisman, a practice then common enough on the Continent. In what year he left Padua we do not know, but the author of an unpublished vindication of his conduct says that he suffered at Rome for the truth of his religion.<sup>4</sup> On the other hand, Nicholson, the English resident at Holyrood, in December 1598, writes from Edinburgh that Gowrie "has turned Papist."<sup>5</sup> After Gowrie's death the royal chaplain, Galloway, insisted on this point: Gowrie had been trying to induce the king to negotiate with Rome. The king was his authority for this statement, uttered in the royal presence. Bothwell, in writing to the Spanish Court, reckons Gowrie and Logan of Restalrig



among Catholics (Spanish State Papers, iv. 680). It is conceivable that Gowrie, in the interest of England, had been trying, under a pretence of sympathy, to find out the truth as to the incessant charges against James of tampering with the Pope.

On August 21, 1599, John Colville told Cecil that the party of the Kirk intended to bring home Gowrie.<sup>6</sup> Whether they sent for him or not he turned homewards, passing three months, says Calderwood, in the hotbed of Calvinism, with Beza at Geneva. He was in Paris in February and March 1599, and thither Robert Bruce, the preacher, went to call him home, as we learn from a MS. dictated by him in old age. There, too, was Lord Home, who paid a visit to Bothwell at Brussels, and came back to Scotland in April 18, incurring James's displeasure for "trysting with Bothwell."<sup>7</sup> In Paris also was the desperate intriguer, John Colville. To Neville, the English Ambassador at Paris, Gowrie seemed a

#### GOWRIE'S RELIGION.

On page 444, line 5 from the foot of the page, is quoted Nicholson's report that John, Earl of Gowrie, had turned Catholic. The author is informed that, in an unpublished letter at Hatfield, the story is contradicted by John Colville the spy.

Rome (wildly exaggerated by Bothwell's ally, the spy Colville), Elizabeth in May seized at Hull a consignment of muskets intended for the Scottish king.<sup>9</sup> On April 20, Gowrie being then in England, Nicholson reported from Holyrood the king's dissatisfaction with the peace between England and Spain, and rumours of a conspiracy by Douglas of Spot, Colville, and Archibald Douglas.<sup>10</sup> James was especially "discontented" with Nicholson himself, and his great desire was that a convention should grant him money for warlike preparations,<sup>11</sup> perhaps to demonstrate in favour of Essex's contemplated conspiracy.

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By April Gowrie was in London. At the English court he resided for over a month (April–May 1600) on the friendliest terms with Elizabeth, and treated like a prince of the blood, says tradition. He made the acquaintance of Lord Willoughby, governor of Berwick.

Angry with James as to the succession, suspecting his intrigue with Essex, aware of the dim traffickings between Scotland and Rome (wildly exaggerated by Bothwell's ally, the spy Colville), Elizabeth in May seized at Hull a consignment of muskets intended for the Scottish king.<sup>9</sup> On April 20, Gowrie being then in England, Nicholson reported from Holyrood the king's dissatisfaction with the peace between England and Spain, and rumours of a conspiracy by Douglas of Spot, Colville, and Archibald Douglas.<sup>10</sup> James was especially "discontented" with Nicholson himself, and his great desire was that a convention should grant him money for warlike preparations,<sup>11</sup> perhaps to demonstrate in favour of Essex's contemplated conspiracy.

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Robert Cecil, Elizabeth, and Willoughby, in England, with any malcontents of the Scottish Kirk party, may, or rather must, have pointed out to Gowrie the path already indicated to him by religious prepossession, ambition, and revenge. True religion required the aid of an enemy of idolatry, like Gowrie, against a king who was trafficking with the Scarlet Woman that sitteth on the Seven Hills, and "stramping" on the Kirk. We know that the name of Ruthven and its allies were still hankering to avenge the death of "Greysteil" that Gowrie executed in 1584; at least, Colonel Stewart, who had taken part in his fall, showed a sudden desire to be employed by Elizabeth in Ireland as soon as young Gowrie came home. But the Earl seemed to be on the friendliest terms with James, who liked learned talk with a young scholar home from Italy.

We think of the king and his discourse, in Latin, with "Glenvarlochides," Nigel Oliphant, in the "Fortunes of Nigel." But Gowrie had been rather too well received by Elizabeth, with whom James was so enraged. According to Carey, writing to Cecil (May 29), the king gave Gowrie "many jests and pretty taunts" about "the great conference held with the queen's majesty, and that he had been offered some gold." The Earl said that he owed her kindness to her affection for James, and that he "had gold enough for himself." He had not; for James owed him money for his father's outlay when governor of Scotland, and Gowrie was pressed by creditors. James gave him a year's grace as to his father's creditors, and promised one day to pay him.<sup>12</sup> In banter "the king marvelled that the ministers met him not" when he entered Edinburgh; and Calderwood reports other taunting or tactless speeches—for example, as to Riccio's murder.<sup>13</sup>

The sisters of Gowrie were maids of honour to the queen, and Alexander Ruthven, his brother, made suit to be a gentleman of the bedchamber, but his suit was not accepted. Tattle alleged alternately that the queen was in love with the young Ruthven or with Gowrie. It is needless to dwell on such idle gossip. By the end of May Gowrie retired to his town house at Perth, a chateau with a garden sloping to the Tay. Nicholson, reporting this fact, announced impending storms which Gowrie might intend to avoid (May 27).<sup>14</sup>

A convention was to have been held in June, but the murder of the Border Warden, Sir John Carmichael, by the Armstrongs,

caused it to be postponed for some days.<sup>15</sup> On June 29 Nicholson reported the meeting of the convention, and the speech in which the king demanded money, with a view to securing his succession and "honourable entering to the crown of England after the death of the queen." Nothing could have been more cruelly tactless, more apt to anger Elizabeth; and an arrangement with Essex was probably in the mind of the king. The Lord President, Seton, lately one of the Octavians, a man of upright and resolute character, skilled in finance, opposed the king's demands. It was insane for a small, poor country like Scotland to hope to win by arms what could only be gained by consent of the English people. This was true; but it also seems that if, on the death of Elizabeth, Protestant England was for James, Catholic England for the Infanta, James ought to be in a position to help his own faction. But the Scots never would endure taxation for military purposes. They reckoned their feudal levies potent enough, and while the king had no money and no "waged men" they were always masters of the king. This policy had caused many disasters in war, and many sanguinary revolutions. Mary herself only acquired a small guard of musketeers in consequence of the murder of Riccio and the danger to her person.

James, as we saw, had lately admitted the barons, or lairds, to Parliament. They and the burgess members were now as recalcitrant about taxation as if they had been English knights of the shires. They offered James their swords when they were needed, and, on condition that he should never tax them again, about £4000, at most (£40,000 Scots). James refused, and demanded 100,000 crowns to be paid by 1000 persons. Gowrie replied in a speech reported by Nicholson. James was dishonouring himself by his demands, and his people by laying bare their poverty. James angrily replied he could call a Parliament and disenfranchise the lairds as easily as he had enfranchised them—a pretty example of the constitutional value of a Scottish Parliament. The laird of Easter Wemyss retorted that they had paid for their seats, and would have the seats conferred on them in 1587. The convention broke up, and Robert Cecil learned, from a cyphered and anonymous despatch, that James "intends not to tarry upon her majesty's death, but take time so soon as without peril he can." This message was probably a piece of mere mischief-making.

The Government was bitterly in need of money. Nicholson again

and again refers to the poverty prevailing. The islands were (as is shown later, in an account of Highland affairs) unusually turbulent. The king had intended to conduct an expedition himself to take order with Kintyre and Isla; "but," writes Nicholson, "the 'rode' to the isles is deferred on account of the great scarcity in the country" (July 22). At the same time James was gratified by the recantation of his old enemy, John Colville, the spy and ally of Bothwell. This man had either written a book against James's legitimacy, or such a book had certainly been attributed to him. For years he had been a spy half out of employment; Cecil would not pay. After 1598 he was abandoned by Essex. An exile in France, this once earnest professor was now converted to Catholicism. He wrote a recantation of the book attributed to him against the king's legitimacy, and was reconciled to Archbishop Beaton in Paris. The recantation pleased the king; but Colville continued to spy for the English Ambassador in France, spied his way to Rome, and begged of the Pope. He died, in deserved poverty, not long afterwards.<sup>16</sup>

As we approach the Gowrie mystery, it may be observed that Colville and other agents of his kind perpetually flattered Cecil and the English ministers with promises to kidnap the king of Scotland. Such hopes are a regular element in their letters.

As to Colville, this needy, vindictive, and desperate man, writing to Essex from Scotland on April 29, 1598, makes the following strange promise: "And for the service I mind to do, if matters go to the worst, it shall be such, God willing,—if I lose not my life in doing thereof,—as no other can do with a million of gold, and yet I shall not exceed the bounds of humanity. But for conscience' sake and worldly honesty I must first be absolved of my natural allegiance."<sup>17</sup> Colville has just been speaking evil of James, and now he promises to do a desperate and treasonable deed, "within the bounds of humanity" (that is, not involving murder), a deed which only he can do. This means kidnapping the king. He elsewhere drops a similar hint (October 20, 1598).<sup>18</sup>

We now draw near that fifth of August which James ever afterwards kept as a public holiday in memory of his escape from the Gowrie conspirators. Gowrie himself, with his brother, the Master, was hunting in Atholl during the latter part of July. His mother, Lady Gowrie, was apparently at the town house of the family in Perth.<sup>19</sup> At the beginning of August the court moved from Holy-

rood to Falkland, a charming palace of the modern French château order, unfortified, save for the strong round towers and the gateways. In spite of time and restoration, Falkland is still, perhaps, the best example of grace and comfort in a Scottish royal residence of great age. The park and woods were well suited for sport, and in these woods, as we saw, Bothwell had once hoped to trap the king along with his huntsmen.

It appears from the treasurer's accounts that, late in July, letters were sent from the court, then at Edinburgh, to the Earls of Atholl and Gowrie, and from Falkland to the Master of Ruthven, and to Drummond, lay Abbot of Inchaffray. We know nothing of the contents of these letters, which have been conjectured about by writers on the mystery of the Gowrie conspiracy. We learn, however, from an unpublished MS. that James had been trying to induce Gowrie to resign the lands of Scone (of which James had presented him with the rents for life) to his younger brother.<sup>20</sup> To this matter the letters may have referred; nothing is known. On one of the last days of July a kinsman of Gowrie, Alexander Ruthven (the ancestor, in the female line, of the present house of Ruthven), rode from Dunkeld to Gowrie's hunting lodge in Atholl (Strabane). On Friday, August 1, Gowrie sent Captain Ruthven from Atholl to tell his mother that "he was to come," and the confused language of his servant, Craigengelt, who deponed to this, makes it probable that Lady Gowrie was then at Perth. If so, she left at once for Gowrie's Castle of Dirleton, now a beautiful ruin near the sea hard by North Berwick.<sup>21</sup> To Dirleton—according to the contemporary Vindication in MS., to Calderwood, and to Carey (writing to Cecil from Berwick on August 11)—Gowrie himself intended to go on August 5. Most of his men and all his provisions were there already, says Carey; but Gowrie never saw Dirleton again.<sup>22</sup>

We now reach August 5, the day of the Gowrie tragedy. Something must first be said as to the evidence. It is vitiated, on the king's side, by his theory that *murder* was intended against him by the Ruthvens, whereas the plot, if plot there was, must have been merely one out of scores of schemes for kidnapping the royal person, and working a revolution in favour of England, the Kirk, or Rome. Nothing was reckoned more constitutional. The evidence, again, in the nature of the case, is mainly that of the king, and of a mysterious personage, corroborated in part by James's retinue, and by citizens of Perth and others, who were present. The opponents

of James, contemporary or modern, discount this evidence, as a rule, where it does not suit them. But the most important witnesses declined, on the most essential points, to say things quite necessary to the success of their cause, or even to stretch a point, where the temptation was great and obvious. Again, the discrepancies between the versions of the king, and of the other most important witnesses, are so manifest, being publicly acknowledged by James himself, that, on the theory of collusion, they could not have occurred. The stories, if collusive, would have been brought into harmony before they were laid before the world and a court of justice. Of course, had this been done, opponents would have called the very harmony suspicious. No two men can give absolutely identical accounts of the same sudden, confused, and startling occurrence, as daily experience proves.

Our earliest testimony as to the events of August 5 is Nicholson's account of the letter written for the king to the chancellor and others on the night of August 5. The substance of this letter was orally narrated by the secretary to Nicholson at Edinburgh on the morning of August 6. In such circumstances, where we have, first a hasty letter, then an oral repetition of its tenor, and then that tenor redescribed, absolute accuracy is impossible. But the account is, essentially, that which James always gave.

We now turn to James's official version, a pamphlet sent by Nicholson to Robert Cecil as early as September 3, 1600. This version we can check by the depositions of witnesses. His majesty says that he went out to hunt, in beautiful weather, between six and seven in the morning. He and his suite were clad in green—the king, as we know to have been his custom, wearing a hunting-horn, and no sword. The Master of Ruthven accosted him before he mounted. Why was Ruthven at Falkland so early? That he was there the lay Abbot of Inchaffray, Drummond, with many others, declared; the abbot asked him to breakfast, but Ruthven declined. To James, apart, Ruthven told how, the night before, he had caught a fellow with a pot of gold, and, unknown even to Gowrie, had shut him up in a private room,\* “and locked many doors behind him.” James, after saying that he had no claim to the gold, was induced to suspect that it was foreign gold (as Ruthven implied) brought in for seditious purposes. He, therefore, said that he would send a

\* The word used is “house,” often equivalent to “room” in Scots, and so employed elsewhere by James.



warrant to Gowrie and the bailies of Perth to examine the fellow, and take care of the money. Ruthven replied that the money, in that case, would be ill counted, and insisted that James should follow him at once. The king characteristically preferred to hunt first, and discuss afterwards. James rode after the hounds; Ruthven remained, and despatched one Andrew Henderson, a retainer of his family, who was with him, to tell Gowrie that James could not be expected for three hours at least. This James tells from report; he saw no companions with Ruthven. Now the Abbot of Inchaffray saw only Andrew Ruthven with Alexander Ruthven after James rode away from Alexander. We do not find, in fact, that any witness deponed to seeing Andrew Henderson at Falkland.

Here we must, for a moment, desert the king's narrative. The point—Did young Ruthven send Henderson from Falkland to Lord Gowrie at Perth with the message that the king was coming?—is of central importance. If Henderson, leaving Falkland about seven, reached Gowrie about ten, then the visit of the king did not take Gowrie by surprise. He had time to order luncheon. This he did not do; he appeared later to be surprised by the king's arrival. If he really was surprised, then he had not laid a plot to bring James to his house. But if Henderson did ride about half-past seven from Falkland with the news of James's coming, as he swore, and if he reached Gowrie about ten o'clock, then Gowrie's failure to prepare for a royal guest, who came at one o'clock, was meant as part of his pretence that James had arrived uninvited. The inference must be that Gowrie was engaged in some disloyal enterprise. And there was good evidence from gentlemen of honour that Henderson did reach the Earl about ten o'clock, and the modern defenders of the Ruthvens have to allege that Henderson had not been at Falkland at all, but had only ridden two or three miles out of Perth on some trivial errand, and returned. But the contemporary MS. *Vindication of the Ruthvens* alleges that Henderson really was at Falkland with Ruthven, and did carry the message about the king's arrival. Why, then, did he arrive, not at ten, but after noon? This the contemporary apologist answers by omitting the king's long hunting of some four hours—seven to eleven—and making Henderson arrive in Perth about half-past twelve. The evidence that he came to Gowrie about ten is excellent; and the contemporary apologist of the Ruthvens had no scruples whatever in admitting his presence at Falkland.

The whole question is, Had James summoned Ruthven to Falkland before seven in the morning, and then pretended that Ruthven had invited *him* to Perth? Or, did Ruthven invite James to Perth, and warn Gowrie, by Henderson, of his success? while Gowrie pretended not to have received any such news from Henderson. The Ruthven apologist (1600), by admitting that Henderson brought the news, while falsifying the hour of his arrival, raises a very strong surmise in favour of the second alternative—Gowrie was bringing the king to Perth for no good, and no avowable purpose.

Returning to the king's narrative, he goes on to say that, during a check, he sent some one to find Ruthven. To Ruthven he announced his intention to ride to Gowrie's house when the hunt was over. James was thrown out by this delay, but followed, and they killed about eleven o'clock. Ruthven would not let him stay to see the deer broken up (*la curée*), or wait for a second horse, which was brought after him at a gallop, or even to put on his sword. Lennox and Mar did wait for their second mounts (the hunt ended close to the stables), and followed, though Ruthven wished James to prevent them. His action made James think Ruthven but dubiously sane; and he whispered his doubts to Lennox, who, at the trial, corroborated the king's statement. Lennox "did not like" the story of the pot of gold, and James bade him keep near his person whenever he went alone with Ruthven. But Ruthven now insisted, says James, that the king should be alone with him at the first view of the gold. James rode on, much bewildered "between trust and distrust," he says. Ruthven then sent Andrew Ruthven to warn Gowrie, and himself quitted the king at a mile from Perth, and rode forward to see his brother. Gowrie left his dinner when Ruthven arrived, and met James with some sixty men (his apologist says, with two only) on the Inch. The king had to wait long for his dinner, the cook having to beg for grouse here, and mutton there, and eke out with pastry.

Gowrie, as we saw, had given out before that he was going to Dirleton that evening, and had sent his "provisions" thither. This, of course, confirmed Ruthven's story that Gowrie knew nothing of his ride to bring the king, and was wholly unprepared. James was impatient for a view of the gold, but Ruthven begged him to say nothing in Gowrie's presence. During the delay one of the retinue, Sir Thomas Erskine, sent his servant to the town to buy

him a pair of green silk hose to dine in comfortably.<sup>23</sup> At last James dined, Gowrie standing in attendance with Ruthven, in a room off the hall, and often leaving the chamber. In the hall the suite were met, dropping in at intervals. At first they were thirteen in all. Their dinner came later than James's, and Gowrie entered the hall, bidding them drink "the king's scoll," or pledge. They all then rose, and expected James; but Gowrie said, "His majesty was gone up quietly some quiet errand,"—so Lennox, Mar, and others averred. As soon as Gowrie left the inner room for the hall, James bade Ruthven bring Sir Thomas Erskine, but Ruthven implored James to come alone with him. The pair walked through the end of the hall, and this was the last that his suite saw of the king till James, very red, bellowed "treason" and "murder" out of a turret window.

Meanwhile, just after James and Ruthven passed across the hall, Gowrie led Lennox and others, but not Mar, who visited the room where the king dined, into the garden beside the Tay. Here they ate cherries, while Ruthven took James upstairs through three or four rooms *en suite*, locking each door behind them. Later, we only hear of resistance from one locked door, though two, at least, were locked—one from the gallery into the chamber, one from the chamber into the turret. That a man so nervous as James permitted this may be explained by the circumstance that he had dined. The Rev. Patrick Galloway averred that the doors "checkit to" with some kind of spring lock (sermon of August 11).<sup>24</sup> At all events locked one door was, for the king's retinue, later, could not force a way in, though they broke a hole in the door. No critic questions that fact. If it is hard to see why James let Ruthven lock the doors, it is impossible to believe that he locked himself in alone with Ruthven, or that the porter, or James's page, Ramsay, had been bribed to do it, as has been suggested. But locked the doors were.

Finally, the pair reached the turret, off a chamber off the gallery. This turret had a door which Ruthven locked. If the long gallery had a door, that was not locked, but locked was the door between the gallery and this chamber, and locked now was the door between the chamber and the turret. Therein was nothing but a man (namely, Andrew Henderson, as was later proved), said by James to have worn a dagger, secret coat-of-mail, and "plate-sleeves." Ruthven now put on his hat, drew the man's dagger, held the point

to the king, and "avowed that the king *behaved to be at his will, and do as he list.*"

James, according to his tale, behaved with great coolness (as when Bothwell captured him in Holyrood), bade Ruthven uncover, and promised to be absolutely secret about the whole affair if it went no further. Ruthven was now in a dilemma. There was no use in killing James, and, with a witness present who certainly would not help him to bind James, what could he do? According to the system of secrecy (which Gowrie is said to have applauded, shortly before, in talk with the Rev. Mr Cowper, who told Spottiswoode), Henderson had not been prepared for his part. A healthy Highlander or Borderer, of the Gowrie clientage, would either have aided Ruthven (in which case James would have been trussed like a chicken), or would have boldly taken the king's part. Henderson merely trembled and murmured. Ruthven now lost his head. He made James swear that he would not cry out or open the window, and he left the turret, locking the door behind him. He said that he would consult Gowrie, but that he found to be impossible probably; Henderson thought he lurked outside the door.

Gowrie, we saw, when James went upstairs, took Lennox and others into the garden. While they were there, and while James was upstairs, one Mr Thomas Cranstoun, a retainer of Gowrie, approached them, saying that James had mounted, and was riding through the Inch.

Cranstoun (who was tortured, tried, and hanged) admitted that he did bring this "report and bruit,"<sup>25</sup> but in good faith. From that moment Gowrie was fully occupied and surrounded by people. Ruthven either found this out when he left James locked up in the turret, or, more probably, suspected that he could not consult Gowrie, and merely loitered about, confused and irresolute. James, meanwhile, finding that the armed man, by his confession, knew not wherefore he was there, bade him open the turret window, which he had promised not to do with his own hand. The man, as James told him, opened the *wrong* window, not the window giving on the gateway. Gowrie, in the garden, on hearing Cranstoun's message that the king had ridden off, called for his horse, which, as Cranstoun told him, was at Scone, two miles away.

The arrangement is obvious. It was to be said that the king had ridden homeward, his suite would follow, and be out of the way, Gowrie would not be able to accompany them (as was his duty),

because his horse, unluckily, was at Scone, across the Tay, about two miles off to the east. This was well planned; but here the system of secrecy again proved fatal. The porter, Christie, not trained in his part, denied that James could have ridden out, he himself had the key of the back gate in his pocket, or at his girdle. Gowrie give the porter the lie, and said that he would ascertain the truth.

Now, at this point Gowrie's conduct is wholly incompatible with innocence. We give the facts in the words of Lennox: "I am sure," said Gowrie, "that the king is forth; nevertheless, stay, my Lord Duke, and I shall go up and get your lordship the verity and truth thereof." And the said Earl of Gowrie passed up, and incontinent came down again into the close, and he affirmed to the deponent "that the king was forth at the back gate, and away."<sup>26</sup> Inchaffray and Moncrief corroborated. Nicholson's letter of August 6 tells the same tale. It is impossible to doubt the fact. Gowrie went up the great staircase, and returned once more, assuring the gentlemen that the king had ridden away. Whether he met the Master (which is improbable), or not, Gowrie deliberately lied. Except on a theory of wholesale perjury by Lennox and others, it is certain that Gowrie, after pretending to go and inquire, falsely alleged that James had left his house. For this he could have only one motive, to get the royal suite to ride off and leave James alone to his fate. The lords then went to the front gate, and thence into the street, awaiting their horses, and talking over the matter. Had Gowrie not led to their arrival on that side of the house, the cries which James presently raised would not have been heard by his retinue.

While these things were happening downstairs young Ruthven had again rushed into the turret; probably he had not seen his brother; probably he had been deliberating on his desperate situation. He declared that James must die; but, instead of stabbing him, tried to bind his hands with a garter later found on the floor of the room. James snatched away his left hand and leaped free, making for the turret window. Ruthven seized and tried to gag him with his hand, but the window was pushed up, and the gentlemen outside heard the king yell "Treason!" and saw his face very red, and a hand at his mouth. Lennox, Mar, and others at once ran into the house by the main front entry, and up the chief staircase, but could not force the door which the Master had locked.

Soon, as they battered at the door, they heard a noise of fighting within.

The cause was this : while Ruthven and James fought and wrestled in and out of the turret and adjoining chamber, young John Ramsay, a page, hearing James's cries as he stood about the stable door, ran up a small narrow winding stair, not noticed by the others, which led into the chamber giving on the turret, and was nearer him than the main door and great staircase. Either Henderson opened or unlocked the door, or Ramsay drove open the door, and caught a glimpse of a figure (Henderson) by the door, but took no heed of it, as he found Ruthven and the king struggling. Ruthven was still trying to gag James with his hand ; James had "got Ruthven's head in chancery." James shouted, "Strike low, he has a secret mail doublet," and set his foot on the hawk's leash ; Ramsay cast loose the king's hawk, which was on his wrist, and struck high at Ruthven's face and neck. James later admitted that he might have bidden Ramsay spare Ruthven, but, as he said, "Man, I had neither God nor devil before my eyes, but my own defence." He thrust the wounded Ruthven down the steep cork-screw staircase, while Ramsay, from the turret window, bade Sir Thomas Erskine come up. Erskine, like the others, had heard the king's cry from the window, he ran towards the house, and meeting Gowrie outside, some distance from the front door, called him "traitor," and tried to seize him. "What is the matter?" asked Gowrie. A crowd of his retainers separated Erskine from him, and then Erskine heard Ramsay's call from the turret window. Dr Hugh Harries (a man lame from a club-foot), and another man, Wilson, ran with Erskine up the narrow stair, stabbing young Ruthven to death as they passed. They found James safe ; but Gowrie, with some of his men, including Cranstoun, was close on their heels. There were now in the larger chamber, which had a door opening into the turret, the king, Ramsay, Harries, Erskine, and a servant named Wilson. As James had no sword, his friends locked him into the turret and stood on guard. Calderwood says that only Gowrie and Cranstoun fought against the king's four men ; on the other side, the king's party averred that at least seven other men were with Gowrie. Several witnesses later saw some of them bleeding ; they fled and would not appear when summoned. They were two Ruthvens, two Moncriefs, and one Eviot.

The position of James was now alarming. Only the door of the

turret separated him from the chamber where his four friends fought six or eight of the Gowrie party, while the locked door between this room and the gallery rang with hammer-strokes, dealt by whom? That this really was James's situation, alone, locked up, a crowd hammering at one door, an unequal fight swaying to and fro in the chamber from which but a door separated him, is absolutely certain. Was James the man to put himself in such a perilous place on the off chance that his friends might have the better of Gowrie's? The friends of this hypothesis also maintain, inconsistently, that James was an abject coward.

The hammers rang, the swords clashed in the chamber next the turret where the king stood alone. In the *melée* several men were wounded on both sides, but Ramsay at last ran Gowrie through the body. Most writers aver that Gowrie, hearing an opponent cry, "You have slain the king," dropped his points (he had twin swords in one scabbard), and that Ramsay then lunged at him.<sup>27</sup> Gowrie fell dead, his retainers fled; Ramsay and the others let James out of his turret, and with a hammer passed by the Lennox party through a broken panel opened the locked door, at which Mar and Lennox with their men had vainly battered. Even now, according to Lennox, some of the Gowrie faction struck under the door (from the staircase) with halberts, and wounded one of the Murrays who was with Lennox and the king. On hearing Lennox's voice these assailants ran, and the king with his party, kneeling on the bloody floor where the dead Gowrie lay, offered their thanks to Heaven.

To suppose that James wilfully put himself within reach of these perils as part of a plot to murder the Gowries, is to show extreme credulity. How things were probably planned is plain enough. Henderson should have helped Ruthven to master and gag James; the royal suite should have ridden off after their king, said to have made for Falkland, then James would have been carried, perhaps on horseback, down the north side of Tay to Dundee, or across Fife to Elie, and shipped for Dirleton. When the courtiers, not finding trace of the king, rode back to Perth, the Ruthvens (with his majesty) would be on their way, nominally to Dirleton, really perhaps to Fastcastle. That so many men attended the king was what Ruthven, according to James, had tried to prevent. Gowrie's nervous anxiety, while he was with James alone in the small inner dining-room, is easily explained; the king was too well attended. But the Master

of Ruthven persevered, he could not desist, for he could not explain away his story of the pot of gold. Henderson failed him, the rest was despair and action without a plan. Thus construed, the whole affair is intelligible; otherwise it is not.

To the townsfolk one fact only was clear: their young provost and his brother were slain. The town bells rang, rumours flew about, the people gathered: men and women, shaking their fists at the windows of the house, cried, "Come down, green coats, ye have committed murder," and clamoured for revenge. James spoke from the window, he called in the bailies, he showed the dead and told the tale, the people were persuaded to return to their houses, but the sun had fallen before James could ride through the lingering rainy twilight back to Falkland. Next day, as we saw, news from James arrived in Edinburgh. There were some who said that Nicholson, the English resident, had been seen at Leith, in the dawn of August 6, awaiting news from beyond the Firth of Forth, a rumour which he indignantly denies. In Edinburgh the preachers found that they could not conscientiously preach, as desired, against *treason*, "seeing the king made no mention of treason in his bill," and the reports of courtiers varied among themselves. David Lindsay, a preacher, arrived from Falkland, the preaching was entrusted to him; he harangued at the Cross, and the guns were fired.

The brothers of the Ruthvens fled from Edinburgh to Dirleton, and thence to Berwick. They were young boys, but James, who raged against all that dangerous house, had sent to apprehend them. At court, where Beatrix Ruthven was dear to the queen, there had been lamenting, and the name of Anne of Denmark was mingled in the suspicions and tattle of the gossips, with talk about a magical amulet of Gowrie's which, probably, as we have said, he was foolish enough to wear in a kind of "medicine-bag." Such things are worn by gamblers unto this day. Lord Hailes proves that the practice was very common, abroad, in Gowrie's time.

Meanwhile at Falkland efforts were being made to clear up the plot. The unhappy Mr Cranstoun, Gowrie's equerry, a brother of Cranstoun of Cranstoun, was wounded and could not fly. He had been in France for more than ten years, and had returned with Gowrie. On August 6 he was examined, no doubt under torture. He had not seen Gowrie or Ruthven, he said, to interchange six words with them, for a fortnight. They had been in Atholl, and



the mention of a fortnight looks as if they had gone thither about July 20. Nothing could be got out of Cranstoun. On August 16, Craingelt, Gowrie's caterer or under-steward, was examined. Nothing could be extracted from him as to a conspiracy. But he had been unaware of Ruthven's early ride to Falkirk. Meeting the Master, booted, on the stairs, when he returned, Craingelt asked him "where he had been?" who answered, "An errand not far off." This answer, obviously, was intended to disguise Ruthven's long ride to bring James from Falkland to Perth. Craingelt asked why the king had come? Ruthven replied, "Robert Abercromby, that false knave, had brought the king there, to cause his majesty take order for his debt." Ruthven, in this story, had only met the king casually, when himself returning from "an errand not far off." As to Robert Abercromby, it has been suggested that he was a creditor of Gowrie for sums disbursed for the king, by the first Earl, executed in 1584. We have seen that James, in June, had given Gowrie a year's exemption from pursuit of creditors. Moreover, he appears to have himself satisfied this Robert Abercromby, who was his saddler. Under the treasurership of the first Earl of Gowrie, and of his successor Sir Robert Melville, James, up to 1594, had owed Abercromby more than £5000 Scots. But, in 1587, James had promised Abercromby twelve monks' "portions" of the abbacy of Cowper, these including the "portions" of dean and sub-prior. This gift or payment (part payment probably) was ratified in the Parliament of 1594.<sup>28</sup> If any of Gowrie's father's debt, really the king's debt, to Abercromby, was unliquidated in 1600, still, Gowrie had an exemption, and it was an impossible story of Ruthven's that the king was acting as debt-collector. It seems of a piece with Ruthven's "errand not far off." Craingelt had been in arms during the tumult. He, Cranstoun, and one Barron, also seen in arms, were hanged. On August 20, Gowrie's tutor, Mr Rhynd, was tortured. He spoke of Gowrie's talisman; his other evidence was not important, but he said that Andrew Ruthven told him, in Gowrie's presence, that he, Henderson, and the Master, had been at Falkland. He had previously told the minister of Perth, Cowper, that Gowrie was wont to argue on the necessity of secrecy in "high and dangerous purposes." To Cowper, Gowrie had recently said the same thing, *à propos* of a passage in a book, not identified, which Cowper found him reading.

None of these men knew of any plot. The great object at Falk-

land was to find the man in the turret. Where was he? and who was he? Ramsay, entering the turret, caught only a glimpse of a man behind the king. After he wounded Ruthven the man had vanished like a ghost. And where was Andrew Henderson? Calderwood (who is not invariably correct) tells us that the turret man was first advertised for as "a black grim man," a Mr Robert Oliphant, M.A. But Oliphant had an *alibi*; it is necessary to keep an eye on this gentleman. Two or three other persons were suspected: one was slain when trying to hide, and Calderwood says that Galloway showed James the corpse, and said that there lay the man of the turret.<sup>29</sup> The turret man had vanished, and Henderson had disappeared. He had been seen returned to Gowrie House, booted, from a ride, by two gentlemen named Hay, and by Mr John Moncrief, who were with Gowrie on the morning of August 5. To a question of Moncrief's, Henderson had replied that he "had been a mile or two above the town." Hitherto no man had any later knowledge of Henderson. He was not seen in the brawl at the house, or among the townfolk. The Ruthven apologist declares that he waited on the lords who dined in the hall; Calderwood, that he was seen eating an egg in the kitchen, and Perth tradition avers that he was at Scone all day, and only heard of the tragedy as he crossed the bridge on the way home to Perth. Meanwhile, though Henderson had vanished like the man in the turret, nobody knew why he had fled. He had done no harm. Even if he had ridden to Falkland and back with the Master (which nobody could prove) there was no harm in *that*. Andrew Ruthven had made the same journeys, and there is no sign that he was molested. But Henderson had fled, as had five gentlemen, friends or cousins of the Ruthvens, who had been with Gowrie in the fight in the chamber, and, later, had been conspicuous in the riot. On August 12 these men and Henderson were denounced for not appearing to give evidence when summoned.<sup>30</sup> The others had reasons for absconding, because they had been at sword strokes with the king's friends, but what reason had Henderson? Now, as two men had disappeared, he of the turret who had good reason to be afraid, and Henderson who had none, it was an obvious inference that Henderson and the turret man were one and the same.

This fact became apparent even before Henderson was denounced on August 12. On Sunday, August 11, James had entered Edinburgh in state, and, seated on a carpet at the Town Cross, had

heard his chaplain, Galloway, tell the story of the tragedy to the people. Galloway gave the king's version, and ended by producing a letter sent by Henderson from his place of hiding. Henderson was factor, or chamberlain, of the lands of Scone, Galloway had been minister of Perth, and knew Henderson well. The preacher produced the letter, any one who knew Henderson's hand might examine it. The extract read was to the effect that, early on August 5, Gowrie sent Henderson to ride to Falkland with the Master, and to bring his message. On Henderson's return Gowrie bade him put on his secret coat of mail, and his plate sleeves, and to wait for the Master, and do as the Master ordered him. Later, the Master locked Henderson up in the turret. He now suspected treason and betook himself to prayer. The Master led the king into the turret, and, said Galloway, "the rest differs almost nothing from what you have heard," that is from the king's narrative.<sup>31</sup>

Between August 12 and August 20, Henderson delivered himself up as a kind of king's evidence. On August 20 he was examined at Falkland by the Council, James not being present. He adhered to his tale about being locked up, armed, in the turret, and corroborated James for the rest; except that he said he wrested the dagger from Ruthven's hand. He also declared that Ruthven asked James to make a "promise," the nature of which Gowrie would explain. It has been fancied that this promise referred to Gowrie's debts. But it is not to be supposed that the Ruthvens would attempt to extort such a promise by secluding the king in a closet with an armed man. They would be guilty of treason to no purpose, for no such extorted promise could be binding. Possibly the word "promise" got into Henderson's memory from the parallel passage in the king's narrative, where "promise of life" to James is mentioned.<sup>32</sup> Henderson, in fact, tried to disguise his own poltroonery. James added his deposition to his own narrative, printed at the end of August, with the warning that, if Henderson's contained discrepancies, "they were uttered in his own behoof for obtaining of his majesty's princely grace and favour."<sup>33</sup>

Before the trial, held by the Parliament in Edinburgh, in November, for the forfeiture of the Ruthvens, Henderson was examined before the Lords of the Articles. His evidence was much to the same effect as before, but he omitted his wresting of the dagger from Ruthven, and there were variations about opening the window.<sup>34</sup>

On these points Hudson, who interrogated both the king and Henderson, wrote sensibly to Cecil from Edinburgh, on October 19: <sup>35</sup>—

. . . I have had conference of this last acsyon, first w<sup>th</sup> the king, at length, and then w<sup>th</sup> Henderson, but my speache was first w<sup>th</sup> Henderson befoar the king came over the watter, betwixt whoame I fynde no difference but y<sup>t</sup> boath alegethe takinge the dager frome Alexander Ruthven, w<sup>ch</sup> stryf, on the one part, maie seame to agment honor, & on the other to move mersy by moar merit: it is plaen y<sup>t</sup> the king only by God's help defendid his owin lyff wel & that a longetyme, or els he had lost it: it is not trew that Mr Alex. spok w<sup>th</sup> his brother when he went out, nor that Henderson unlokt the door, but haste & neglect of Mr Alex. left it opin, wherat Sr Jhon Ramsay entrid, and after hime Sr Tho. Ereskyn, Sr Hew Haris & Wilsons. That it is not generally trustid is of mallice, & preoccupassyon of mens myndys by the minesters defidence at the first, *for this people are apt to beleve the worst & loath to depart frome y<sup>e</sup> fayth.*

The other witnesses, Mar, Lennox, many of James's retinue, friends of Gowrie, and burgesses of Perth, gave, before the Lords of the Articles in November, testimony to all that they had observed.

Parliament condemned the Ruthvens, their dead bodies were mutilated, their lands were forfeited, and shared among those who had been with the king. Henderson was allowed to retain his factorship, and received a pension.

Now Henderson's tale was not easily credible. How could the Gowries expect a man, armed, but unapprized of what was expected, to aid in seizing the royal person? The world thought either that Henderson was suborned to tell his tale, there having been no man in the turret at all; or that the king somehow had him locked up in the turret, or that he had really been initiated into the plot, but had lost courage when confronted with his task. The first suggestion is impossible. James would not, on the evening of the occurrences, make his narrative turn on a non-existent man in the turret, and then take the chance of finding a person ready to swear to be that man. The second idea, that James could suborn a factor of Gowrie to be locked up, armed, in a turret of Gowrie's own house, and that unknown to the Earl and his brother, is absurd. But the third theory, that Henderson had been initiated into the plot, had been unable to reveal it or refuse to join it, and had played the weakling at the crisis, is not improbable in itself. Henderson, if approached by Gowrie, would not dare to refuse to join his master, still less would he risk torture by revealing a conspiracy which he could not prove.

Here comes in Calderwood's Mr Robert Oliphant, who was originally suspected of having been the man in the turret, but proved an *alibi*. Though no historian has remarked the fact, Oliphant let out that, both in Paris and in Scotland, Gowrie had asked him to play the part of the man in the turret. Oliphant was a gentleman, brother of Oliphant of Baughiltoun. He tried to dissuade Gowrie from the enterprise, but, failing here, withdrew from Perth before the fatal day. This talk, held by Oliphant in a house in the Canongate at the end of November or beginning of December, leaked out, and came to the knowledge of the Privy Council, so Oliphant "fled again." This we learn from Nicholson, writing on December 5, 1600.<sup>36</sup>

On the same day the affair appears in the Acts of Caution (in the Privy Council Register). Much later, in 1608, Oliphant was arrested in England, and was in prison for nine months, but his captor, a Captain Patrick Heron, did not appear against him, and he was released.<sup>37</sup> If Oliphant spoke truth, and is correctly reported, it follows that Gowrie had the plot in his mind before his return from France, and it is probable that Henderson had been taken into the conspiracy, but had "fainted" (as Oliphant said) at the critical moment. He then made his peace by his revelations. The defenders of the Ruthvens do not explain why Henderson ran away and hid if he had no part in the transaction.

The sceptics at the time, including Mr Robert Bruce, said that they would believe Henderson's tale if he were hanged and adhered to it on the scaffold. Had this occurred they would still have disbelieved, and would have declared that Henderson was bribed by promises of benefit to his wife and family. As a matter of fact, Mr Bruce, after first cross-examining the king, believed that he was innocent of any plot against the Ruthvens, but guilty of passion in bidding Ramsay strike the Master, so Calderwood says (vi. 156).

For the reasons already given, the writer believes that Gowrie, a very young man,—familiar, probably, with romantic incidents of Italian conspiracy,—had really contrived a plot against the king. If so, the nature of his intentions after securing James remains obscure. The idea clearly was to bring the king, with only three or four servants, to Gowrie House early in the day, when the people were in church. His seclusion and capture would not then be very difficult if Gowrie's retainers preferred the Earl to their king.

James heard of an English ship that hung off the coast, not communicating with the land, but intending, the king thought, to aid Gowrie. He spoke of this to Nicholson (September 3).<sup>38</sup> Conjecture is vain, but the author's suspicions point towards Roger Aston (who drops out of the correspondence for a year), and to Sir John Guevara, Willoughby's cousin at Berwick, the kidnapper of Ashfield, as allies of Gowrie. The link between Guevara and Gowrie may have been that genial traitor, burglar, and pirate, Logan of Restalrig, whose impregnable keep, Fastcastle, is perched on a perpendicular sea-cliff between Berwick and Dirleton. On this point the reader is referred to the new disclosures to be found in Appendix B. The subject is too complex for discussion here, and we conclude that the theory of an accidental brawl is untenable (for James was locked in, and Gowrie deliberately lied as to his departure), while James could not have arranged for Gowrie to lie and so bring his retinue to the place where his cries for aid were heard. Accident is impossible; a plot by James is impossible; and we conclude that two very young men devised a scheme on romantic lines, but blundered over the enterprise. This is made more probable by the extraordinary tissue of falsehoods contained in the hitherto unknown Vindication of the Ruthvens in MS. It is throughout impudently mendacious, but was all the case that its author could offer to Cecil through Carey.

Now began the trouble with the Edinburgh preachers, especially Mr Robert Bruce. The arguments of James with these men, and Bruce's replies, fill many pages of the friendly Calderwood. The other preachers were suspended. Bruce was banished at the end of October. It is curious that he passed a night or two at Restalrig, Logan's house, before he set sail. "Mr Robert returned to Restalrig upon Thursday, at night, the penult of October," says Calderwood. Mr Robert was in very bad company, if Logan (accused of being in the plot) was at home.

Another kind of suspiciousness was rife; England was thought to have been Gowrie's ally, and the tone of Elizabeth, in her congratulatory letter to James on his escape, is extremely tart. (August 21.) She says that she hears "her funerals have been prepared." "Think not but how wilily soever things be carried, they are so well known that they may do more harm to *others* than to me. . . . The memory of a prince's end" (that is, apparently, reflection on James's narrow escape) "made me call to mind such usage, which

too many courtiers talk of, and I cannot stop my ears from . . .” She also spoke of a rumour that James meant to hand Prince Henry over to Catholic teachers. James warmly denied these imputations which hint at a plot of his own against Elizabeth’s life. She had never satisfied him about Valentine Thomas, and probably suspected him of dealings with Essex, whose enterprise had brought him to the Tower.<sup>39</sup> Elizabeth softened her expressions, but the mist of suspicions grew, and we find Bothwell’s old ally, Locke, writing to Cecil about “a party” whom Cecil has conferred with, and who is to do something secret, and be rewarded after performance. He was Ogilvie of Pourie.<sup>40</sup>

James and his queen were at odds about the Gowries. Nicholson’s gossip on the topic need not be accepted, though it blew widely abroad, and, if accepted, it proves nothing. The queen was fond of Beatrix Ruthven, and, womanlike, believed what she chose to believe.

Bishops were introduced and voted at the November Parliament which forfeited the Ruthvens; they were Lindsay, Gledstanes, Douglas, and Blackburn.<sup>41</sup> The stubborn incredulity of the preachers as to the Gowrie conspiracy, and their natural reluctance to preach on a given subject and to a given effect, had lent James his opportunity. From the point of view of the ministers, to yield here was to yield all. “The Spreit of God” inspired them with what they were to utter in their sermons. Now, if their minds were not absolutely convinced of the Gowrie treason, the Spirit, of course, would not permit them to denounce it. We really cannot blame them here, for the innocent heirs of Gowrie had not yet (before December 15) been forfeited. Thus, as we look at things, James was actually commanding the preachers to go into their pulpits and be guilty of contempt of court. To his mind, however, and he was not wrong, the preachers were throwing doubt on his personal word of honour. They would not believe that things had passed as he said, and swore that they did pass, and (Henderson apart) the king’s, in the nature of the case, was the only evidence. Thus James fought for his royal and personal honour—if he was a liar he was also a murderer—while the preachers fought for their consciences and their inspiration.

On October 14, at Holyrood, there was a meeting of the fourteen Royal Commissioners of the General Assembly with the Privy Council at Holyrood. James had ousted five Edinburgh preachers,

and their places had to be filled up. He sent James Melville and two others of the Commissioners to consult on a delicate point with the "outed" preachers, and, in the absence of the three, got the remaining divines in to nominate three of the bishops already mentioned. Their sees were Aberdeen, Ross, and Caithness, because in these sees alone could a handful of the temporal wealth of the old Church be recovered.<sup>42</sup> The king, however, had not yet wedged "the horns of the mitre" securely into the fabric of the Kirk, and the situation of his three new bishops contained the seeds of long wars that were to be. It might be disputed whether the Commissioners who accepted the bishops had power to act for the Kirk; their concession needed ratification by a General Assembly. Mr Gardiner looks on the bishops as holding rank derived only by a civil appointment from the Crown, by prerogative and Act of Parliament. They were inevitably led to interfere with the affairs of the Kirk, which this odd kind of bishops had no legal right to do, being hampered by "caveats." They would be opposed by the preachers "whose cause was the true cause of all spiritual and moral progress in Scotland, who in the highest sense were in the right, even when they were formally in the wrong." This is the usual judgment of historians. The precise ministers represented "progress spiritual and moral." Unlike the king, nobles, and bishops, the preachers did not follow "the uncertain guide of temporary expediency."<sup>43</sup>

We are compelled to see matters in a different light. The preachers who sympathised with the anarchism of Bothwell, or sheltered with Logan of Restalrig,<sup>44</sup> or approved of raids upon the royal person, followed expediency just as other politicians did. They were often the agents, sometimes the spies, of a foreign and unfriendly country—England. They were less often formally in the wrong than the king was. They were highly moral men, despite their festive free lances like Bothwell and Logan. But their morals did not prevent Bruce from calling for the death of Henderson merely as an experiment in evidence. Two despotisms, two claims to absolute power, were in conflict,—the claim of inspired prophets, the claims of an anointed king. "Progress" was equally impossible under either claim. The two irreconcilable forces, each of them incompatible with the freedom of the State and of the individual, were obliged to destroy each other. Meanwhile James had bishops voting in Parliament. But the impossibility of en-



dowing the sees, and the attempts of the Crown to do so out of the alienated Church lands, combined with the horror of anything that looked like the services of the old faith, were to produce the Civil War.

During the stress of these affairs Charles I. was born at Falkland, on November 19. His mother had just passed through agitations only second to those of Mary before the birth of James VI. An old anecdote avers that the child's nurse once found a spectral cloaked man rocking the cradle: this, of course, was the enemy of mankind, and James drew the darkest omens from the phenomenon.

The year 1600 ended, leaving James "a free king" as regarded the resistance of the Kirk, but still plagued by deadly feuds among the nobles. Huntly and Argyll were not yet reconciled; the Maxwells and Johnstones, the Ogilvies and Lindsays, the Clan Gregor and the rest of the world carried on their ancient vendettas, and in Ayrshire began the series of crimes connected with Mure of Auchendrane. Scotland was still anarchic.\*

\* Persons curious as to the Gowrie conspiracy will find the case against the king stated in Mr Louis Barbé's interesting volume, "The Tragedy of Gowrie House" (Gardiner, Paisley, 1887). The author has considered Mr Barbé's arguments carefully, but remains of the opinion that the plot was a Ruthven, not a royal conspiracy. He has made a full study of the case, and of the fresh manuscript materials in "James VI. and the Gowrie Mystery" (Longmans, 1902).

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In writing this and the preceding chapter, I had not before me Major Martin Hume's interesting "Treason and Plot," based partly on uncalendared papers at Hatfield. Major Hume thinks that James at this period was deep in plot with Rome and Spain. He speaks of "the many letters now before us in which James does pretend his desire for reconciliation with Rome" (p. 419, note i. p. 420). I have no knowledge of any such letters later than the one of 1584. From the Pope's answer to the disputed letter sent by Elphinstone in 1598, it is clear that James, if he wrote this epistle, made no pretension of a desire to change his creed—his Holiness regrets the circumstance. "Lord Hume was sent to Paris and to Italy . . . to beg for recognition" (May 1599), says Major Hume (p. 380). Lord Hume went to Paris and to Brussels to meet Bothwell—much to James's annoyance—to Italy he did not go. The "advertisements" of John Colville, a starving spy in exile (1599), are "sensational" rumours not worthy of consideration. His myths are recorded by Major Hume (p. 380), and long ago by Tytler (ix. 313, 314). If the wild tales were true, James rejected the Papal offers of 100,000 crowns down, and 2,000,000 to follow! That James had received abundance of Spanish or Roman gold is impossible. We know, from Nicholson, and from the reports of the financial Convention of June 29, 1600, that he was desperately needy. Compare Major Hume, "the encouragement and money he was getting from the Catholic powers . . ." (p. 395). It was Colville's business to send in what is now

called "scare news," and he did so, but was so easily detected by his English employers that he turned Catholic "for a morsel of bread." For these and other reasons, I must venture to dissent from the conclusions of Major Hume, till evidence of a more satisfactory sort is produced. At most, I think, James wished to pose as a tolerant prince, despite his persecution of his Catholic subjects.

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NOTES TO CHAPTER XVII.

- <sup>1</sup> Nicholson to Robert Cecil, January 12, 1600; Thorpe, ii. 780.
- <sup>2</sup> Reprinted by Mr T. G. Law, *Miscellany of the Scottish History Society*, vol. i.
- <sup>3</sup> Pitcairn, ii. 330.
- <sup>4</sup> State Papers Scotland, MS. Elizabeth, vol. lxvi., No. 52.
- <sup>5</sup> Thorpe, ii. 762.
- <sup>6</sup> Hatfield Calendar.
- <sup>7</sup> Winwood Memorials, pp. 37, 146; Border Calendar, ii. 645. For Bruce's mission to a person whom in 1624 he calls "The Master of Gowrie," see Wodrow's "Life of Bruce," p. 10, 1842.
- <sup>8</sup> Winwood Memorials, p. 156.
- <sup>9</sup> Thorpe, ii. 782.
- <sup>10</sup> Nicholson to Robert Cecil, April 20, 1600.
- <sup>11</sup> Thorpe, ii. 782, 783.
- <sup>12</sup> Arnot's "Criminal Trials," p. 373.
- <sup>13</sup> Border Calendar, ii. 659.
- <sup>14</sup> Thorpe, ii. 782.
- <sup>15</sup> Thorpe, ii. 783.
- <sup>16</sup> Colville's life is traced in the preface to "Letters of John Colville," Bannatyne Club.
- <sup>17</sup> Hatfield Calendar, viii. 147.
- <sup>18</sup> Hatfield Calendar, viii. 399.
- <sup>19</sup> This appears to be the sense of Craingelt's statement in Pitcairn, ii. 157.
- <sup>20</sup> State Papers, Scotland, Eliz., vol. lxvi., No. 50, published for the Roxburghe Club in "Gowrie Conspiracy, Confessions of George Sprot" by myself.
- <sup>21</sup> Pitcairn, ii. 157.
- <sup>22</sup> Border Calendar, ii. 677.
- <sup>23</sup> Evidence of Henry Balnaves: "Was in the lodging before the tumult. Past forth, at the request of Sir Thomas Erskine, to buy him a pair green silken shanks."—Pitcairn, ii. 199.
- <sup>24</sup> Pitcairn, ii. 249.
- <sup>25</sup> Pitcairn, ii. 156.
- <sup>26</sup> Pitcairn, ii. 173.
- <sup>27</sup> Spottiswoode gives this version, as does: "The True Discourse of the Late Treason," State Papers, Scotland, Eliz. vol. lvi. No. 50, MS.
- <sup>28</sup> Act Parl. Scot., iv. 83, 84.
- <sup>29</sup> Calderwood, vi. 73, 74.
- <sup>30</sup> Privy Council Register, vi. 149, 150.

- <sup>31</sup> Pitcairn, ii. 250, 251.
- <sup>32</sup> Pitcairn, ii. 215, 222.
- <sup>33</sup> Pitcairn, ii. 218.
- <sup>34</sup> Pitcairn, ii. 174-179.
- <sup>35</sup> State Papers Scot., Eliz., MS. vol. lxvi., No. 78.
- <sup>36</sup> S. P. Scot., Eliz., MS. vol. lxvi., No. 107.
- <sup>37</sup> Privy Council Register, 1600, 1608, 1609, *s.v.* Robert Oliphant.
- <sup>38</sup> S. P. Scot., MS. vol. lxvi., No. 66.
- <sup>39</sup> Tytler, ix. 365, 367; Letters of Elizabeth and James (1849), pp. 132, 133.
- <sup>40</sup> Thorpe, ii. 788 (83).
- <sup>41</sup> Calderwood, vi. 99, 100.
- <sup>42</sup> James Melville, p. 489; Register Privy Council, vi. 164, 166, and Note.
- <sup>43</sup> Gardiner, i. 522, 523.
- <sup>44</sup> Had Bruce stayed not in Logan's house, but in the village of Restalrig, Calderwood would probably have written "Restalrig toun."

## CHAPTER XVIII.

## JAMES SUCCEEDS TO ELIZABETH.

1601-1610.

THE new year (1601) was marked by the despatch of ambassadors to sound England and Elizabeth, and by almost unusually dark and hostile intrigues of Cecil. Before the end of the year, however, he had abandoned these efforts in favour of a secret understanding with James. The court was rife with quarrels and intrigues, and James Melville kept alive the "grievances" of the Kirk, with the vehemence of his brother, while the king summoned the General Assembly in secular fashion by proclamations at market crosses. The ambassadors who set out for London in February 1601 were the Earl of Mar and the lay Abbot of Kinloss. They left Scotland in the middle of February, and made their way to town at the pace of a funeral procession. In a sense it *was* a funeral procession. Essex lay in prison for his famed "one day's rebellion," an attempt, in the Scottish manner, at a raid on the person of Elizabeth. Essex, before he was taken, managed to burn most of his papers, especially one which he wore in a bag about his neck, and which only contained six or seven lines. Now, about Yuletide 1600, Essex, Southampton and others had attempted to establish a cryptic correspondence with James. They worked through Norton, the publisher, whose office was in St. Paul's Churchyard, but who had a branch establishment in Edinburgh. He carried Essex's document, recommending that Mar should be sent as ambassador to London by February 1, 1601. James was to reply by a letter "in disguised words of three books," whether a book cypher, or by using book-titles as cant names of the plotters. James's answer may have been the tiny paper which Essex wore in a bag, and

burned when his enterprise failed. Essex was searched, naked, for this bag on February 18, 1601, but he had destroyed it.<sup>1</sup> Essex had even prepared instructions for Mar on his arrival as ambassador. Their general purport was to warn him that Cecil would thwart James's succession in favour of the Infanta of Spain. This was a wild theory, but Essex added, with truth, that Cecil had done James many ill offices. That was well known to the king, who told his two ambassadors that Cecil and the English ministry would certainly refuse all their requests, "to force me to appear in my true colours, as they call it."<sup>2</sup> Essex's instructions for Mar were revealed by his secretary, Cuffe, to Cecil, and were not likely to secure a gracious welcome for Mar and Kinloss.<sup>3</sup>

Earlier dealings between Essex and James, the request that James would make a military demonstration on the border, James's ambiguous reply, were known to Elizabeth. The king, in February 1601, was bidding his ambassadors ask her for a plain statement, engrossed in the national records, that he had never conspired against her. This he demanded as a check to any effort to defraud him of the succession on the score of such attempts. But Elizabeth, as if he referred only to the affair of Valentine Thomas's charges, declined to revive old scandals by meeting James's wishes.

While Essex, after these attempts at intrigue with James, lay in prison, expecting death, it was inconvenient that Mar and Kinloss should arrive in London. They therefore delayed, and came after his execution. The king commanded them to study the situation between Elizabeth and her people, to find out whether they were dissatisfied with her personally, or with her ministers only, to urge his claims, not merely to the crown, but to the Lennox estates in England, to ask for money, to try to secure the interest of the city, of the Lieutenant of the Tower, and of the fleet. They were plainly to warn Cecil and his followers that James, when king, would use them as they should now use him. It is not certain whether Mar and Kinloss bluntly told Cecil what James was threatening. Cecil himself was, in fact, working against James after the accustomed Tudor policy. Since Henry VII., every English king had sent his agents to spy, to disturb, to enlist rebels and traitors, to encourage the discontents of the godly, and the enterprises of the nobles, north of Tweed. In 1601 Cecil was playing the old game. He was employing Ogilvie of Pourie, James's

self-styled envoy to the Catholic powers, and a new spy, Thomas Douglas, as thorns in the side of the king. Ralph Gray, residing at Chillingham, not far from Flodden, and the Master of Gray himself,—(he had returned from France just after the Gowrie affair),—harbouring at Chillingham, were also Cecil's agents in mischief. "Lord Willoughby" (at Berwick) "has many errands in Scotland"; he had repudiated any share in the Gowrie conspiracy, in fact, he was not at Berwick when that affair occurred.\* Cecil was also engaged in a very obscure intrigue with a Scot named Francis Mowbray, who, in January 1603, died of hurts received in an attempt to escape from Edinburgh Castle, where he lay on a charge of conspiring against James's life. In 1602 Cecil seems to have been treating with this Mowbray for the purpose of fully discovering his plot, and communicating it to James.<sup>4</sup> But, in the spring of 1601, Cecil's dealings with Mowbray are dark.<sup>5</sup>

Whether Mar and Kinloss plainly delivered James's threat to the English intriguer or not, Cecil came to terms with them. They met in the office of the Duchy of Lancaster in the Strand. It was arranged that James should not publicly pester Elizabeth with his claims, and that Cecil's commerce with James should be kept a secret. Lord Henry Howard was to write to Kinloss for Cecil, and he acted as an intermediary so verbose, and, in addressing James, so crawlingly abject and hyperbolically fulsome, that his secret correspondence is most distasteful reading. The rudeness of the preachers is not so repulsive as the exaggerated and slavish oriental flattery of the peers and divines of England, with whom James henceforth had to do. In the preface to our Bibles we have a fair or rather a moderate specimen of the style which was to confirm James in his fatal theory of prerogative and Divine right. Language heightened by an age of servility to Gloriana, was yet higher spiced for the unaccustomed but greedy ears of the king of Scotland, in the secret despatches which Howard wrote for Cecil. "The correspondence," says Mr Bruce, the editor of the letters not already published by Lord Hailes in 1766, "began between March and June 1601." The later date is the more probable. Mr Bruce, an opponent of James, admits that Cecil had other strings to

\* The execution of an auctioneer for hanging up the king's portrait on the gibbet seems cruel (Nicholson to Cecil, April 26, 1601). But the man obviously meant to taunt James as the murderer of Gowrie. He "is to be challenged for the filthy act" (May 20, Thomas Douglas to Cecil).

his bow (the Master of Gray for one), and "occasionally found it difficult to repress the disposition to make assurance doubly sure," on the side of James.

In his first letter to Cecil James denied that he had ever been in treasonable relations with Essex, and promised to keep Elizabeth's minister on in his old situation. He keeps addressing Cecil as "My dearest 10" (the cypher name), and, after October 1601, James was fairly safe from the chance of finding Bothwell in his bedroom or Restalrig under his bed, at least as far as Cecil could control and direct such enthusiasts. His domestic peace was less secure. His queen was still sore about the deaths of the Ruthvens, and the dismissal of Mistress Beatrix. Howard and Cecil especially distrusted Anne, James's wife; they must never be well spoken of, they said, in her presence. She passed the year, as she usually did, in quarrels with James's ministers and favourites, such as Sir George Home and Sir Thomas Erskine. Whatever her husband did was wrong, apparently, in this lady's opinion, and so Howard and Cecil had reasons for distrusting her. The political year ended with James's offers to aid Elizabeth in Ireland. From the intrigues of Cecil, now rallying to the Rising Sun, he was safe. Ogilvie of Pourie, too, gave trouble, trying to extort blackmail from the king, probably, but he was reduced to denying that ever he was commissioned to do James's errands of secrecy in Flanders, France, and Spain—a pretence which, as we saw, caused great scandal.<sup>6</sup>

In ecclesiastical matters the year was comparatively peaceful. James Melville was in bad health, and could only send letters to the brethren, while Davidson, who also expressed himself in a letter, was at first "warded," but, later, set at liberty. A General Assembly, at Burntisland in May, did little beyond deciding that the country was about to run either into papistrie or atheism, considerable defections from the standards of the Kirk. It was decided that the converted Catholic peers ought to be more visited by ministers, and that the "planting" of preachers in desolate parishes was desirable. The Edinburgh preachers who had doubted James's account of the Gowrie plot were to be transported to other districts. It was a grievance that James made August 5, the day of his deliverance from the Gowries, a holiday with preachings. He took this festival to England with him, and some of the sermons which the English prelates preached on Gowrie Plot day are remarkably false and

fulsome. A Scottish preacher named Blythe emitted a sermon against pardon granted by James for manslayings, "and worse." "Worse" was a supposed pardon to Ogilvie of Pourie, who, after being captured on the English border, had come north, partly to do what he could for himself with James, partly in the service of Cecil.

In the spring of 1602 that resolute disbeliever in the king's word, Robert Bruce, who had an interview with Mar and Kinloss in England during their embassy, was allowed to come home, and met the king. A kind of "dour" tactlessness was displayed by Bruce. The king asked him if he was "resolved,"—that is, if his doubts as to the Gowrie matter were removed. Bruce said "Yes." "How?" asked the king. Bruce said by Mar's oath. Now James, in earlier interviews, had given Bruce both word and oath, perhaps too many oaths. The man, therefore, was calmly telling James that he accepted Mar's oath, but not the king's. James observed that Mar neither heard nor saw anything of the chief events. "How then could he swear?" Mr Bruce did not know. He was still unsatisfied about the real matter at issue, "the part which concerned your majesty and the Master of Gowrie," young Ruthven. "Doubt you of that?" said the king, "then you could not but count me a murderer?" Bruce's answer was amazing. "It followeth not, if it please you, sir, for you might have some secret cause."

That "secret cause" could only be what rumour averred, an amour between young Ruthven, or Gowrie, and the queen. To have Ruthven stabbed in his brother's house for that or any other secret cause would have been murder, as James had said. Mr Bruce's morality was as peculiar as his manners. "The king heard him gently . . . which Mr Robert admired." He might well "admire," as, but for Mr Bruce's cloth, any man would have been justified in kicking him downstairs. He would sign a profession of belief, but would not utter it in the pulpit, because it was "a doubtful matter." "I give it a doubtful trust." This odd moralist would sign an expression of belief in what he did not believe. Mr Bruce was internally praying all the time, which exercise appears to have confused his mind.<sup>7</sup> But Mr Bruce was at last convinced, as we have already said, that James was guiltless of any plot when he left Falkland on the morning of August 5, 1600. It is not an enemy who reports these things, but the sympathetic Calderwood. He later offered to be plain in the pulpit "as I shall find myself to be moved by God's Spirit"—the old intolerable pre-



tence of direct inspiration. At the risk of tedious repetition it must again be said that this claim of direct, not to say miraculous illumination by the Deity was the real stone of stumbling on which the Kirk tripped. In Covenanting days, nearly a century later, a certain Euphan M'Cullan, of Kilconquhar, in Fife, was fervent in prayer. She prayed for the life of a preacher named Carmichael who was in bad health. "The Lord left me not a mouse's likeness, and said, 'Beast that thou art . . . he'" (Mr Carmichael) "'was but a reed that I spoke through, and I will provide another reed to speak through.'" Mr Henry Rollock was provided, but, Euphan thought, was an inferior reed. Her words are cited from "The Memorials of Mr John Livingstone" by Lord Hailes.<sup>8</sup> Not only preachers, but prayerful men were apt to be directly inspired by God, as some of the slayers of Archbishop Sharp were, according to their own account. There is no way of dealing with men like Bruce and all who held his views. He might have said frankly, "I cannot subscribe, as a man of veracity, a statement in which I do not believe." But he was ready to sign. In the pulpit it was otherwise, there he was "a reed" breathed through by Omnipotence. He did sign his resolution, not as convinced, but as following the law, "till God gave him further light." In July Andrew Melville was "gated" for a short time within his own college.

The new year, 1602, opened prosperously, with a victory of Elizabeth's forces, in Ireland, over Tyrone, "forced to retire to the woods, and play Robin Hood there," wrote Nicholson. Ker of Cessford was raised to the peerage as Roxburghe, and strict measures were taken in his border region against Grahams, Armstrongs, and other moss-troopers. The Master of Gray was received into favour, probably because, as a kinsman of the Ruthvens, he had mollified the queen's anger about their fall, and reconciled her to Sir Thomas Erskine, Sir George Hume, and other courtiers. James pacified the ancient feuds of Moray, Huntly, and Argyll.<sup>9</sup> He communicated to Elizabeth certain overtures from France, and removed her suspicions (July). "She thinks that King James will have none of any league if she be not one in it."<sup>10</sup>

The General Assembly met at Holyrood, in November—though it had been, in the last meeting, appointed for July, at St Andrews. The king's preacher, Patrick Galloway (he who induced Henderson to confess about his doings in Gowrie House), was appointed Moderator. James Melville gave in a protest against the post-

ponement of the Assembly and the meeting in Holyrood Palace. Whatsoever should be done contrary to the constitutions of the Kirk would be null, he said, and of no effect. The preachers who had visited the converted earls, found that only Errol was at all satisfactory. Huntly could not go to his parish kirk, the parishioners were such mean men! This denoted a lack of enthusiasm. Angus could not be got at, but was reported to entertain professed enemies to religion. The faithful of Fife complained that the land had been "defiled" by the saying of mass for the French ambassador. The General Assemblies, too, it was urged, were now unconstitutionally kept. They were told that the law of 1592, as to keeping of Assemblies, had been duly observed; so we understand the reply. The bishops were not objected to, at least under that name, but the "caveats" had not, it was complained, been inspected or discussed. "Let the 'caveats' be looked to," was the answer. The endless affair of Mr Robert Bruce came up. On June 25 of this year (1602), at Perth, he had signed a statement of his belief in James's innocence and the guilt of the Ruthvens, and offered to divert "as far as lies in me, the people from their lewd opinion and uncharitable constructions. . . ." This was Bruce's plain duty, for the resolute scepticism of so notable a man of God naturally confirmed the people in their certainly "lewd opinion" that the king was a deliberate murderer, liar, and robber. The Assembly was asked,—If Mr Bruce thinks the king innocent, and is ready, as he avers, to do his best to persuade the people to that belief, ought he not to express it from the pulpit? The Assembly, "after voting, thought this not only reasonable, but also concluded that the said Mr Robert ought to do the same."

Mr Robert now—and this is very curious—retired, of all places, to Restalrig. This ought to answer such cavillers as John Carey, who, in 1598, spoke of the pious Logan of Restalrig as "a principal man of the Papist faction," merely because Logan had harboured George Ker, the bearer of the Spanish blanks, when on a secret mission.<sup>11</sup> Mr Bruce was apparently a friend of Logan (under grave but then unawakened suspicion as to the plot), to whose house of Restalrig (unless we are to suppose that "Restalrig toun" is meant) he betook himself on occasions demanding meditation and prayer. His difficulty now was, that he would not preach in favour of James's innocence (though he said that he believed in it) "by injunctions." So the endless war of words and of distinctions as

to injunctions went on ceaselessly. We cannot pry into the intricate delicacies of a good man's conscience. Mr Bruce thought that James yielded to passion when he bade Ramsay to strike Ruthven. The next Assembly was fixed for July, in Aberdeen, 1604.

On January 5, 1603, Elizabeth wrote her last letter to James, ending "Your loving and friendly Sister." In March her health absolutely broke down. The horrors of her latest days are no part of our subject. She died at Richmond in the earliest morning of Thursday, April 1, and by Saturday night Robert Carey rode into the gates of Holyrood with the news. On the fourth day thereafter came the tidings that James had been proclaimed in London.

James left Edinburgh on April 5, and, after a festal progress, with stops at the houses of the nobles, entered London on May 6. After hundreds of years of war the two portions of the island were united under one king. It is natural to pause for a moment, and reflect on the nature and fortunes of the man whom events had made the link between the ancient enemies. James is a personage so grotesque, in many of his habits so repulsive; so treacherous, so wedded to ideas of absolute royal power—based on a reading of Scripture as fallacious as that of his great adversaries, the preachers—that we are apt to overlook his qualities. Qualities he must have possessed. He had a strong sense of the ludicrous. Thrown as a yearling child into the perfidy and anarchy of Scotland, his person a mere symbol of authority, like the great seal, at which any adventurer might clutch; imperilled by the plots of any party that was backed by the wealth and the intrigues of England; James had, in some way, survived every peril, and had floated over all the billows and cross-tides into the haven of the English monarchy. He had not tact; he had often endangered his claims by rudely and inopportunately pressing them. He had seldom application; most of his time was given to sport and to study. Of economy he was ignorant and careless. Yet the man who, while he rode so much, could read so much, who while apparently always in the saddle, had learning so considerable, must have possessed a certain rapidity of genius. As he said of himself, he had a turn of speed. Though devoted to favourites he could recognise loyalty, as in Mar, whom he trusted, he said, "like a brother," and he could defend Mar resolutely and successfully against the intrigues of the queen, which were peculiarly active at the very hour of the departure for England. While nothing is more odious in James than his accept-

ance of money from the hands of the slayer of his mother, yet, undoubtedly, a war of revenge would have been ruinous to Scotland, pernicious to England, and an endless cause of disunion.

A more sympathetic prince would have taken up arms ; wisdom dictated peace. James, fond of favourites as he was, continued to repose on the sagacity of Cecil, despite his countless personal reasons for hating that statesman. Though of a petulant temper he was capable of self-restraint. He had contrived to dominate the two strongest opposing currents, the lawlessness of the nobles and the pretensions of the preachers. When he left Scotland there was no noble who dared to play the part of a Murray, a Morton, or of either Bothwell. He had reconciled the greater feuds, as of Argyll and Huntly ; the smaller feuds and private wars died out slowly under the influence of contact with England. It cannot have been mere luck that brought James home after the perils of nearly forty years. His chief danger had ever been the Tudor policy of maintaining divisions and anarchy in Scotland, with the inevitable result of encouraging the tendency to turn to the Catholic powers of the Continent. From these perils the country henceforth was free. James's dim traffickings with Spain and the Pope had always been reluctant ; they were forced on him by Elizabeth. Often warned that a few thousand pounds would make Scotland friendly and pacific, Elizabeth had preferred the dangers and ultimate expenses of hostile intrigue. This policy was ended. The Borders, that focus of war, ceased technically to be the Borders.

On the question of religion James was fated to sow the wind. His own private opinion is given in one of his secret letters to Cecil, containing "the inward temper of his mind," as Sir Robert said. James had complained of the increased confidence of the English Catholics, who boasted, "that none shall enter to be king there but by their permission." Cecil replied that, as to the Catholic priests, "I shrink to see them die by dozens, when, at the last gasp, they come so near loyalty." He had only voted for the penal laws because he regarded the priests as "persuaders to rebellion." But he had no mercy for Jesuits. James had wished to see the latest edict against Catholic priests put in force : the king explains, "I will never allow in my conscience that the blood of any man shall be shed for diversity of opinions in religion," but the temporal results, in rebellion, "the arch-priest with his twelve apostles, keeping their terms in London, and judging all questions as well civil as

spiritual amongst all Catholics," these things he could not endure. "I am so far from any intention of persecution, as I protest to God I reverence their Church as our mother Church, although clogged with many infirmities and corruptions, besides that I did ever hold persecution as one of the infallible notes of a false church." He wished, not the deaths of priests, but their expulsion.<sup>12</sup> In England, as in Scotland, James had to bear ecclesiastical meddling with temporal affairs. His own personal attitude towards belief was modern; but he had to do with another condition of affairs, in which all political questions were made religious questions. When he became king of England, persecution of Catholics, for secular reasons, was to cause the Gunpowder Plot. In Scotland, practically in the interests of the freedom of the secular State, James was to intrigue and break the law to keep down the preachers; and the pursuance of this policy, trenching on convictions narrow but sincere, was to be one of the causes of the great Civil War. That war we may deem inevitable: irreconcilable forces, impossible claims by either party, caused the strife. The real history of Scotland henceforth is more than ever ecclesiastical.

When he crossed the border James left behind him a number of the Privy Council to rule Scotland. They were the working administration directed by his majesty's letters. He governed Scotland, he said, by the pen. There was this disadvantage that, remote from the scene, he did not know, and was not often told, the temper of the country. When at home every day occurrences, usually uncomfortable, kept him informed. Safe, at a distance, out of hearing, he ventured on measures which, had he lived among his subjects, he would not have dared to attempt. One useful reform he made (August 11)—he established a small force of mounted constabulary. A body of forty horse was raised to deal with disorder, to hunt down "horners," that is, proclaimed outlaws.<sup>13</sup> Scotland had hitherto been practically destitute of police. In the matter of deadly feuds it had been usual for the parties engaged merely to put forward "cautioners,"—guarantors that they would keep the peace, which they were already required by law to do. Persons engaged in feuds were henceforth to be imprisoned and heavily fined. There were also proclamations against needy Scots who flocked into England without license, and made their country to stink in the nostrils of the Southrons. James took measures, too, for settling a scheme of the complete union of "Great Britain," as

he called it, but the time was not ripe, and the negotiations dragged on for years to no purpose.

The chiefs of the Scottish Government were, first, that notable octavian of 1596, Alexander Seton, the President of the Court of Session, created Lord Fyvie, and, later, Lord Dunfermline. Sir George Hume was presently created Earl of Dunbar, and was an active and unscrupulous minister. The Secretary was Elphinstone, now Balmerino, who soon fell under the consequences of the feeble and obscure traffickings with Rome, while still James was king of Scotland only. Sir Thomas Hamilton (later Earl of Haddington), known as Tam of the Cowgate, remained King's Advocate. He was accomplished and learned, a notable antiquary, and collector of the manuscript materials of history. He, too (as we see in the account of the trials of Sprot and Logan),<sup>14</sup> was not the most immaculate of legal officials. Straiton of Lauriston became undesirably notable for his dealings, as Royal Commissioner, with the Kirk and the General Assembly. Gledstanes, Archbishop of St Andrews, and Spottiswoode, the historian, who had succeeded Mary's old ambassador in France, the aged Beaton, as Archbishop of Glasgow, with other bishops, were also of the Privy Council.<sup>15</sup> There were many other members, especially among the nobles, including Mar, but the most active and prominent have been named. They took their orders from James, and executed them to the best of their power.

The affairs of the Kirk continued to be of most importance. In England James had to take up the tangled ecclesiastical problems bequeathed by Elizabeth. While the instincts of England remained attached to such relics of vestments, order, and ritual as the Reformation had spared,—the cap, the surplice, kneeling at the Holy Communion, the use of the cross in baptism, of the ring in marriage,—the preciser sort regarded all these things as rags and remnants of Rome. Men have fought and will brawl about such trifles as these, and the temper of Christianity has been and will be wasted over matters hardly apt to breed a quarrel in a nursery. "Greatly to find quarrel in a straw" of this kind, however, was, on both sides, a matter of conscience and a point of honour. "They fight for great causes, but on small occasions," says Aristotle, and the Hampton Court Conference of January 1604 showed what part James was to take in the struggle. In every corporate body there must be some rulers. Perhaps human wisdom might have

reconciled Puritans to the surplice and the ring, or induced Anglicans to tolerate the absence on occasion of these objects. To the Puritans preaching was the one thing supremely needful, and being, as a rule, the more intelligent of the clergy, they were apt to have the larger congregations. James had no objection to good preaching which did not interfere with secular affairs. But he fired up at some reference to "the bishop and his presbyters," and broke into language highly unworthy of his blood and of the occasion. The Nonconformists should conform, he said, otherwise he "would harry them out of the land, or else do worse." He was said to have "spoken by inspiration of the Spirit." Sir John Harington, who was present, said "the Spirit was rather foul-mouthed." James bade the Puritan divines "away with their snivelling." "He wished that those who would take away the surplice might want linen for their own breech."<sup>16</sup> No question, however essentially trivial, which involved the consciences of men could be handled in this temper. Large numbers of Nonconformist divines were ejected from their livings. The House of Commons was justly offended. James was sowing the wind with both hands, and his measures against the Catholic priests brought on the Gunpowder Plot.

The Synod of Fife had been active, as usual, in Scotland, and sent representatives to Aberdeen, for a meeting of the General Assembly (July 1604), though James had prorogued that Assembly, as it clashed with a meeting of the Commissioners to consider the Union of the two countries. The parliament of July listened to a letter from the king about the Union, and restored some forfeited Bothwellites, Douglas of Spot and Thomas Cranstoun.<sup>17</sup> On September 27, James issued an order forbidding the preachers to gather conventions without the Royal assent.<sup>18</sup> In July 1605 James again put off the Assembly. Having heard that the ministers meant to meet, he forbade this action (June 20, 1605). The royal commissioner, Straiton of Lauriston, went to the northern town and attempted to dissuade the gathered preachers, nineteen in all, from disobeying the king. However, they were resolute, though the Moderator of the last Assembly was not present to hand on the golden chain of continuity. They had elected a moderator and a clerk, when Straiton, the royal commissioner, interrupted their proceedings. They asserted themselves to be a lawful Assembly, which Straiton denied. He bade them quit the Assembly, under pain of horning, and they obeyed, adjourning to a day not appointed by

James. Straiton asserted, the friends of the preachers deny, that he had forbidden the Assembly, by proclamation at the Cross, before it was constituted. Much legal argument turned on the truth or falseness of this averment. About ten more ministers came on July 5, and threw their lot in with the other nineteen brethren. Among these was Mr Welsh, in early youth a Border thief, next a highly unpopular minister at Selkirk. Ayr was now his charge, and he had married a daughter of John Knox. He was an uncommonly resolute man, and a descendant of his was a famous Covenanting minister. Few persons did more, in the pulpit, in prison, or in exile, than Mr Welsh to hand on the old Presbyterian claims and principles.

What James ought to have done in this pass is not very clear. The Assembly at Aberdeen had been held, so to speak, in order to keep the right of way open. The Kirk, by the law of 1592, had a distinct right to a yearly General Assembly, but the conditions of royal acquiescence and appointment of day and place might be diversely interpreted by lawyers, nor dare we venture on so thorny a subject. The preachers had good reason to fear that James was about to withdraw the right of meeting. They represent themselves as meeting legally, dispersing obediently, and treat Straiton's assertion that he had proclaimed the Assembly unlawful, before it was constituted, as "a false and deadly lie."<sup>19</sup> Very probably the king's best plan would have been to let the thing pass and avoid making martyrs. However, on July 19, 1605, he wrote to the Council, denouncing the preachers as seditious, and avowing his intention to oppose the beginnings of treason. The ministers had spoken of obeying "as far as might stand with the Word of God and the testimony of their conscience," that is, just as far as they pleased. Their prorogation till September was without the king's assent requested or granted; on this point James asked for legal opinion, as he meant to use the rigour of the law.<sup>20</sup> This was James's blunder: the Privy Council, left to themselves, would not have prosecuted in a cause so doubtful and perilous. James believed, probably correctly, that the stauncher preachers had passed the year in forming a strong party and securing votes. He found that the northern Presbyterians were no longer to be trusted to "go solid" for him. Among the nineteen preachers who met, and the ten who adhered to them, were representatives from Nig, near Tain; from Hawick, on the Border; from Fife, and from Ayr in the south-west Lowlands. The length and breadth of Presbyterian Scotland were engaged, "from north and



south, and east and west, they summoned their array," though the numbers actually present at Aberdeen were small. Their motive, as we said, was to keep the right of way open; for this purpose, before dispersing, they fixed a date for an Assembly in late September.

It is dangerous to deal with the law of the case, but, probably, James might have out-manœuvred the godly. "That golden Act," as Calderwood styles it, the fifth Act of the twelfth Parliament of James VI. (June 5, 1592), regulated thus the meetings of the General Assembly: "And thus ratifies and approves the General Assemblies appointed by the said Kirk, and declares, that it shall be lawful to the Kirk and ministers, every year at the least, and oftener, *pro re nata* (as occasion and necessity shall require), to hold and keep General Assemblies, providing that the King's Majesty and his Commissioners with them, to be appointed by his Highness, be present at the General Assembly before the dissolving thereof; nominate and appoint time and place when and where the next General Assembly of the Kirk shall be kept and holden."<sup>21</sup> Now the king *and* his commissioners were not present at Aberdeen. Straiton, the commissioner, was in the town, and wandered feebly in and out of the little gathering. But neither he nor James appointed time and place for the next Assembly. The preachers themselves did so, and thereby broke, we think, the golden Act. James need have taken no official notice of them. He might have appointed a date for an Assembly, not the preachers' date. It is almost certain that the majority of the representatives would have attended the King's Assembly, not the apparently illegal Assembly convoked for September by the nineteen. These zealous men would have been obliged either to hold their own September Assembly in opposition to the king's, or, by coming to his Assembly, to confess, practically, the illegality of their own. Possibly two Assemblies would have met and mutually excommunicated each other. The Kirk would have been broken up into two factions, as it was, much later, by the Protesters and Remonstrants, and by the Indulged and the refusers of the Indulgence. But this easy stratagem, so congenial both to James and to the lawyer minds of the Kirk, did not occur to the angry monarch. He entered on a system of prosecution which irritated men's tempers, made martyrs, and could not be carried through save by bullying and cajoling and disreputable influences. James had no great cause for anxiety. He was safe in

England. It is improbable that the great nobles would have backed the Kirk: the king they could not seize on the old plan of the old French ballade: *il n'y a rien tel que d'enlever*. However, James insisted on prosecutions, and the Council reluctantly obeyed.

They called before them Forbes, the Moderator at Aberdeen, and Welsh of Ayr. These men they warded in Blackness, and summoned the others for August 1. The four commissioners of the Synod of Fife were ordered to join Forbes and Welsh, wherefore God sent a plague, and the Chancellor's son died. Sir George Hume, of the house of Manderstoun, now Earl of Dunbar, was none the less made Great Commissioner, "to govern all Scotland, Kirk, and commonweal." Certain ministers wrote to him, warning him against the "new and young bishops." They themselves "will give place to no bishops"; "in this opinion we will die; and so, we are assured, will the best, yea, even the greatest part of the ministry of the Kirk of Scotland." They will stand for a bishopless Kirk as the poorest subject would "for a cot and a kailyard." This was the real ground of quarrel, for this the Assembly of Aberdeen had been held. The Kirk fought against the insidious introduction of bishops having authority; men "created," as one of them said, by the king, and, being his creatures, whom he made and could unmake, certain to obey him in everything. The two irreconcilable and intolerable forces, the absolutisms of preachers and of prince, are henceforth at war. In the end the king lost his unendurable prerogative; the Kirk kept out bishops, but had to abandon its insufferable pretensions. As for the letter of the law, it went where it must go in revolutions—each faction accusing the other of its infringement.

On July 25 the Assembly for September was proclaimed illegal, as it apparently was. The offenders of Aberdeen were summoned before the Council for October. The Synod of Fife voted for postponing the September Assembly to May 1606, and thought of trying to gain the consent of the king, but abandoned that idea. They appointed a solemn fast, a favourite form of agitation. James Melville wrote an apology. The law of 1592, that golden Act, not being, perhaps, quite to his purpose, he averred that Christ "gave the keys of the kingdom of heaven" to pastors, doctors, and elders. The nineteen, then, who assembled at Aberdeen, "had the warrant and power of Jesus Christ so to do," an argument of the force of which, when Cromwell came, we may say *solvitur ambulando*. James

did now fix a General Assembly for the last Tuesday of July, meaning, doubtless, of the year following (1606), but by accident or design the year was not specified. The prisoned brethren were summoned for October 24 to hear themselves charged with seditious assembling. They declined the jurisdiction, as Black had done in 1596. They were remitted to their prisons, while a Papist was merely banished the country, a thing "very evil taken by all good men." The Gunpowder Plot, occurring on November 5, caused the afflicted to think that James would cease to pursue Puritans and preachers. But the king is said to have remarked that, while the Papists sought his life, the preachers sought his crown.

Early in 1606 Mar and Dunbar were sent down to try the prisoners, a task which Dunbar sought to escape from by working privately with the accused, through a minister. "Never so light a confession" of error would satisfy James. They were not to be moved. Next day they were told, before the Council, that if they would "pass from" the Assembly and declinature, "for the time and place," resuming their case again when they pleased, they might go free. They asked leave to consult the Presbyteries; this was not granted. The prisoners were indicted of treason. They had counsel; Mr Thomas Hope acquitted himself well. They argued that to decline the Council's jurisdiction was not treason; Mar and two others alone upheld them in this distinction. The King's Advocate, Hamilton, according to James Melville, threatened the jury; and Mr Forbes "horribly threatened" the Council and nobles present. He also dwelt on Joshua and the Gibeonites, and on Saul, whose sons were hanged, "the quhilk he applyit to the king." This was not, perhaps, very tactful. Under these spiritual and temporal threats the jury, worked on by the Council (who said that capital punishment was not intended), found the prisoners guilty by a majority of nine to six (or of seven to six). They were taken back to prison, their sentence being deferred.<sup>22</sup>

There is a point in this trial usually omitted by modern historians (who side with the Kirk), but frankly put forward by James Melville. The King's Advocate threatened the jury, all men of family and land, that, if they acquitted the accused, "he would protest against them for error wilfully committed, and so their life, lands, and goods to fall into the king's hands." Hamilton's argument, according to Melville, ran that it was proved treason to decline the jurisdiction; the jury had only to decide whether the accused had declined it

If Hamilton really urged that to decline the jurisdiction was, legally, treason, the Council soon gave the lie to his statement. But, while we detest the threats to the jury, modern historians usually ignore the counter threats of Mr Forbes. He was a preacher, therefore one of those to whom Christ had given "the keys of the kingdom of heaven . . . and power of retaining and remitting sins."<sup>23</sup> Melville believed this, Forbes believed it, probably many of the jury believed in this wild claim to the keys of St Peter. On the strength of this doctrine, so absurd that it is practically overlooked by historians, Mr. Forbes "threitneing most terribill, maide all the heireris astonischit, and their hairis to stand."<sup>24</sup> Manifestly, here was undue influence used by the party of the preachers just as much as by the party of the Crown, and expressly directed, in part, against the king. The jury were assured, by Mr Forbes, that if they condemned him and his friends, they were God's perjurers, and broke the solemn Covenant with the Almighty. What they had to decide was merely a question of fact. But James was entangled in the meshes of the Covenant which he had subscribed, and caused all to subscribe. This Covenant, a fancied arrangement between man and Omnipotence—a spiritual bargain—was to overshadow Scotland till the Prince of Orange refused to have any concern with it. So long did the spiritual power overrule, or try to overrule the State, by the sanction of "horrible threatenings" which caused the hair of all who heard them to stand on end with terror.

Dr M'Crie says, "of what avail are innocence and eloquence against the arts of corruption and terror." Both parties used "the arts of terror." To glide over all this, and all that it implied, as an amiable error of pleasing enthusiasts, is to misread history. These claims had to be put down. The ministers must be driven, and finally were driven out of this position, or at least out of the practice of using it against the freedom of the State and the individual. Only six preachers were at this time condemned under the law, whether rightly or wrongly interpreted.

On January 22 James wrote to the Council. He had to answer what was to be done with the condemned six, what with their fourteen associates. The six were to be kept *au secret* in the closest solitary confinement, as in the Bastille. A declaration was to be published expressing James's ideas. He was always ready to grant a General Assembly; he had just appointed one for July.

What he objected to was unlawful conventicles. The matter in hand was a riot, and nothing "spiritual." The other brethren, the king said, must be tried as the six had been. The Council in Scotland stood aghast. They had done their best. They had now a precedent, "never befor decernit"—never settled—for making declinature of jurisdiction rank as treason. But they had provoked, as they knew, the discontent of the subjects *of all degrees*—noble, gentle, and simple; Mar had expressed his disgust. They wished that James was in Scotland, then he would understand the thoroughly mutinous temper of the country. The Council, many of them at least, would not attend at a new trial. Some had already passed beyond their bounds as judges, it was confessed, to secure the late success. The jury were become objects of hatred, and would not serve again, "as a company of led men." A new jury would not be bound to agree with the old, so the precedent did not count for much. The Council had been in despair of securing a conviction in the former case. A fire had been kindled that was running over the whole country. There was danger that "the greatest power of every estate" would be drawn to the party of the preachers. "We have in rigour (the like whereof was never before done), convicted of treason the principal workers of this business." Some of the Council would personally explain to James in London the nature of the imperilled situation.<sup>25</sup>

James acquiesced, and did not push his Cadmeian victory further. His method, an extreme stretch of the very doubtful letter of the law, had aroused every Scot from the noble to the cottar. He had created the sentiment which, under his ill-fated son, united every class and rank for a while under the banner of the Covenant. The great nobles were suspicious of the bishops, both of their political influence and of their chance of regaining alienated ecclesiastical lands. The Scottish administration, especially Dunfermline, loved the bishops no better. Archbishop Spottiswoode is said not only to have complained to James of Dunfermline's enmity to the Episcopal order, but to have accused him of encouraging Forbes before the Assembly at Aberdeen.<sup>26</sup> James bade the Council investigate these charges (February-June 1606), and examine Forbes as to his alleged encouragement by Dunfermline. Forbes was very cautious in his evidence as to Dunfermline, who himself took a high line of denial, and James finally let the matter pass.<sup>27</sup> Spottiswoode congratulated himself that Dunfermline was induced, by his

recent danger, to be more favourable to the endowment of the bishops. James's prelates, not yet full-fledged or even ordained, had already accumulated all the materials of the bishops' wars. In October the six ministers were banished, under pain of death if they returned, and with threats of death against any who followed their example. Their companions were exiled to remote isles. It is almost surprising that no mutiny occurred in the country.

James for eight years (1602-1610) kept proroguing the General Assembly, which had a clear legal right to meet annually. He was threatening death for a refusal of jurisdiction which the ingenuity of lawyers could scarcely twist into treason. He proceeded to cut down by imprisonment and exile on the flimsiest pretexts, and by the most craven methods, the remaining leaders of the Kirk. He also trafficked with the ecclesiastical constitution in new and unprincipled ways, and, if he did not actually succeed in bribing some of the ministers, he sent money for that purpose. The leading idea of the ministers was the result of uncritical study of Scripture, and was inconsistent with a free State. But the men themselves were of courage dauntless, in morality unimpeachable, wedded to an honourable poverty, often refined classical scholars, in adversity cheerful, and, if often tactless and overbearing, they were now the victims of a power as absolute as that which they claimed, and moreover, mean, arrogant, and unscrupulous. In contrast with the preachers the bishops were shamefully pliant, and, though really far from rich, the splendours of their attire in riding to Parliament seemed to contradict their complaints of poverty. None of them resisted James as did Abbot, Archbishop of Canterbury, when the king tried to practise violence on his conscience in the disgraceful "Nullity" case of Essex. In private life bishops like Spottiswoode may have been excellent men, and his final sufferings deserve our pity. But the prelates were instruments of royal caprice, they were courtiers, their whole situation was deplorable, and it is no marvel that Scotland remained, quite apart from the right or wrongs of the abstract question between Prelacy and Presbyterians, determined to endure no more bishops.

In July the Red Parliament, so styled from the colours of the robes of the nobles, met at Perth under the presidency of Dunbar. The Assembly appointed for July was prorogued to May 1507, and other prorogations followed. James's excuse was that he had

summoned certain leading ministers, including the two Melvilles, to meet him in England. The Red Parliament passed an Act declaring the king's supremacy "over all estates, persons, and causes." The Act of Annexation of the temporalities of the bishops (1589) was rescinded. The bishops were now ten, including the warlike Andrew Knox, who took George Ker with the Spanish blanks. The ministers protested against the episcopate, but the commissioners of the General Assembly refused to review the "caveats" which limited the bishops in every direction. Andrew Melville made his way into the Parliament and spoke with his wonted freedom. The jealousies between the bishops and the nobles, owners of their temporal estates, were prominent.<sup>28</sup> Little of a constitution as Scotland had ever possessed, in this Parliament it dwindled. It may be remembered that in the angry talk between Ruthven and Mary Stuart, while the blood of Riccio yet reeked on the palace floor, Ruthven charged Mary with having herself nominated the Lords of the Articles, the Supreme Committee of all Estates, for the Parliament that was to forfeit Murray. In the Red Parliament James nominated the Lords of the Articles by letter, and his list was quietly accepted.<sup>29</sup> The strife between the bishops and the nobles required, so the Council informed James, very earnest and delicate handling. The nobles were bought to consent to the restoration of the ancient bishoprics by "seventeen new creations of spiritual prelaties in temporal lordships," says James Melville, which Mr Gardiner interprets as the carving out of the Crown property of "no less than seventeen temporal lordships for the nobility."<sup>30</sup>

James's next move was to summon the two Melvilles and six other brethren of Fife and Lothian, to London, where they arrived at the end of August 1606. James's conduct as regards these men was inept, inquisitorial, and violent. He harassed the ministers with questions as to their views of the Aberdeen affair, which Andrew Melville practically remitted to the General Assembly. Unluckily Melville was a man of ungoverned temper, and he addressed Sir Thomas Hamilton, the King's Advocate, as "the accuser of the brethren" (*κατήγορος τῶν ἀδελφῶν*) that is, the devil. "Be God, it is the develis name in the Revelatioune!" cried the king, as the source of the Greek flashed upon his memory. James Melville does not cite the Greek, Spottiswoode does. Melville was carried into his indiscretion while inveighing against Hamilton for favouring

Catholics. It is needless to dwell on the sufferings of the ministers whose "brains were stuffed full of wine and music" on one occasion, without more solid food. They had to listen to tedious anti-presbyterian sermons from bishops, and now should have known what Huntly, Errol, and Angus endured from the sermons of the brethren inflicted on them. The humourless cruelty of that age must ever be admired. Many such torments were invented to "drive time," and keep the brethren away from a new device of the king's, a clerical convention at Linlithgow.

The kidnapped preachers were told they were to be "warded" in bishops' houses, as if they had committed some offence. They had been taken into the king's chapel, and the spectacle of unlighted candles, closed books, and empty chalices on the altar moved Andrew Melville to make a Latin epigram. He asked if the Church of England was imitating the Purple Harlot (otherwise Scarlet Woman) of Rome, with other rhetorical questions of a rather offensive character. To such effusions a man may be driven by sermons, and Melville did not publish the verses. But they reached James, and he seized his opportunity. Melville was summoned to Whitehall, and "being spoken to by the Archbishop of Canterbury," says James Melville, "took occasion plainly in the face, before all the Council, to tell him all his mind."<sup>31</sup> It was not "a piece of his mind," but *all* of it, that Andrew bestowed upon the startled prelate. The sight of two books, two chalices, and two candles had goaded him to an extreme indignation. The Archbishop, he vociferated, was guilty of all sorts of enormities, such as "setting up antichristian hierarchy" and Sabbath breaking. He then seized Bancroft by the sleeves and "shook them" (and perhaps the Archbishop), "in his manner, freely and roundly"; he had once laid hands on the king "in his manner." He went on to call the sleeves "the Beast's mark," and to declare himself Bancroft's enemy "to the effusion of the last drop of all the blood in his body," that is, if Bancroft was really the author of a certain antipresbyterian pamphlet. These proceedings were rather in the style of the Laird's Jock, or Kinmont Willie, than of a reverend professor of St Andrews. Andrew was entrusted by the Council to the Dean of St Paul's, with him to remain till the king's pleasure was known. He was later transferred to the Tower, and, after four years of captivity, was banished. He obtained a chair in the University of Sedan, where he died. James Melville was relegated to Newcastle.



Melville had displayed the vehemence of his character, and the intolerance with which he regarded all forms of Christianity except his own. But he was imprisoned in and banished from a country of which he was not a citizen by an inexcusable abuse of arbitrary power. The motive was to keep him and his nephew James out of Scotland, where the king was attempting new manœuvres. Between the end of 1606 and 1610 he entirely succeeded in getting for his bishops Episcopal authority. In 1607, as we learn from Calderwood, a bishop dared not exercise authority, because his presbyters might turn again and excommunicate him, like Adamson and Montgomery. It may seem strange that James did not, through Parliament, deprive the brethren of this dangerous weapon, excommunication, or at least deprive it of all civil sanction. Perhaps he thought that it might prove useful against Catholics.

The measures which he adopted may be briefly enumerated. He had already cut down or broken under foot some thirty of the taller thistles in the Kirk's kail-yard. The most eminent and recalcitrant preachers were in exile, or far away in the Highlands and islands, or confined, under supervision, to their own parishes. In their enforced absence James summoned to Linlithgow, in December 1606, a convention of preachers. It was not called as a General Assembly, nor known under that name, till it had done its work. Then James styled it by the solemn name of a General Assembly: his opponents did not. The brethren were told that they were to give "advice," not votes. The king had discovered that, to put the brethren in good humour, there was nothing like Catholic-baiting. The necessity and difficulty of smelling out and denouncing Catholics and Jesuits was dwelt upon. Then it was suggested that a *permanent* clerical "agent" for these purposes should exist in each Presbytery, or group of associated kirks. The labourer is worthy of his hire, and the "agent" was to receive, as such, £100 (Scots) annually. Next, this agent might also be perpetual or constant moderator of his Presbytery—taking the place of a series of shifting moderators elected on each occasion. In their own Presbyteries the bishops, or acting subordinates paid by them, should be constant moderators.

This device threw most of the administrators of the Kirk into the king's pay and power. About one hundred and thirty ministers were present at this convention, and more than thirty nobles, including

Montrose, and the astute manager, Dunbar. Of these, Calderwood informs us, one hundred and twenty-five were "corrupted" with hope, fear, honour, or money, for many places of £100 apiece were going. Thus by an unanimous, or all but unanimous vote, permanent moderators, who also served as anti-catholic "agents," were nominated for every Presbytery.<sup>32</sup> A number of unsummoned ministers were present, and occasion was thereby taken to style the Linlithgow convention a General Assembly. No formal recorded Act of the meeting could be obtained and read for many months later, and, when it did appear, it was looked on as forged and contaminated, like Sprot's confessions in the Gowrie affair. Montrose and the other managers were delighted by their success; even the preachers "who came of set purpose to oppose" were brought into the general harmony. The meeting, and all the lords, heartily petitioned James to allow Mr Bruce to leave Inverness and return to Kinnaird for his health, but James was unmoved.<sup>33</sup> On January 3, 1607, James issued a letter enforcing the decision of the Linlithgow convention. Too many of the Presbyteries, he said, were "addicted to anarchy," and were apt to "refuse such a constant moderator as has been concluded upon *in the General Assembly*." The use of these terms was mere pettifogging. However, a Presbytery that refused a constant moderator, or a moderator who declined to be constant, must be "put to the horn" as rebellious.<sup>34</sup>

Throughout the year 1607 the attempt was made to thrust these constant moderators not only on the Presbyteries, but on the Synods, or Provincial Councils of the Kirk. Wild scenes followed, as at Perth, where Lord Scone (who had succeeded to much of the Gowrie possessions) tried to force the Synod to his will, sat in the moderator's chair, and locked the Synod out of the church. They met in the open air, and the faithful of Fife met on the sea sands in a day of heavy rain.<sup>35</sup> Many other Synods were as contumacious; nothing had been decided at Linlithgow, it was said, as to Synodal moderators. Wherever there was a bishop, the king declared, he was to be, *ex officio*, constant moderator of his Synod. Men asked for a view of the Act of Linlithgow sanctioning these novelties. On August 18, 1607, the Synods were presented at last with the Act. In the Synod of Lothian the brethren who had been at Linlithgow said that nothing had been arranged as to Synodal moderators.<sup>36</sup> The General Assembly, to have met at Dundee, was prorogued to April 1608. James occupied the

interval in lopping the taller heads of the stubborn thistles. A Stirlingshire minister, for "wandering about" and "general Presbyterian restlessness" (as Dr Masson says), was confined to his own parish. Four other opponents of constant moderators, were shut up in Blackness. Calderwood himself, the erudite historian, then a young minister at Crailing, was confined to his very pleasant parish; Sir Gideon Murray of Elibank looked after the contumacious of the Jedburgh Presbytery.<sup>37</sup>

At last there was a General Assembly at Linlithgow at the end of July 1608. Dunbar was in Scotland on this business, when Sprot was tried and hanged for the Gowrie affair. The time of the Assembly was cleverly filled up by the delightful process of excommunicating Huntly, who had never really been an earnest professor, "despite all the sermons that were inflicted on him." Other measures against Catholics were taken, but the dispute of the king and the Kirk was deferred to a more convenient season, mixed commissions being appointed to consider matters. Dunbar is said to have brought £14,000 in gold with him to this Assembly, whether it found its way into clerical pockets may well be doubted. In May 1610, when another General Assembly was coming on in June, the king certainly sent 10,000 marks to Dunbar for distribution among useful people.<sup>38</sup> This Assembly was packed, especially with ministers from the extreme north (who, to be sure, had a right to be present). Spottiswoode was Moderator, and Episcopacy was at last established. The king's prerogative was acknowledged; the disputed Assembly of Aberdeen was condemned; sentences of excommunication were invalid unless ratified by the bishop of the diocese, who was also to preside in trials for the deposition of ministers, and was to inquire into the conduct of those in his see. Ministers, when inducted, had to take an oath to the king and do homage for their livings. The bishops, however, were still subject to the censure of General Assemblies (as this odd kind of bishop from the days of Morton downwards had ever been), and they still needed consecration by Episcopal hands, a rite implying the doctrine of apostolical succession. James had nearly completed his edifice, soon he crowned it, a building that did not endure for a generation. He had asserted the freedom of the State (as represented by himself), by what measures, how petty, how illegal, how cunning, and how arbitrary, we have shown.<sup>39</sup> This house was founded on the sand;

the institution of these bishops was a mere trick of state-craft, and was contrary to the conscience and the rooted ideas of every sincere man in Scotland, Catholic or Presbyterian. But James had not yet interfered with the order of worship, the prayers were still extemporary, or strings of formulæ adhering to the memory of the minister. There was no service-book, and the communion was received sitting, in the old fashion of Knox. No particular change irritated the ordinary parishioner; nothing was "read," a thing inexpressibly odious to the Scot; there were no responses, no vestments, none of the provocations which had such strange power to excite the fury of the multitude.

The position of conscientious Presbyterians, like Calderwood, was far from enviable at this period. They might preach and pray, but it was dangerous to pray and preach on the politics of the hour: he who did so was "in danger of the Council." The royal decree controlled the operations of the Spirit; the royal hand was impiously laid on the ark. Presbyteries were far, indeed, from what they had been, and General Assemblies were no longer free and open Parliaments. On the other side the position of the Catholics was practically desperate. Our historians never say much on that head: the imprisonments of Errol and Huntly, the self-exile of Angus, who died abroad, are briefly touched upon, but we hear nothing of the distresses of the conscientious Catholics in general. Scotland owed her all but universal Protestantism to persecution; and, in Father Forbes Leith's "Narratives of Scottish Catholics," we learn how the persecution was conducted. Father Abercromby, writing on July 1, 1602, says, "All are now compelled with tears to submit to the king, and to the law passed by his authority, the alternative being for the rich either exile or the loss of all their goods, which for the sake of their wives and children they will not risk; and for the poor, if they refuse obedience, to be turned adrift by their lords from the lands they cultivate."<sup>40</sup> . . . We have seen, in an earlier part of this volume, that Mary of Guise deplored the insecure and brief tenures of the small farmers; both she and Queen Mary tried, by their personal influence, to protect poor tenants. Now they were evicted merely for their religion if they were Catholics, but all these persecutions are glided over noiselessly by historians.

The queen, Anne of Denmark, had been converted, secretly, to the old faith, writes Father MacQuhirrie, S.J., in 1601; the

conversion, it seems, was of 1598. In 1605, Father James Seton describes the Earl of Dunfermline, the practical governor of Scotland, as a secret Catholic, though publicly professing Presbyterianism. Otherwise he was an upright man, as the times permitted, and we have seen that he successfully resisted an injustice of the king towards Mr Robert Bruce. He signed the Confession of Faith, though he came to Catholic confession and communion. John Colville, the old agent of the Lords of the Ruthven Raid, and the ally of Bothwell, and the spy of Cecil, having fallen into poverty, became a Catholic, went to Rome, saw the Pope, and took money from him. Probably he changed his creed, as Dunfermline concealed his own, merely for worldly reasons. In 1605 Father Creighton regretted that, in Scotland, Catholics could not, as in England, escape from going to Protestant churches on condition of paying fines. "The power of the heretical ministers is so great that they can compel every one to subscribe their false confession of faith, attend their sermons, and take the profane supper of the Calvinist rite, or else lose all his goods, and go into banishment." The process was that the constant moderator nosed out a Catholic, cited him to conform, had him excommunicated if he refused, and, forty days later, charged with treason, confiscated, and banished.<sup>41</sup> The new mounted police arrested Catholics, as they arrested Border reivers. One Catholic noble, unnamed, evaded the Kirk by pretending to have broken his leg by a fall from horseback, in presence of a surgeon and a notary! By cultivating a limp he evaded excommunication for a whole year. Balmerino, like Dunfermline, escaped by feigning Presbyterianism. There were but three or four priests left in Scotland, and by this drastic, unrelenting persecution, unhasting and unrelenting, the country was drilled into almost uniform conformity and systematic hypocrisy. All Catholics had to choose between loss of lands and goods and native country, or loss of conscience and honour. Perhaps no persecution was ever so successful. No showy martyrdoms, with one exception, occurred, but there was an unceasing strain on conscience and belief.

We have here dwelt mainly on ecclesiastical affairs as these affected the whole course of history. But Parliament, in 1606-08, was busy with the affairs of the lawless Earl of Orkney, the equally lawless Lord Maxwell, with the condition of the Borders, and with the trial and forfeiture of Logan of Restalrig (died July 1606),

for his alleged share in the Gowrie conspiracy. Concerning the Orkneys, the Highlands, the Borders, and Maxwell, an account is given later, in a separate chapter, while the complex business of Restalrig is discussed in Appendix B.

LETTER OF OGILVIE OF POURIE TO THE KING, 1601.

(Hatfield MS. 90, vol. cxxxvi. fol. 136.)

*Endorsed:* Pury Ogleby 1601.

It will plear<sup>s</sup> yo<sup>r</sup> M. Vnderstand

That cuming out of Dumfermling to Edinbrū to home satisfeit yo<sup>r</sup> M. desyr and finding my self persewit & forst by y<sup>r</sup> Magistratis and vth<sup>r</sup>is in yo<sup>r</sup> M. name I culd do no les then escheu the first furie and appeale with y<sup>r</sup> Macedonian suldart A Phillippo male consulto et (*sic*) Philippum bene consultum Therof I craue yo<sup>r</sup> M. pardon, thus absenting my self for no offence that ever I committed ayne<sup>t</sup> yo<sup>r</sup> M. in or without the cuntrey bot for safetie of my Lyffe as ane beast but reason wold do. I am most sorrie for yo<sup>r</sup> M. reputacionis cause that vther princes sould heer of yo<sup>r</sup> M. creuell Dealing aganest me hawing ment so weill at yo<sup>r</sup> M. handis therof they can beare me witnes, for so sall yo<sup>r</sup> M. be thocht of, conforme as yo<sup>r</sup> enemies head informit, at least ane ongrate prince, and I ane manifest liar quha hes informit thame so weill of yo<sup>r</sup> M. I hoip that yo<sup>r</sup> M. will wse my pour wyffe and bairnes according to yo<sup>r</sup> wonted clemencie. And for my self iff I can not liue in the cuntrey, I will accept of the croce that god layis on me for my sinis agnest his heavenlie M. And cum cristo fugere ex vna civitate in aliam it is that god sufferis pipell to be scurged inderectlie & thairof castis y<sup>r</sup> trew scorge in the fyre. Take hearte ser and begine anes to think weill of thame quha luffis yo<sup>r</sup> M. honor & standing. And sence God hes beine so manie tymes so mercifull to zow, Be not cruell w<sup>t</sup> yo<sup>r</sup> M. Debtoris iff zou wold not be cossin wi<sup>t</sup> that ewell (?) Debtor of the evangell in perpetuall prison. As for that yo<sup>r</sup> M. wold lay agaynest me I nevir had on vse ony commission of yo<sup>r</sup> Ma<sup>t</sup>is to ony forrant prince in my Lyffe, nather in Flaunders France nor Spaine, Not wistanding all yo<sup>r</sup> M. Intelligenrs in the contrar q<sup>l</sup>ks ar fals & cunterfeit as I salbe aible to prove. I have delt and beine delt with indeid, but always in matteris that consernit yo<sup>r</sup> M. standing and the weill of yo<sup>r</sup> M. cuntrey Zet for satisfaction of yo<sup>r</sup> Majestie hawinge suretie of my lyffe and heritage I am content to enter in Vard, and say q<sup>t</sup>sumever yo<sup>r</sup> M. sall co<sup>m</sup>and me Or vtherwayes to go presentlie out of the cuntrey, for if my Lord Simple past to Spaine w<sup>t</sup> zo<sup>r</sup> M. commission, his Instructions bearing the same headis q<sup>r</sup>of I wes thocht to haue delt q<sup>t</sup> satisfaction, can my Varding be to Ingland q<sup>a</sup> incistis in no wayis agenest me, finding me Innocent of all such calunnies Layd agnest me at my being in London, and iff zour M. suld mislyke more of my cuming throgh Ingland then dealing in Spaine, as sum curious pipell dois imagen, sens zo<sup>r</sup> M. was of oppinions that I suld have bene tane by my owne advyss zo<sup>r</sup> M., giff I durst say it, dois me Wrong for I beare the guide will and culd do yo<sup>r</sup> M. better service there then mony subiectis yo<sup>r</sup> M. hes And iff vthers be reveilit vpon conisoun<sup>n</sup> accussit of the same thingis And more suspect by Ingland nor I, q<sup>t</sup> can it harme zo<sup>r</sup> M. or offend Ingland to grant me the lyke benefeit. And iff it be bot my Lyffe as appearis socht Inderectlie, Prestat sapore alieno exempto, Nathur can yo<sup>r</sup> M. justlie blame to be als diligent in saiffing my

lyffe as vthers ar cunning and subteill in crawling my sackless bluid. As for geer I haue non And Lyttill Land yet the hous is so myne And so many honest men cwme of it that I traist that zo<sup>r</sup> M. will not sie it perish alto<sup>r</sup> all the foresaidis I am becwme throw my trwbles & gryte travell so ill at eas and debilitat that only Warding war sufficient to make my pwre unprovydit barnes fatherles, if non of thar may mowe yo<sup>r</sup> M. to Justice and petie I must remit my cause to God and seik to so serve sum vther prince as I mynd to die rather a confessor nor a martire. One thing may I justlie say with the freir that was put in the gallies for saing of thre or fowr messes everie day that I am punished per auer facto troppo ben. Speik zo<sup>r</sup> M. q<sup>t</sup> eveill zou pleas of me I will always think & speik weill of zo<sup>r</sup> M. Although by this reason as Plutark tellis the teale I must neids be a knaiff Aither becaus zo<sup>r</sup> M. quha is good speikis evill of me or than iff zo<sup>r</sup> M. be not giude becaus I speik giude of a<sup>n</sup>e evill man Bot sir kaik is no scheiris (?) I luike for better of zo<sup>r</sup> M. And kissing zo<sup>r</sup> M. princie handis with all deutifull humilitie I pray the eternall God to preserwe zo<sup>r</sup> M. and oppine zo<sup>r</sup> eis or they my breist that yo<sup>r</sup> M. may sie as Simoniüs desyrit The Invard cogitacionis of my trewe hart. Raptim 1601.

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NOTES TO CHAPTER XVIII.

<sup>1</sup> Bruce, Correspondence of James VI. Camden Society, 1861, xxv., xxviii. 80, 81.

<sup>2</sup> Hailes, Secret Correspondence of Cecil, 1766.

<sup>3</sup> Bruce, 81, 84.

<sup>4</sup> Pitcairn, ii. 408, 409.

<sup>5</sup> Thorpe, ii. 796, 798.

<sup>6</sup> Thorpe, ii. 799. See a singular letter from Pourie to James at the end of this chapter. It is from the Cecil Papers, Hatfield MSS.

<sup>7</sup> Calderwood, vi. 146-148, 153-156.

<sup>8</sup> Remarks on the History of Scotland, pp. 254-264 ; 1773.

<sup>9</sup> Thorpe, ii. 815.

<sup>10</sup> Thorpe, ii. 814.

<sup>11</sup> Border Papers, ii. 523.

<sup>12</sup> Bruce, Correspondence of James VI. and Cecil, pp. 30-38.

<sup>13</sup> Privy Council Register, vi. 581, 582.

<sup>14</sup> Restalrig and the Gowrie Conspiracy. Appendix B.

<sup>15</sup> Privy Council Register, vii. xiii. xxi.

<sup>16</sup> *Nugæ Antiquæ*, i. 181, 182.

<sup>17</sup> Act Parl. Scot., iv. 262-276.

<sup>18</sup> Privy Council Register, vii. 13, 14.

<sup>19</sup> James Melville, 574.

<sup>20</sup> Privy Council Register, vii. 474, 475.

<sup>21</sup> Act Parl. Scot., iii. 541.

<sup>22</sup> James Melville, 570-626 ; Register, Privy Council, vii. 478 486.

<sup>23</sup> Melville, p. 596.

<sup>24</sup> Melville, p. 625.

<sup>25</sup> Register, Privy Council, vii. 480-486.

- <sup>26</sup> Forbes's Records touching the Estate of the Kirk, 501, 502, note (Wodrow Society); Spottiswoode, iii. 174, 175.
- <sup>27</sup> Register, Privy Council, vii. 492, 497, and notes; Forbes, 546, 551.
- <sup>28</sup> Calderwood, vi. 485-495.
- <sup>29</sup> Melros Papers, Lords of Council to James, i. p. 15; Act Parl. Scot., iv. 280.
- <sup>30</sup> Gardiner, i. 316 (1900); Melville, p. 640.
- <sup>31</sup> Melville, 679.
- <sup>32</sup> Calderwood, vi. 608.
- <sup>33</sup> Original Letters, edited by Mr Botfield, Bannatyne Club, vol. i. pp. 70-71.
- <sup>34</sup> Privy Council Register, vii. 299-302.
- <sup>35</sup> Privy Council Register, vii. 347-349.
- <sup>36</sup> Privy Council Register, vii. 432, note.
- <sup>37</sup> Privy Council Register, viii. 20, 508-510.
- <sup>38</sup> Privy Council Register, viii. 844.
- <sup>39</sup> Privy Council Register, viii. 473-475, notes; Calderwood, vii. 94-103; Spottiswoode, iii. 205-208.
- <sup>40</sup> Forbes Leith, 269, note I.
- <sup>41</sup> Forbes Leith, 284, 285.



## CHAPTER XIX.

## THE LAST YEARS OF JAMES VI.

1603-1624.

IF the nations are happy which have no constitutional history, then Scotland was fortunate between the establishment of Episcopacy, in 1610, and James's later interferences with the old Presbyterian forms of public worship. There were, of course, feuds, as we have just shown, and there were Highland disturbances, but the affairs of the Celtic part of the kingdom must be treated of in a separate chapter. There were also occasional troubles with a recalcitrant preacher, such as our historian, Calderwood himself. But the centre of affairs was now London, where there was much irritation against James's Scottish followers, and where a Scottish favourite, Ker, Earl of Somerset, involved him in circumstances still obscure, but, to an unascertained extent, discreditable. This perplexed matter, however, is of merely personal interest, and forms no part of the history of Scotland. James's desire for a regular, thorough, incorporating union of the countries, such as Major had longed for before the Reformation, such as Henderson dreamed of after the fall of Cardinal Beaton (see Chapter II.), was creditable to the king, and to Bacon who supported him. But the proposal broke down against the jealousies, commercial, ecclesiastical, and social, of the two nations. The Union of 1707 was almost equally unpopular with Highland and Lowland Jacobites, and with Whig or Hanoverian Scottish earls, in 1745, after forty years of experience of the measure. We may guess, then, how little chance an Act of Union had in passing, when James was a new king in England, and when ballads against the Scottish followers were sung in London streets. James had recommended the Union to Parliament in March 1604,

when he had not sat for a year on the English throne. Bodies of commissioners for each nation were appointed in the summer of the year, and met in October, at Westminster, while James, of his own will and fantasy, crowned himself with the title of "King of Great Britain." "This some of both kingdoms took ill," says Spottiswoode, nor did the Borderers like to have the name of "the Borders" abolished, with all the old Border laws (they were printed, after the Forty-Five, by a bishop of Carlisle). The garrisons of Berwick and Carlisle were dismissed, orders were given to destroy the Border keeps, and turn their iron gates into ploughshares.<sup>1</sup> The orders cannot have been carried out, to judge by the numerous keeps and fortalices still standing on either side of the Marches.

Meanwhile Bacon and the famed Tam o' the Cowgate, the King's Advocate and founder of the Haddington family, drew up a report for the Union Commissioners. The articles are given by Spottiswoode.<sup>2</sup> In the rules for free-trade between the two countries, the staples of England—wool, hides, sheep, cattle, leather, and linen yarn—were excepted, and the rights of sea-fishing were to remain restricted as of yore. Persons in each country born after James's accession were to be entitled to equal privileges of all kinds on either side of the Border. These were the *Post-nati*; but as to the *Ante-nati*, persons born before the Union of the Crowns, great difficulties arose, as the Scots who followed the king were only too likely, by the kindly Scottish usage, to be thrust into the best English posts and dignities. James, by prerogative, could naturalise any one, and even give him office under the Crown. He declared, however, that he would not put any Scot (not yet naturalised) into a Crown office, nor any Englishman into a Scottish Crown office. But he would not allow his power of doing so by prerogative to be restricted by a clause in the Act. The English House of Commons was as sceptical about the king's promise as Mr Robert Bruce had been about his statements in the Gowrie case, and James's promises, when at home, had been punctually broken. In November 21, 1606, and later, strong commercial opposition to the scheme of Union broke forth, and Bacon's eloquence in favour of the Bill was "in the right, but too soon." Order was transgressed by indignant and sarcastic English orators, and the Scottish Privy Council, when they heard of the insults, protested that they, for their part, were in no hurry to be

blended with a country which disdained them.<sup>3</sup> Finally, nothing but the "abolition of all memory of hostility, and the repression of occasions of disorder," was recorded. Border prisoners, usually taken on charges of raiding and violence, were to be tried in their own countries. The case of the *Post-nati* was at last settled by a suit, in 1608, raised in the name of Richard Colvin, a child born in Scotland the third year of James's tenure of the English Crown. Bacon argued that, to prove the child an alien, and incapable of holding land, say, in Shoreditch, it was necessary to prove that he owned allegiance to a foreign prince. It was decided that Colvin and all *Post-nati* were natural-born subjects of the king of England, and "enabled to purchase and have freehold and inheritance of lands in England, and to bring real actions for the same in England." The case fills nearly four hundred columns in the State Trials.<sup>4</sup> The Chancellor and twelve judges decided this matter by a majority of eleven to two votes.

A topic of keen interest to the politicians of the day, but of little moment in national history, was the affair of Balmerino. This gentleman, originally known as James Elphinstone of Innernaughty, and after 1604 as Lord Balmerino, had become a judge in 1587, and was one of the Board of Treasury Control styled "the Octavians" in the agitated year 1596. In 1598 he was made Secretary, holding the important post so long possessed by Maitland of Lethington. In 1598 and 1599, as we have already seen, there were some tentative traffickings between James and Rome, and a letter signed by James, and addressing the Pope as "Father," "blessed," and so on, arrived at the hands of his Holiness. In September 1608 a summons to England reached Balmerino, and this presaged the close of his career in disgrace. The cause was this—James, ever since 1604, had been, reluctantly or not, a persecutor of Puritans, Presbyterians, and Catholics. Nobody was to dwell in his realm, as he had previously said, who was not of his own religion or religions—Anglican in England, and, in Scotland, the Presbyterianism of an auto-pope, if the term may be allowed. James was not content with edicts. In 1607 he produced an anti-papal work, "*Triplici Nodo, Triplex Cuneus*," defending the oaths of allegiance to himself against Paul V. and Cardinal Bellarmine. The Cardinal, writing as "*Matthæus Tortus*," replied in 1608. James was rebuked for his religious veerings, and especially for having long ago written a polite letter to the Pope, Clement VIII., and another to

Cardinal Bellarmine, asking that a hat might be given to his subject, Chisholme, Bishop of Vaison. At that time (1598-99) the existence of a Scottish cardinal, to reply to the attacks of English Catholic supporters of the Infanta, would have been useful to James. He was never a true-blue Protestant. He did not think that the Pope was the Beast; and he revered as his mother Church the Church of Rome. He did not regard her as the Scarlet Woman sitting on the Seven Hills, "as if ane," quoth Andrew Fairservice, "was na braid enough for her auld hurdies." But, since 1605, the Gunpowder Plot, and the need of some victim to throw to the preachers, had modified the very proper and historically correct sentiments of the king. Now Cardinal Bellarmine recalled the polite letter of James to the Pope, in his book replying to the "Triplex Cuneus." Balmerino, then Elphinstone, had been Secretary in 1598, and Balmerino was called to court to explain how the polite letter, signed by James, had been sent to the pontiff.

Balmerino met James, Archbishop Spottiswoode, Dunbar, and other important Scottish officials, at Royston. There is no doubt that Spottiswoode was intriguing against the secular influence of Balmerino. That statesman, after his disgrace, left a private memoir with his own account of the whole affair. The gist may be given in his own words, "A plot is secretly contrived that I shall be brought to a confession [oral] of it," (that is, of fraudulently inducing James to sign a letter to the Pope written by Elphinston) "his majesty to disallow it . . . and consequently, my undoing."<sup>5</sup> Balmerino denied that, in this letter, James had promised either to turn Catholic (as the report went) or, when King of England, to tolerate Catholics. Here he told the truth, as the Pope's reply to the letter attributed to James suffices to prove. But Balmerino confessed the part as to procuring a cardinal's hat for a Scottish subject. Sir Alexander Hay (who had been appointed his adjunct in the Scottish secretaryship) induced him to confess this much, "the simple truth." Balmerino admitted that he himself had written, or caused Sir Edward Drummond to write, the ordinary forms of address, *Pater*, and so forth, into the letter which, in 1598, James had signed. Sir Alexander Hay was a witness of a repetition of this confession. Balmerino was then ordered under arrest, though he was unaware of it, and was told to make his confession in writing. He now realised that his ruin was intended—he had thought that his previous oral admis-

sions were only for the king's private satisfaction. He asked for delay, and for time to procure the evidence of Sir Edward Drummond, who had been with him in 1598. Balmerino was next examined before the English Privy Council, just as Andrew Melville had been. He extracted from them the admission that *they* could not judge him, that he must be tried before "his ordinary judge." They could not entangle him, he says, and Lord Balfour of Burleigh was sent to him to advise a confession entirely exculpating the king, with assurance that his life and estate should not be imperilled. Balmerino tried, meanwhile, to make terms with Dunbar. "If he desired Restalrig, he should have it for the price I bought it." In fact, Balmerino had bought Restalrig from the impoverished Logan in 1605; and, when Logan died in July 1606, Balmerino still owed eighteen thousand marks of the price, as appears from Logan's will. Dunbar himself also owed to Logan's estate fifteen thousand marks of the purchase money of the property of Flemington, which he escaped paying, through the forfeiture of Logan's heir in 1609.<sup>6</sup> Dunbar was apparently pleased by Balmerino's offers, and Balmerino thought that his life and lands were now secure if he exonerated James from the letter to the Pope. Consequently he "put himself in James's will," that is, would not defend himself. He declared that the Latin letter to the Pope was placed, among others, before James, that the king signed the heap, and that Drummond wrote in terms of address to the Pope as *Pater*, and the rest, at the beginning and end of the epistle. Balmerino also confessed that, to the ambassador of Elizabeth, he had denied all the facts, and had made Drummond corroborate his denial. Elizabeth had probably learned the truth through the Master of Gray, who corresponded both with Cecil and with the Roman court, as we have already shown (p. 440).

Having secured these formal confessions from Balmerino, Salisbury (Robert Cecil) made them the basis of a charge of high treason, also of forgery of James's handwriting. Balmerino was wheedled into signing this document charging him with treason on the understanding that it was merely for the king's personal satisfaction. Being arraigned before, and scolded by the Council, he was again persuaded not to defend himself. James is said to have been skulking behind the arras, or in some Ear of Dionysius, while his English sycophants railed at his Scottish minister. Balmerino was removed from the Council and "warded" at Falkland. He was

then tried and convicted, merely on his own confession, at St Andrews, still abstaining from self-defence, in the king's interest, and in the belief that his life and lands were secure. But he was kept in close captivity, through the treachery of Dunbar and Sir Alexander Hay, "As for others of our nation who have little regard wherefore I suffer at Englishmen's hands, God forgive them!" His country, he says, is "miserable, *coming in a vile servitude*, the foresight whereof is all my wrack." Thus, in Balmerino's opinion, he was put at by Spottiswoode and Dunbar, because he was too good a "Scottisman," and opposed the "servitude" of his country. Balmerino died in 1612.<sup>7</sup>

Sir Alexander Hay, the blackest of traitors except Dunbar, if we accept Balmerino's view, was now left alone in the Scottish secretaryship. For a considerable time there is nothing of interest to record in domestic affairs, setting aside the reduction of the Borders and the Highlands. There were official changes and experiments in the control of finance, and Mr Archibald Primrose, writer, with his son James, now clerk of the Council, became men of official importance.<sup>8</sup> The death of Dunbar (January 29, 1611) caused many shiftings in State offices, and Calderwood fires the salute of a most unseemly scandal over the dead statesman's grave. Dunbar was, perhaps, rather more unscrupulous than most public men of his age, but he was a person of great energy and of conciliatory manners. It seems certain that he much disliked the policy towards the Kirk with which he was entrusted. Cranstoun, now Lord Cranstoun, succeeded him in his Border lieutenancy; the treasurership was practically placed in the hands of a commission of eight, "the New Octavians," with Dunfermline for chief, and Lord Advocate Hamilton for one of the members. Cranstoun was succeeded in the Border lieutenancy by Ker of Ancrum: the new favourite of James—(Ker, later Rochester, later Somerset), being supposed to have influenced the royal choice. After a series of changes the King's Advocate became Secretary of State, and Sir Alexander Hay, Clerk Register. The only great noble of position in James's administration was the young Marquis of Hamilton, of the third generation from the Duke of Châtelherault of Queen Mary's reign.<sup>9</sup>

It was in 1610 that James crowned his prelatial edifice by having Spottiswoode and two bishops consecrated by three English bishops (York and Canterbury being excluded). The consecrated

three could now pass on any apostolical virtue which Anglican bishops are able to confer to their brethren in Scotland. These were no longer mere parliamentary officials, but bishops with as much mystical quality as Scotland could desire or dislike. Occasionally a minister who preached in a semblance of the old tone was put at; but between banishments, imprisonments, and other inflictions, the watchmen of the Kirk were practically reduced to silence—the hearts of such as Calderwood burning within them.

In the matter of public order James took a lesson from England, and, in 1610, appointed a number of Commissioners or Justices of the Peace,—“godly, wise, and virtuous gentlemen, of good quality, estate, and repute.”<sup>10</sup> Their duties were much what they so long continued to be, they were county magistrates having constables under them. The Selkirkshire justices complain of the unruliness of the town, the want of money, the depression in sheep-farming, the numbers of sturdy men who will not work, and of willing workers for whom there is no employment. They suggest the making of public roads.<sup>11</sup> The system, though opposed now by the towns, now by the recalcitrant gentry, struck root, though the constabulary was scanty and probably as inefficient as that of Dogberry. Meanwhile the settlement of Ulster by Scottish immigrants was being worked out, though the enterprisers were obviously, from their names and ranks, but a feeble folk, with more speculative tendency than capital. In 1611 the lists of enterprisers contain nobler names. The house of Ochiltree (the house of the daring captain who overthrew Morton, and of the bride of Knox), with the Abercorn Hamiltons, emigrated to Ulster. Among other noted names of adventurers whose families did not emigrate are those of Lennox, Balfour of Burleigh, Stewart of Minto, and Murray of Broughton, while Andrew Knox, that warlike preacher and prelate, became Bishop of Raphoe. As the settlers brought over hosts of their workmen and dependants, Ulster rapidly became sufficiently Scotticised.

The year 1612 was clearly marked by nature as portentous. “A cow brought forth fourteen great dog whelps instead of calves,” a circumstance inexplicable to the naturalist. Another cow expired in giving birth to a human infant, which did not survive, and a third cow’s calf had two heads.<sup>12</sup> These things do not occur without some mysterious reason, but nothing very remarkable happened till the Parliament in October, which ratified the Acts of the Episcopalian General Assembly of 1610, without retaining the

subjection of bishops to General Assemblies. The old "caveats" dropped out of view, and it may be taken as the orthodox Presbyterian theory that the bishops never had a really legal existence.<sup>13</sup> They remained, it will be found, subject to excommunication by a General Assembly, as soon as the political condition of the country gave a General Assembly freedom of action. The death of the heir to the throne, Prince Henry, on November 6, was the heaviest stroke in that kind since the death of the Maid of Norway. Like all young and handsome princes who perish in their bloom, he was reckoned of great promise. That promise may have been illusive, but, from what is known of him, it seems that he would not, at least, have entered the path of his unhappy brother, the Prince Charles. The marriage of the hardly more fortunate Princess Elizabeth was celebrated on February 14, 1613. This year, with those which followed, was remarkable for turbulence in the islands, and in the Orkneys, but is more noted in the home districts for persecution of Catholics. For three years, as Dr Masson says, "there was a kind of frenzied run upon persecution." If the object was to please the Presbyterians of the old school the measures were unsuccessful; in the violence of the bishops they only saw Satan divided against himself. It is to be noted that the Kirk Episcopal was given the reins more freely than the Kirk Presbyterian as to persecution, and yet was deemed infinitely too lenient by good Presbyterians like Calderwood.

As instances of Catholic sufferers we find, first, a Logan of Restalrig. Robert Logan of Restalrig, that genial ruffian, and suspected Gowrie conspirator, seems to have had leanings both towards Rome and Geneva. The truth apparently was that whether a Kirkman or a Catholic was engaged in any desperate or lawless act, whether godly Mr Bruce, or Bothwell, or George Ker was in a strait, Logan was equally ready to lend them the shelter of Fastcastle, or offer them the "fine hattit kits" of Restalrig. It may have been a son of his who, in the year of the Logan forfeiture for the Gowrie Plot (1609), appears as John Logan, portioner of Restalrig, accused of attending mass celebrated by John Burd, priest. He was tried for this offence in 1613, and was fined £1000 Scots, though he had repented and become an elder of the Kirk.<sup>14</sup> Even the old Countess of Sutherland, the wife of the famous Bothwell of Queen Mary, was harried for her religious opinions, and shut up with Mr Robert Bruce in Inverness. The most celebrated victim in these



persecutions was Father Ogilvie, S.J. His case proves that the high Presbyterians' theory of Church and State came perilously near to that of their most detested opponents of the old faith. Ogilvie entered Scotland, disguised as a soldier, in 1613. He had two companions: one, Father Moffat, gained a rich harvest of souls in St Andrews; the other, Father Campbell, laboured in Edinburgh, whither Father Ogilvie later came. He ministered to the spiritual needs of Sir James Macdonald (Macsorley, cf. p. 435), who was still a prisoner in the Castle. In August 1614 Ogilvie ventured to Glasgow, the seat of Archbishop Spottiswoode. About October 5 he was arrested, being betrayed by a false convert, rich, and of good family. Spottiswoode, after the arrest, struck the prisoner; the standers-by fell on Ogilvie, beat him, and stripped him. This fact is given by Father Forbes Leith as part of Ogilvie's own narrative.<sup>15</sup>

The abominable story of Spottiswoode's blow is corroborated by Calderwood: "the bishop buffeted him."<sup>16</sup> Against a priest and a prisoner the prelate was more fierce than Andrew Melville against a king. Spottiswoode himself does not mention the circumstance. But he did write to James recommending that Ogilvie should be tortured by the boots, and asking for the half of any fines that might be inflicted.<sup>17</sup> Spottiswoode wrote thus on October 5, and an inquest as to Ogilvie was held on the same day. Spottiswoode expressed his irritation against the negligence of the ministers which favoured Popery, and he anticipated, or affected to anticipate, a plot against the life of the king. He still (November 12, 1614) insisted on the need of torture.<sup>18</sup> Yet the enthusiastic Calderwood regards the dealings against Catholics as "counterfeit." Some fourteen Glasgow people were tried in December for hearing mass, and the report ran that they were to be executed, "but they were in no danger." In modern controversy some Presbyterian writers argue that the Episcopalians were the real persecutors. They were bad enough, but they could not satisfy Calderwood and people of his stamp.

In December Ogilvie was taken to Spottiswoode's house in Edinburgh. "Mud, snow, and curses" were hurled at him as he rode, and a woman cursed his ugly face. "The blessing of Christ on your bonny face!" replied the gallant Jesuit, whereon the woman apologized. At Spottiswoode's house he was threatened with the boots and cross-examined on many matters. He would not give up the names of his friends or converts. As even James did not approve of ordinary torture, these cruel parsons kept the good father

awake for eight days and nine consecutive nights, as they were wont to do with witches. They pinched him, and ran pins and needles into his flesh. Calderwood says that "his brains became lightsome." He himself declares that he scarce knew what he said or did, or in what city he was. Nothing could be extracted from him (the official account says that he gave up some names) either by cruelty or offer of reward. Moffat, another Jesuit, was tempted with "the Abbey of Coldingham, which . . . still retains its leaden roof." As a rule that last poor plunder of a ruined church had been stripped off and sold long ago.

Just before Christmas, 1614, Ogilvie was taken back to Glasgow, and fettered to an iron pole. Spottiswoode and others received a commission to ask Ogilvie questions about the royal supremacy and the Pope's claims to jurisdiction. He maintained (says the official account) that the Pope was supreme over the king in spiritual matters, and has power to excommunicate the king, just as (according to some authorities) the General Assembly had. As to whether the Pope could depose the king, Ogilvie refused to answer, nor would he say whether it was lawful to slay an excommunicated prince. He was tried, on these replies, before the provost, bailies, Spottiswoode, and some nobles, on February 28, 1615. The charge was, not that of saying mass, nor anything that could "touch him in conscience properly," but "for declining his majesty's authority." He refused to acknowledge the jurisdiction, or to admit that his opinions were treasonable. He bearded the court: his ideas, he said, as regards royal supremacy in spiritual matters were those "of the best ministers of the land, and if they be wise, they will continue so." The Jesuit agreed with those enemies of the Kirk who called it Jesuitical. A council of the Church, he said, had not determined the point as to whether excommunicated princes might be killed. On this point Knox and other preachers, had shown a hankering after some privileged Jehu, to slay tyrannical princes. Ogilvie was convicted—there was no help for it—and was hanged. The official account does not say what Father James Brown, S.J., does say, that a preacher was commissioned to offer Ogilvie, aloud and publicly, life, the hand of Miss Spottiswoode, and a very rich prebend, if he would turn Presbyterian (Douay, February 23, 1672). Father Brown was rector of Douay in 1688. He must have told this legend on the strength of tradition derived from his father, who, it seems, like Crito in the case of Socrates, had tried to induce Ogilvie to break prison. A public

offer of the hand of the Archbishop's daughter could scarcely have been omitted by Calderwood, who must have seen the archiepiscopal absurdity. The anecdote is cited by Father Forbes Leith.<sup>19</sup>

An effort was made to prove that Ogilvie did not die for his religion, but for his politics. In fact, had an atheist, or a Presbyterian, or an Anglican, gone about teaching, and declined to say whether or not the king might, in any circumstances whatever, be lawfully slain, he would have been hanged. Knox, with his prayers for a Phineas, was exactly in Ogilvie's position. Religion had caused too many murders of eminent victims; too many hot heads were ready to act on the doctrine which Father Ogilvie refused to disclaim. Apparently he might, without dishonour, have disclaimed it, as no council had pronounced on the subject. He deserves our sympathy, like other brave men of all creeds, but his ideas could not be endured. Calderwood says that some took the hanging of Ogilvie as done "to be a terror to the sincerer sort of ministers not to decline the king's authority in any cause whatsoever." He was the second priest or Jesuit that was executed since the bastard Archbishop of Glasgow was hanged,<sup>20</sup> for Buchanan speaks of a priest who was hanged for his religion—the very priest who, on evidence received under seal of confession, accused Archbishop Hamilton of Darnley's murder.<sup>21</sup>

It must, in fairness, be said for the ruling classes of Protestant Scotland, that they, in opposition to the preachers, laboriously avoided carrying religious persecution to the death penalty. It was the error of James that in ecclesiastical matters he could not obey the proverb, "Let sleeping dogs lie." He was determined that nobody should live in the realm who was not of the same religion as himself, and his majesty's religion was a thing of rapid development. He now reached a stage of fairly high Anglicanism of an ornate kind. This he began to force upon his Scottish subjects, who liked their religion bald and bleak. Preachings thrice a week (Tuesdays, Thursdays, and Sundays), very rare communion services, not much music, and no works of art in church except the heraldic decorations of the lairds' pews, recommended themselves to the Scots. The communion was taken sitting, as in the first institution of the Lord's Supper, and the bread, apparently, was broken by the communicants as they passed it from each to each. The purpose was to preserve the original aspect of a common though sacred meal. Kneeling was deemed to imply adoration of the sacred elements,

and the Scottish communion avoided the sacred seasons of the old faith, such as Easter and Christmas.

It seemed easy for James to leave these things as they were. What he had a right to secure, if he could, was immunity from clerical interference with the State, and freedom from the insults of the pulpit. In these respects he had now no ground of complaint. His two "Courts of High Commission" (the name being of evil association in England) had been set up in 1610, had enforced ecclesiastical and moral discipline, and in 1615 had been consolidated into one court. In the same year, in June, the death of Archbishop Gledstones left St Andrews and the primacy of Scotland open to Spottiswoode, who preached himself in on August 5 and 6. Law succeeded him in Glasgow; Graham, of Dunblane, took the Orkneys; and Bannatyne, once a foul-mouthed opponent of bishops, obtained the see of Dunblane.<sup>22</sup> In August 1616 a General Assembly was held at Aberdeen. This was thought to be for the conveniency of the northern and less precise preachers, but we have already seen that the north could boast her precisians at Nig and elsewhere. They were much offended by the novelty of the D.D. degree conferred at St Andrews on the Principals of St Leonard's, St Salvator's, and St Mary's, with other ministers; this prejudice against the degree has long been obsolete.<sup>23</sup>

The Assembly was directed by the king to take strong measures against Popery, a step which never did conciliate the remnant of the old leaven, who thought Episcopal persecutions of Catholics a mere farce. Spottiswoode was moderator, not by free election, and neither the ministers nor the nobles, "with silks and satins," were regarded as having "lawful commission to vote." Time was protracted in treating of penalties against Papists to weary the faithful from the south. Such Assemblies were not regarded by the Presbyterians of the old stamp as legal and binding. Family prayers were imposed on all, "and that the minister of every parish *haunt their houses* to see the same observed," so that Scottish Episcopacy by no means meant an end of clerical *espionnage*. The name "Presbytery" was not abolished: it occurs in an article against schoolmistresses. Justices of the Peace were to apprehend people who made pilgrimages to the holy wells, but the practice is not extinct yet in the Highlands, or even in the Lowlands. Ministers were to detect and expose minor poets, "songsters, and minstrels"; they, too, have survived these severities, like Scott's hero:—

The bigots of the iron time  
Had called his harmless art a crime.

There was some dealing with Huntly, who, after a recent excommunication by the Kirk, had been absolved in England by the Archbishop of Canterbury—a bad precedent. “He did it of brotherly affection, and not as claiming any superiority over the Kirk of Scotland.” A new Confession, less rigid than “the King’s Confession,” was submitted to the Assembly. Finally, a number of the southern precisians being wearied out, royal instructions as to the discipline and policy of the Kirk were rapidly passed in a thin house. The rigid declared that they could not speak or vote freely, “having the king’s guard standing behind our backs.” A Catechism called “God and the King” was ordered to be used in schools.<sup>24</sup> Worse, a Liturgy was to be read in common prayer, though the minister was still allowed to “conceive his own prayer” afterwards. The communion was to be celebrated quarterly, “and one of the times to be Easter,” a festival of man’s invention, and having no certain warranty in Holy Writ. In the Confession it is averred that “the body and blood of Jesus Christ are truly present in the holy supper,” but that “we participate in them only spiritually and by faith, not carnally or corporally,” a rather delicate distinction. In October a new outrage occurred. “The organs which were to be set up in the chapel royal were brought to Leith.” The Abbey kirk at Holyrood and the chapel royal were also repaired and redecorated against the coming of the king.<sup>25</sup>

The Acts of the Assembly, except one ordaining the confirmation of the young by bishops, were, his majesty said, “a mere hotch-potch”—“hotch-potch” being the name of an excellent broth of promiscuous elements. He wished that—(1) the communicants should kneel, not sit; (2) that the communion might be administered to the dying at home; (3) that baptism should be administered on the first Sunday after birth, and, if necessary, at home (this was the common practice in Presbyterian families down to very recent times); (4) that the chief anniversaries, such as Christmas, Easter, Pentecost, should be observed; (5) confirmation and instruction were insisted upon. Spottiswoode remonstrated: it would be difficult to get these articles admitted.

James, therefore, deferred them till his own visit to his native country. His “salmon-like instinct,” he said, had long made him wish to see his own country. There his loyal subjects supposed

that he had pardoned Somerset for the murder of Overbury, because Somerset had been privy to the poisoning of Prince Henry! This is reported by Calderwood: it is only one example of the charity of Scottish opinion.<sup>26</sup> A man who would have gilded figures of the apostles set up in the royal chapel (and that was James's intention) was capable of anything. First, an organ; then images; then murder, then the mass! The images were the substance of remonstrance by the bishops, whom James answered angrily (March 13, 1617). He did not erect the figures, but merely because there was not time enough to have the work well done. The bishops' ignorance amazed James. They did not object to figures of "lions, dragons, and devils," only to those of patriarchs and apostles.<sup>27</sup>

The visit of James, with the preparations of every kind for a retinue of 5000 persons, perturbed Scotland. Beggars were to be driven out of Edinburgh, game was to be preserved, ruins were to be pulled down, new dwellings erected, and all this would have been good for business if tradesmen could have cherished a confident hope of being paid. On this point they were gravely sceptical.

The king crossed the Tweed on May 13, 1617. Space does not serve for a minute account of the royal progress.<sup>28</sup> Bacon came, and Lennox, Arundel, and Shakespeare's Southampton, William Herbert, Earl of Pembroke, and the young favourite, Villiers, Earl of Buckingham, and, among other divines, Dr William Laud, like the evil fairy at the christening, like Discord at the banquet of the Olympians. On Friday, May 16, James entered Edinburgh. The pageants and pedantries were of the usual kind. James made for Falkland and Dundee, and his old hunting grounds, and every palace spoke to him of raids by Bothwell or Gowrie, of imprisonment and escape. At Holyrood he may have slept in a bed of gold and silver work, wrought by his mother's hand: he must have held court in the rooms that had reeked with the blood of Riccio. After a stately visit to Morton at Dalkeith, Parliament was "ridden" on June 17, and the holding of Parliament in a prison (the Tolbooth) may have surprised the English visitors.

The most important fact in James's visit to Scotland was his dealing with the Kirk. He had promised to make no alterations; publicly he had promised, privately he had told Spottiswoode that he would clarify the hotch-potch of the Assembly of Aberdeen in 1616. He began by making the Council kneel at the sacrament in the royal chapel. Laud wore a surplice at the

burial of one of the Guards—that harmless-looking surplice which has an effect so maddening on many minds. In the Parliament discontent was shown. James's list of Lords of the Articles was not accepted. The very first article ran, "That whatsoever conclusion was taken by his majesty with advice of the archbishops and bishops in matters of external police, the same should have the power and strength of an ecclesiastical law." The very bishops themselves said that "advice and consent of presbyters" were necessary, so "a competent number of the ministry" was added in a new clause. The preachers began to agitate. One Struthers prayed God to save Scotland from Anglican rites. On June 27 fifty-five preachers signed a protest against the practical abolition of the powers of the General Assembly. The signatures did not come to James's hands, but the protest did. His Majesty, hearing a dispute outside his dressing-room door, rushed forth, in an unaffected costume, and found Spottiswoode squabbling with Hewat, who had the copy of the protest. The leaders, repenting, had asked Spottiswoode not to let it reach James, but Hewat was for presenting it. James looked at the paper, asked where the signatures were, and then in Parliament caused the article protested against to be dropped.<sup>29</sup> But that night James summoned the most noted preachers to meet him, on July 13, in the castle chapel of St Andrews, now scarcely traceable among the ruins. Spottiswoode gives the king's speech on this occasion. He asked why his five points, as to kneeling at the communion and the rest, had not been accepted by last year's Assembly at Aberdeen. Again, they had "mutinously" protested against the first article in the June Parliament at Edinburgh. What, he demanded, were their scruples, what their reasons? The preachers asked leave to withdraw and discuss, which they did in the Town Kirk in South Street. They then asked that a General Assembly might first consider the king's new articles. Patrick Galloway is said, by Spottiswoode, to have offered his assurance that the Assembly would be obedient, and an Assembly was fixed for November 25 at St Andrews.<sup>30</sup>

The High Commission also sat, and Calderwood, the historian, was called before it. He was now a man of forty-two, and he played the part of Andrew Melville and his other heroes. The charge was that he kept the protest of the ministers drawn up in June with all the signatures. He said that he had given the roll to Andrew Simpson, another preacher, then warded in Edinburgh Castle. He

was next accused of attending the "mutinous" meeting of the protesters. The dispute raged between James and Calderwood as to the power of the Assembly "to make canons and constitutions of all rites and orders belonging to Kirk polity." There was much wrangling on minute technical points, personal to Calderwood's own position, for he had been under a kind of ecclesiastical arrest. There was a confused scene, several people speaking at once, and some pushing Calderwood about. Apparently there was some misunderstanding on technical points, Calderwood misapprehending James's meaning, and James misconceiving Calderwood's. In the end, probably by the influence of the bishops, Calderwood was exiled.<sup>31</sup> He did not at once leave the country, but remained till after the king's Five Articles had been accepted by the Assembly of Perth, in August 1618. Then Calderwood produced a tract against the innovations and the legality of the Assembly which accepted them. The Assembly at St Andrews, in November 1617, had been thinly attended, and had merely trifled with the subject. James was indignant. In letters not without coarse humour, he rebuked Spottiswoode and the bishops; *they*, at least, should keep Christmas with sermons and ceremonies. He would cut off the stipends of all recalcitrant ministers, and stop the "Constant Plat" or commission for the better endowment of the Kirk. The bishops were themselves most reluctant to force the king's Five Articles on the country.

James had outraged Scottish feelings where they were most tender, by a proclamation licensing sports in Lancashire on Sunday. The populace, he said, had but one free day in the week, and on that day, for lack of amusements, they tumbled in alehouses. Let them go to church first, and play at any harmless games in the afternoon. James had, now and then, a dangerous knack of being in advance of his age. The prohibition of amusements on Sunday was, in fact, a mere invention of Presbyterians. There was a Biblical command not to *work* on the *seventh* day; the Kirk had made it of all rules the most sacred not to *play* on the *first* day of the week. When Mr Black, who was the occasion of the Edinburgh riot of 1596, was asked to set down a list of precepts, "he placed in the forefront that order be taken for keeping of the Saboth day," though why Sunday should be styled Sabbath has always perplexed the ungodly.<sup>32</sup>

The ancient faith offered a number of things that could be done,



and done with, penance, pilgrimage, and so forth. In this sort the Kirk had only "the Sabbath": you could definitely abstain from golf or football on Sunday, whatever you might do in the rest of the week. Perhaps this was the cause of the increasing strictness of the Scot about Sunday, and that sentiment James ruthlessly offended. His articles, the Articles of Perth, were voted in the Assembly of August 1618. It was easily proved to be an illegal Assembly, pamphlets concerning it flew about, especially that of Calderwood was notorious. People fled the churches where kneeling was enforced, or did not kneel. Men of all ranks were recalcitrant. The Earls of Roxburgh and Linlithgow made ingenious excuses for evading the practice, as did the Provost of Edinburgh and Sir James Skene. The archbishops who disliked the Articles, or rather the trouble about the Articles, as much as any one, were perpetually arguing with non-conforming preachers. The great old name of William Kirkcaldy of Grange reappears; its new bearer wrote a pamphlet against the Articles of Perth. Mr Robert Bruce was again in trouble for contumacy. Sentences of banishment and fines were frequent.

The Easter of 1621 could not be reckoned a success. In the Little Kirk, on Good Friday, there were about sixty men and twelve women. The fair sex were, in religion, the more tenacious; Catholic ladies got their easy husbands into trouble, as did Covenanting ladies under Charles II. Wives and mothers now kept the less resolute sex from conformity, and the ladies are said to have filled Mr Calderwood's purse well before he went abroad, while Lady Cranstoun had especially sheltered him, though not as Dainty Davy was later concealed at Cherrytrees. The communion in the Old Kirk was peculiar. "The Chancellor distributed the bread to four or five, but Mr Patrick gave it to them all over again, to make sure work." All the women present did not kneel, they resolutely sat. The University did not communicate at all. The general public communicated sitting, at Dalkeith, Duddingston, and Prestonpans. The profaner sort, in May, went to May revels at Roslin, while English and Dutch artisans set up a Maypole at St Paul's Works. This we know to have been a heathen abomination denounced by the prophets of old. (For the Assembly of Perth, see Calderwood, vii. 304-339.)

Parliament was appointed for the first of June 1621. "The best affected professors" began to agitate, and wished the Town Council to petition against the Articles of Perth. The Provost was afraid to

receive and present the address. Some ministers did send in a supplication to no purpose. On July 22, Parliament having been put off, a preacher dealt with the king in the fearless old fashion, and publicly insulted the bishops to their faces. He was warded in Dumbarton. The preachers had gathered from all quarters and were expelled from the town; they had been canvassing for votes as to the Articles. They published long protestations and admonitions against "usurped government and damned hierarchy."<sup>33</sup> These tracts influenced the voters, but were counterworked by the Marquis of Hamilton, the king's commissioner, and by Tam o' the Cowgate, now Earl of Melrose. The first business was financial: James's expenses for his daughter Elizabeth, the wandering Queen of Hearts and of Bohemia, being very heavy. The Lords of the Articles were selected thus: the bishops chose eight peers, *they* chose eight bishops, and the sixteen chose eight barons, or lairds, and eight burgesses. The officers of State voted with the Lords of the Articles. A considerable amount of taxation was imposed, including an income tax for three years on investments. The Lords of the Articles carried, by a large majority, the Articles of Perth. On the last day of the Parliament, as the Lords were riding to the Tolbooth, an omen occurred. A swan flew over their heads, "muttering her natural song." Calderwood is as fond of omens as Homer or Livy; the people deemed the portent evil; but we are not told whether the bird flew from left or right: δεξιός or ἀριστερός ὄρνις. The amount of pagan superstition among the brethren is amazing.

The protest of the preachers was not accepted. The Articles were offered *en bloc*, no debate was permitted; votes were given as "agree," "disagree," and Calderwood asserts that "disagrees" were recorded as "agrees." Proxy votes, which had recently come in, were allowed. The Articles were carried by a considerable majority. "God appeared angry at the concluding of the Articles," observes Calderwood: the month being August, there was a thunderstorm. The day was called "Black Saturday." The ungodly had the impudence to aver that the Articles, like the law of Moses, were confirmed by fire from heaven, which Calderwood regards as "a horrible blasphemy." Thus heaven and the swan were moved by what clearly was a despotic, unconstitutional, and hasty proceeding. But as arguments in debate do not affect votes, the house might have discussed the Articles for a month without

arriving at any other decision. "The ayes have it." The Articles of Perth were as important as injudicious, and filled the mouths of men. The learned editor of the "Privy Council Register" doubts whether many of the Presbyterian clergy of Scotland to-day could tell what the Five Articles of Perth were.<sup>34</sup> If he is right, the education of the Presbyterian clergy, as regards the history of their own Church, must be neglected.

The affairs of the Kirk now continued to be one long course of compulsion and resistance. Bruce was sent back to Inverness: the Easter and Christmas communions were deserted, or were scenes of disorder. The entry of conformist ministers to parishes was opposed. On June 16, 1622, died the great Chancellor Dunfermline, James's chief minister in Scotland, the upright Octavian of old days. Even Calderwood has a good word for him, though he was "popishly inclined." "He was a good justicier, courteous and humane both to strangers and to his own country people, but no good friend to the bishops." A Catholic himself, Dunfermline would have governed Scotland well: neither he nor any other statesman, lay or clerical, approved of James's despotism about the Articles of Perth. Dunfermline was succeeded in the chancellorship by Sir George Hay, Clerk of the Register. The king now bade all preachers take example by the English Book of Homilies, "a pattern and a boundary, as it were, for the preaching ministers." Nobody was to touch on "the deep points of predestination, reprobation, or grace," things to be left to bishops and deans. Faith and good life were alone to be the topics. Puritans and Papists were not to be attacked from the pulpit.

Here was a drying up of the wells! No politics and no predestination were permitted in the preaching place, "a blash o' cauld morality" alone was left to the brethren. Tyranny, it might seem, could go no farther.<sup>35</sup> But tyranny could go farther. In the New College at St Andrews the English Liturgy was actually used in chapel (Jan. 15, 1623). On June 20 a portrait of the king, at Linlithgow, fell from the wall. As a king of France did not survive a similar omen for more than six weeks, it was reckoned that James's time might be short. It was not to be long, but Lennox died first, and suddenly, on February 16, 1624. He was kind and popular, and never meddled in Kirk matters. The opposition to the Articles waxed so strong in Edinburgh that a proclamation was issued against conventicles (June 10, 1624). James actually

threatened to remove the Courts of Justice from Edinburgh—the old threat after the December riot of 1596—if the citizens would not go to communion on Christmas day. But on December 15, 1624, the Council proclaimed that on November 26 James had agreed to defer his threats, as in the proclamation, till Easter. He died on March 27, 1625: “the Lord removed him out of the way fourteen days before the Easter communion.” So says Calderwood, who mentions the reports that James was poisoned by the mother of Buckingham. It would have been just as easy for Episcopalians to say that he was poisoned by an agent of the Presbyterians.

The king passed away in the midst of the tempest which he had raised, which his son would raise to a higher power, but which only years could lull, *pulveris exigui jactu*. Not only justice and fairness, but the most ordinary common-sense, should have warned James against this final and fatal meddling with the consciences of the majority of his people. Conscience in these days went for very little. James had burned two Unitarians in London without provoking remonstrance, but then the Unitarians were a little flock. The consciences of Catholics were wronged every day: they were driven into impious temples, and compelled to sit at a sacrilegious feast. But if numerous, they were weak and without leaders; the world was against them. To force, as James did, the consciences of the Presbyterian majority, who were soon to have leaders enough, and who had arms and resources, was not more cruel and wicked than to burn Unitarians, and drive Catholics, by fines and banishment, to eat and drink their own damnation. But that infamous policy, as against Catholics, being approved of by the majority, was successful. To constrain the conscience of the learned, the rich, the many, even of the nobles in several cases, was not more wicked, but was impolitic to the verge of insanity.

Even Spottiswoode was heard to say that the king was determined to be his own Pope. His theology had advanced rapidly since the day when he told the General Assembly that the Church of England dealt in “a mass without the liftings” (the elevation of the host), and that Christmas and Easter were human inventions. Though James is said, not on the best authority, to have foreseen the mischief inherent in the character of Laud, no one could tell where he would stop. He might become a Catholic after the manner of Henry VIII., and enforce a popeless Catholicism. The Articles of Perth seem very trifling matters to us: to the Scots

they implied acceptance of every doctrine that they disbelieved in and detested. The king, by an autocratic violence, was forcing them to forswear their creed and imperil their immortal souls. They were being constrained to be idolaters. "The Spreit of God" was banished from their congregations. The Divine afflatus was checked by

*De par le Roi ; defense à Dieu  
De faire miracle dans ce lieu.*

It was thus that the conduct of the king appeared to the minds of the Presbyterians. They had brought it on themselves. Their irreconcilable way, their taunts and insults, their intolerable claim to political interference, based on their inspiration, had never been forgotten or forgiven by James. Not content to break their power, in its pretensions as absurd, in its consequence as insufferable as his own, he had given his son Charles to a woman of the idolaters. Who knew but that, like Argyll, he might become an idolater himself? He died before discontent broke into flame, *felix opportunitate mortis*.

On James himself the final word was spoken when he was called "the Wisest Fool in Christendom." Despite his ungainly and disgusting ways, his grotesque eccentricities, his pedantries, his shameful favourites, and evil example of tolerating vices, some of which he did not practise, James was probably the ablest man of his house since the death of James I. of Scotland. That he should have succeeded as he did, despite his personal disadvantages; that he should have floated through the ceaseless turmoils of his reign in Scotland, and escaped the intrigues of England,—aimed at his liberty, but involving danger to his life,—these things proved remarkable qualities. Once safe in England he had really nothing to fear from the Kirk, the danger came from his own intolerable despotism. While he was in Scotland the Kirk could agitate till a sufficient number of nobles was ready to seize the royal person. That was the danger which his accession to the English Crown annihilated. A wise man would have taken the opportunity to be tolerant of the preachers. But James only showed his cleverness in wrangles with them, his folly by goading them to resistance.

Having the opportunity, for the first time in history, to quiet the Borders, he took it, and he was not wholly unsuccessful with the Highlands. No man could put down the feuds of the nobles and the gentry, but he considerably discouraged them. His ineffable

conceit and relentless egotism (not unaccompanied by good nature where he was unopposed), and the dissimulation bred by a youth of fear, in an atmosphere of universal falsehood and treachery, were his worst moral qualities as a man. Though a pedant he was learned, probably the most learned man who ever occupied a British throne, though in literary qualities he was far behind the royal poet who was slain in the Dominican monastery of Perth; while in wit he could not compare with Charles II. To regard James as a mere grotesque figure, "gentle King Jamie," is an error: he could be terrible. As a rule, when he was in the right (as in the matter of the Union, and in his toleration when politics were not concerned) he was in the right too soon; while in the matter of witchcraft he was in the wrong too late. Too late, also, he was in his almost unavoidable acceptance, as doctrine, of the Tudor practice of despotism. No king of Scotland was encouraged by such fulsome flatteries as, in England, continued from the courtly abasement of Elizabeth's reign.

James took for realities the formulæ of adulation which survived from the court of a woman and a Tudor. Parliament could not remove the fond illusions on which his son was to make shipwreck. Of James's six immediate ancestors, five had died a violent death, as his unhappy son was to die. Charles I. was the only Stuart king since Robert III. who did not begin his reign with a long minority. That which had been so constant a curse to his house might, in this one case, have been a blessing. To James alone, the least desirable, the most distasteful of his line, did Heaven give good fortune. How he abused the gift has been made manifest.

The period covered by our volume ends with James's death. But we must return, in the following chapter, to the remoter and more lawless portions of his realms.

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#### NOTES TO CHAPTER XIX.

<sup>1</sup> Spottiswoode, iii. 156.

<sup>2</sup> Spottiswoode, iii. 148-155, December 1604.

<sup>3</sup> Register Privy Council, vii. 512-513, 517-518.

<sup>4</sup> State Trials, vol. ii. pp. 561-695.

<sup>5</sup> Pitcairn, ii. 584.

<sup>6</sup> Spottiswoode, iii. 289, note by Mr Mark Napier, apparently.

<sup>7</sup> To what extent James was consciously implicated in this affair of the letter to the Pope, or in Ogilvie of Pourie's mission to Rome and Spain in 1595, is a very obscure question. As to the letter which caused the ruin of Balmerino, Mr Hume Brown says, "There can be little doubt that James wrote it" (Hume Brown, ii. 237, note 2). Mr Gardiner disbelieves this, and speaks of the king's "transparent ingenuousness" (Gardiner, ii. p. 33). The author inclines to agree with Mr Gardiner, that Balmerino's confession contains the truth (Pitcairn, ii. 568 *et seq.*). As for Ogilvie of Pourie, in 1601 he wrote to the king, "I never had or used any commission of your majesty to any foreign prince in my life, neither in Flanders, France, nor Spain," which is probably true, though it is Pourie who says so (Hatfield MSS. 90, vol. cxxxvi.). Cf. p. 496 *supra*.

<sup>8</sup> Privy Council Register, ix. ix.

<sup>9</sup> Privy Council Register, ix. xiii. xv.

<sup>10</sup> Privy Council Register, ix. 75.

<sup>11</sup> Privy Council Register, ix. 714, 715.

<sup>12</sup> Calderwood, vii. 164.

<sup>13</sup> Calderwood, vii. 173.

<sup>14</sup> Pitcairn, iii. 254, 257.

<sup>15</sup> Relatio Incarcerationis et Martyrii P. Joannis Ogilbei . . . descripta ad verbum ex autographo ipsius (Duaci, 1615).

<sup>16</sup> Calderwood, vii. 193.

<sup>17</sup> Botfield, Original Letters (1852), ii. 385, 387.

<sup>18</sup> Botfield, Original Letters, ii. 399-401.

<sup>19</sup> Narratives of Scottish Catholics, pp. 311, 312.

<sup>20</sup> Calderwood, vii. p. 196.

<sup>21</sup> See Chapter IX. of this volume.

<sup>22</sup> Calderwood, vii. 203.

<sup>23</sup> Calderwood, vii. 222.

<sup>24</sup> On this work see Dr Masson, Privy Council Register, x. cviii. cix.

<sup>25</sup> Calderwood, vii. 220-242 ; Spottiswoode, iii. 230-238.

<sup>26</sup> Calderwood, vii. 243.

<sup>27</sup> Original Letters, ii. 496-499.

<sup>28</sup> See Privy Council Register, vol. xi.

<sup>29</sup> Spottiswoode, iii. 241, 245.

<sup>30</sup> Spottiswoode, iii. 246, 247.

<sup>31</sup> Calderwood, vii. 261, 271.

<sup>32</sup> Hay Fleming, St Andrews' Kirk-Session Register, ii. lxxiii.

<sup>33</sup> Calderwood, vii. 472-488.

<sup>34</sup> Privy Council Register, xii. p. lxxxv.

<sup>35</sup> Calderwood, vii. pp. 560-562.

## CHAPTER XX.

## HIGHLANDS AND BORDERS.

1603-1610.

A NECESSARY result of James's accession to the English throne was the pacification of the Borders. For several centuries the Marches of the two countries had been in a social condition much like that of the tribes on the Afghan frontier of India. A warlike population, existing in the clan system, had no particular morality or loyalty, except fidelity to the laird, to "the name," and to outlaws and banished men. "On no condition was extradition" allowed on the Border. Property consisted chiefly of cattle and horses, and, by endless raids, was kept in lively circulation. There was, of course, a standing feud between the clans on either side of the burn or glen which constituted "the Border" in each district. But the feud between English and Scots, as such, was relatively mild, and even humorous,—a kind of game with rules of "hot trod," and "cold trod," and so forth, of its own; these laws regulated raids and the recovery of cattle stolen in raids. The wardens, also,—it might be Buccleuch and Scrope, with their deputies, such as Scott of the Haining, and Salkeld of Corby,—had peaceful days of meeting, when the riders of both sides met and discussed their feats of robbery and fire-raising, and their duels, much as men might discuss a football match. Now it is the Captain of Bewcastle who has harried Jamie Telfer of the Dodhead; now it is Jamie Telfer who has "warned the water speedily," and brought all the Scotts of Upper Teviotdale down on the Captain of Bewcastle.

Rough "riding ballads" were sung about these feats, which now and then entailed a vendetta, but, on the whole, did not cause much bad blood. In fact, one of the peculiarities of the Border was that



certain clans, as the Netherby Grahams, the Elliots, Crosbies, Nixons, and Robsons, were of dubious nationality: they might take either national side, as opportunity served and temptation arose. Probably Buccleuch contrived the rescue of Kinmont Willie with the aid and connivance of the Grahams who lay between Langholm and Carlisle. On both sides of the line the adjacent clans had a common interest in preserving their lawless freedom. Justice only took the shape of sporadic hangings of "pretty men," who were respected and regretted, and left friends and sons to carry on the old sportive military existence. Private feuds between clans and neighbours were more cruel and violent than the skirmishes of an international character. Kers and Scotts and Elliots, in the east and centre, Maxwells and Johnstons in the west, and in Dumfries and Galloway, fought like fiends, for centuries, over some old quarrel of which the origin might be lost, but which produced new bloodshed and new revenges in every generation. The Criminal Trials are full of "spuilzies," maiming of cattle, burnings, shootings "with hagbuts and pistolets," slayings of men. The existence of this animated kind of society was inevitable while the two countries were separate.

But when James became King of England, the Borders, as he said, became the "heart of his royal empire." The shires of Berwick, Selkirk, Roxburgh, Peebles, Dumfries, and the Stewartries of Dumfries and Annandale must be brought to order, and five gentlemen were appointed commissioners for that purpose. They had powers to hold courts, and were granted immunity for "any mischance or inconvenient," such as hanging the wrong man. For Northumberland, Cumberland, and Westmorland commissioners were also appointed. Extradition was now to be the order of the day. The incorrigible were to be, rather vaguely, "removed to some other place," where "change of air" might "make in them a change of manners." Of the English commissioners, the name of Sir Wilfrid Lawson is most familiar to modern ears; of the Scots, Gideon Murray of Elibank on Tweed. All dubious characters were to be disarmed, especially of hagbuts and pistols, before May 20, 1605; and a kind of census of the natives was to be taken. No gaols existed, so new gaols were to be built in the burghs, and as the prisoners could not maintain themselves in prison, and the burgesses would not, "justice is to be administered to them as soon as possible." Hence our proverb, "Jeddart justice: hang a man

first, and try him afterwards." So the commissioners, not without misgivings and questions, began to hang persons like "Jock of the Shiels, ane lymnar of auld." They doubted about poor Jock, but the Lords said "Hang him." Tom Armstrong, "a proper young man," against whom there was no evidence at all, the Lords ordered to be hanged, merely *pour encourager les autres*. A horse had been stolen, its owner went to Peebles to testify that Tom was innocent, yet the gallows got him. In April 1606 we find some forty proper men hanged—surely the worst use to make of them; and about fifteen others, including a bastard of Kinmont Willie, were hanged in November. Scores of freebooters were fugitive in the hills and morasses, pursued by "lugg dogges." Cranstoun got an indemnity for executions done without trial; and the active Earl of Dunbar was placed on the Border Commission. In 1607 a number of small Border lairds—Rutherfords, Elliots, Kers, and Scotts—were removed from the Border, and warded in northern or inland towns; and the same policy, in 1608, was exercised on a crowd of gentry of the house of Maxwell; all were sent north of Tay. By July 1609 the doers of the work could congratulate themselves that the Borders were tranquil.<sup>1</sup>

One noble victim perished in the persistent massacres of rough justice. This was Lord Maxwell, who was a Bothwell for reckless mischief. He was the son of the sixth Lord Maxwell, who, after Morton's execution in 1581, for a while bore the title and brooked the lands of Morton. In 1585 Morton's attainder was reversed, Maxwell lost his prize, and took to intriguing with Spain. He was taken prisoner, and Johnston succeeded to his wardenship of the West Marches. Though the wardenship was restored to Maxwell, his clan and that of the Johnstons entered on a feud: and in a great battle (Dec. 7, 1593), on the Dryfe Sands, Maxwell was defeated and slain. Some 2000 men fought on either side; and the phrase, "a Lockerby lick," is said to be derived from the ghastly wounds inflicted on the fugitives in the streets of Lockerby. Maxwell's son inherited the feud, and, at a meeting for reconciliation, shot Sir James Johnston through the back (April 6, 1608). He was warded in Edinburgh Castle, but made a dexterous escape, wounding several of the warders. In 1612, being in the north of Scotland, he was betrayed by his kinsman, the Earl of Caithness, and, on May 21, 1613, he was beheaded at Edinburgh. This execution was procured by the Laird of Johnston's friends, specially

by Sir Robert Ker, Earl of Rochester (Somerset the favourite), "the chief guider of the court at that time," says Calderwood. There was a great deal of sympathy with Maxwell though he was a Catholic. He certainly had the charm of recklessness, and though he had treacherously murdered a man under trust, the man had been his feudal foe.<sup>2</sup>

At this distance of time (with all respect to the name of Maxwell), we feel more pity for poor Tom Armstrong, who was hanged merely for being suspected of knowing too much about the stealing of a nag. The execution of the Mures of Auchendrane, in 1611, for a series of cold-blooded murders, later to be described, proceeding from a murder-band or contract of the usual sort, proved that, in Scotland, the law was beginning to be a terror to evil-doers, even when of good county families. It may be remarked that fifty years of an open Bible, and of the Truth constantly preached, seem in no way to have mollified the ferocity of the Scottish people, but rather, if anything, to have increased their bloodthirsty dispositions. A few mounted police and the expense of some miles of rope were infinitely more efficacious. The reduction of the Highlands was undertaken simultaneously with the settlement of the Borders, but was a task much more difficult, and, by the Stuart kings, never fully accomplished.

#### THE HIGHLANDS.

In various parts of the Highlands Presbyterianism is still called the Religion of the Yellow Stick. There is a legend that a chief caned all his tenants into kirk, where or at what date is unknown. The great Lauchlan Maclean of Dowart, as we have seen, was a Presbyterian, and took the Covenant in "the Little Kirk" on the day of the Edinburgh riot of December 17, 1596. Mackintosh also spoke generously of planting kirks, and James Melville was convinced that the Celts would make good Presbyterians. But the West Highlands and the Isles, like Nithsdale and Galloway, were not yet "planted" with ministers, and the West was little visited by the few wandering and skulking Catholic missionaries. These regions, therefore, like Galloway and Annandale, were especially turbulent. Macleods, Mackenzies, Macgregors, Macdonalds, and Macfarlanes lived in a state of open war, or, in the case of the two latter clans adjacent to civilisation, of brigandage.

It was necessary to try to bring the Celts into order, a task in which the Crown never succeeded for want of money, of a standing army, and of police. The difficulties, when a royal expedition was attempted, were of a kind not unfamiliar. The castles of the island chiefs were of a strength impregnable to the weak artillery of the assailants. To burn the cots and destroy the crops of the clansmen might irritate but could not subdue the hardy recalcitrants. Swift-footed and mobile, they succeeded in night surprises of camps, and, if hard pressed, easily escaped by boats to other islands. A common ruse was to attack a camp, and then fall back among their unmapped hills and glens, alluring the pursuers into ambushes for which every wood and corry afforded shelter. Driven far from their base, the royal forces were now attacked by overwhelming numbers; now returned to find that their camp had been fired, and that their supplies were in the hands of the enemy.<sup>3</sup>

On July 9, 1599, the Privy Council tried what could be done by a vigorous proclamation. The Celts were persecuting what may be called the Chartered Company of the Lewes, which was an association of Fifeshire and other gentlemen to exploit and establish towns, agriculture, and fisheries in that island. A commission was given to Lennox and Huntly to quiet the Lewes and collect the royal rents. The two lieutenants were to be assisted by a council of nobles and gentlemen.<sup>4</sup> Negotiations were entered into in the September of the same year for reducing the southern isles and promontories of the West coast. The focus of trouble was the Castle of Dunnyveg in Isla, the old royal seat of the sons of Somerled. For sway in Isla, and the long, narrow, but fertile peninsula of Kintyre, Macdonalds had been cutting each other's throats, while Macleans took part in the fray, and Campbells waited for their opportunity, which was soon to come. Probably the rightful holder of Dunnyveg was the truculent old Angus Macdonald, whom his son, Sir James, once burned out of his house. In 1599, in September, negotiations were begun with Sir James Macdonald. He was to evacuate Kintyre in favour of new settlers; was to place the Castle of Dunnyveg, in Isla, in the king's hands; and was to receive, as royal tenant, the lands of Isla, and make provision for his father, Angus, whom he had once nearly burned to death.<sup>5</sup> No good came of all this, for which Sir James and his friends blamed Argyll and Campbell of Calder. Sir James was a polished ruffian, but the Campbells usually bear the weight of all turmoils which turned to their own advantage.

In October 1599, fortified by hopes from Lennox and Huntly, the Lowland settlers, with an armed force, set off to "plant" the Lewes. Unsheltered in the wild weather, they sickened and died. Leirmont of Balcomy was taken at sea and held prisoner by Murdoch Macleod; the curse of Andrew Melville, with whom he had quarrelled in St Andrews, was thought to pursue "this jolly gentleman," who died in the Orkneys. But Murdoch was given up to the adventurers by his brother Neil Macleod, who allied himself with the Lowlanders. Murdoch was executed at St Andrews, and the Lord of Kintail, a Mackenzie and a foe of the settlers, was imprisoned. He escaped, and continued to oppose the "planters."

James, in 1600, thought of visiting the Isles with a large array, but ships, money, men, and perhaps inclination, were deficient. The Highland historian, Dr Gregory (one of the Gregarach), accuses James of cowardice, but we know how destitute he was of money in 1600. Nicholson (July 9) writes to Cecil about the king's poverty; the Convention in which Gowrie spoke refused supplies; and (July 22) Nicholson says that the expedition to the Isles was abandoned "on account of the great scarcity in the country."<sup>6</sup> In June 1601 increased powers were given to Lennox and Huntly, but these powers were not used. In Skye, Macdonald of Sleat and Macleod were at feud; they were brothers-in-law, and Macdonald had repudiated Macleod's sister with insult, divorced her, and wedded a sister of Mackenzie of Kintail. Then began expeditions of murder and rapine through Skye, Harris, and the Long Island; the natives were driven to eat their horses and cats. Government interfered; Macdonald was to surrender to Argyll, Macleod to Huntly, and the clans were reconciled. The Lewes settlers now quarrelled with Neil Macleod, and had the worse of the strife; while Mackenzie of Kintail slipped on the settlers a chief who was the nephew of Neil, and had been a prisoner. Round this young Tormod the Celts rallied as the representative of the true Macleod dynasty, and they reduced the Lowland settlers to a capitulation. They kept two hostages, turned the other Lowlanders out, and secured a pardon, but the settlers did not observe the conditions, and the war was renewed, or rather was deferred, till 1603.

The Glengarry Macdonalds now went to war with the Mackenzies, and young Glengarry was slain in a night surprise of his galley. By burning a church full of Mackenzies the Macdonalds avenged this disaster, Glengarry's piper strutting round the edifice playing a

pibroch. The singular point is that there was any church to burn. But it is fair to add that Dr Gregory could find "no public notice taken of such an enormity," so we may trust that the story (so unfavourable to Glengarry) is a Mackenzie myth.\* The Celtic excesses in West Ross and the Isles were nearly as remote, in effect, as now is a rising in Fiji. But the Macgregors, in the Lennox, were much nearer home. This unlucky clan seems to date its misfortunes from Bruce's forfeiture of the Macdougals. They were harried from one reservation to another, a fleeting race, the Children of the Mist. As Argyll "gave them wood and water" down to the days of Rob Roy, he was responsible for their behaviour. But just as a much later Argyll, "Red Ian of the Battles," found Rob Roy a useful spy and secret ally in 1715, so the Argyll of 1603 is accused of "hounding out" the Gregarach against Colquhoun of Luss. The Macgregors invaded the Lennox, it is said, by virtue of a commission from the king. The great fight, or slaughter, of Glenfruin occurred on February 7 or 8, 1603. On January 20, 1604, Macgregor of Glenstra was tried for his feat of arms. His idea, it is alleged, was to extirpate the Colquhouns and Buchanans, and he was aided by the Camerons, the Clananverich (not Clan Vourich, the Macphersons?), and "other broken men and sorners." The Glencoe Macdonalds appear to have been in the fray.<sup>7</sup> The invaders wore coats of mail, and had muskets, bows, two-handed swords, and pole-axes. They entered Glenfruin, in Luss's territory, and slew, among others, "Tobias Smollet, bailie of Dumbarton," and bearer of the name made immortal by the author of "Peregrine Pickle." About a hundred and forty persons were slain, many of them as disarmed prisoners. The house of Luss was burned, and a very large creagh was driven. Nothing is said in the indictment about the massacre of a number of students or schoolboys who had made a trip to see the sport.<sup>8</sup>

While most writers accuse Argyll of "hounding out" the Macgregors, Calderwood says that Lady Lennox was believed to have instigated the raid. The Macgregors, one might conceive, needed little hounding out by lord or lady. In October 1603 Ardkinglas invited the chief of the Macgregors to dinner, seized him, and was taking him by boat to Argyll, when Macgregor leaped overboard and escaped. Argyll then betrayed Macgregor, under promise of sending him to England, to the king. He did carry the chief to Berwick, that is, into England, and then brought him back to

Edinburgh, where the chief was tried and executed on January 20, 1604.<sup>9</sup>

Poor Macgregor left a statement, written in the hand of James Primrose, Clerk of Council. Argyll, he said, had been his ruin. First he hounded the Macleans and Camerons on to the Macgregor lands in Rannoch. Then, these Macgregors being destitute, Argyll urged them to attack the Buchanans and the Colquhouns of Luss. Next this Macchiavelli suborned Ardkinglas to betray Macgregor, and Macgregor to slay Ardkinglas. How much truth there is in all this we have no method of discovering. It is certain that the very name of Macgregor was abolished by an Act of April 3, 1603.<sup>10</sup> The results were that many of the clan, changing their name, became sober and distinguished citizens, like the family of Gregory, which, for several generations, produced men of learning if not of genius. On the other side the body of the clan became Ishmaelites, their hands against every man's hand.

In 1608 considerable preparations were made for the subjection of the islands, and a guard of 500 was allotted to the new lieutenant, Lord Ochiltree. He was assisted by a council, with the Bishop of the Isles at its head, the warlike preacher, Andrew Knox. In August, when a handful of 200 rather useless Scottish soldiers had been sent to aid in subduing an Irish rebellion, a force of English soldiers from Ireland joined the royal levies at Isla. The Irish rebels and the islanders were apt to work into each other's hands, hence the junction of Scots with recruits from the English army in Ireland to guard against their combinations. O'Dogherty's rebellion in Ulster having been put down, English forces in Ireland were free to deal with the insular Celts.<sup>11</sup> Meanwhile the king and Council were occupied with plans for the "plantation of Ulster" with English and Scottish settlers, each in his peel or tower, and holding lands from which the Irish had been evicted. On the island side, the castle of Dunyveg in Isla, a hold of the Macdonalds, was surrendered and garrisoned for the Crown, as (August 17) was the Maclean fortress of Dowart in Mull. Ochiltree held a *durbar* of the chiefs, at Aros in Mull, and received them into the king's peace, or pretended to do so. Next, inviting them to dinner on board his vessel, he carried them off, and the Council warded them in Dumbarton, Blackness, and Stirling, much as the Maxwells had already been treated. The Macleods of Harris and the Lewes

were not captured. The imprisoned chiefs capitulated, and in February 1609 a large body of commissioners was appointed to deal with the island affairs.<sup>12</sup> By way of striking terror, that old prisoner, Sir James Macdonald, son of Angus of Dunyveg, and slayer of the valiant Maclean of Dowart, was tried for the burning of the house in which he nearly roasted his father, and for his attempted escape from the Castle, when he was taken, and Lord Maxwell got free. James, we know, had of old rather favoured this chief, who produced, but withdrew, a royal warrant for the capture of his father. He was convicted, and sentenced to death and forfeiture, but was not executed. Six years later he succeeded in escaping. Possibly it was not thought well to push him to extremities, as he had some more or less compromising old document of the king's.

Meanwhile the Bishop of the Isles had been surveying these territories and negotiating with the natives. In July he met the released chiefs and others at Iona or Icolmkill, and in August the Statutes or Band of Icolmkill were ratified. The great chiefs, mainly Macdonalds and Macleans, professed the true religion, and obedience to the king and the laws of the realm. They vowed that they would respect and pay the stipends of ministers already planted or to be planted, repair the churches, and abandon the custom of handfasting, or temporary marriages. Next they denounced the custom of sorning, or forced hospitality, and ordained that inns or hostelries should be established. Each chief bound himself to harbour and entertain only a small fixed number of gentlemen. Once more they denounced "the extraordinary drinking of strong wines and *aqua vitæ*," and the traffic in these comforts. But everybody might distil his own whisky, so that the cause of temperance took little advantage. Every gentleman owning sixty cows must educate his eldest child in the Lowlands. Unlike their ancestors in the time of Henry VIII., the chiefs at Icolmkill were themselves able to read and write. The law against using firearms was accepted. Bards and other vagabonds were to be put in the stocks, or expelled.<sup>13</sup>

From these statutes the historian, Dr Gregory, dates the loyalty of the Celts, as displayed under Charles I., and onwards, we may add, to the last Jacobite rising. But perhaps the natural attachment of the Celts to the lost cause, with the chances of authorised raids on the Lowlands, and loyalty to "the Kirk malignant," that



of Prelacy or of Rome, were not without influence on the later Highlanders. Even now the river Sheil and Loch Sheil are the frontiers of Presbyterianism, farther north is a large Catholic district, while in Glencoe, and Appin, and Lochaber there are Celtic adherents of James's Church, the Scottish Episcopal. Where the modern Celt does not adhere to these faiths he shows a strong tendency to beliefs and usages like those of the austere Presbyterians with whom James VI. was always at war.

Despite the submission of many chiefs the affairs of the Lewes remained unsettled. New managers and adventurers—Balmerino, Sir George Hay, and Spens of Wormiston—had undertaken to settle the Lewes in 1608. But Balmerino was disgraced and imprisoned on the old affair of the letter to the Pope, and Hay and Spens were thwarted and driven out of the island by the arms of Neil Macleod, and the intrigues of Mackenzie of Kintail. They disposed of their useless concessions to this chief, who drove out or reduced the Macleods of the Lewes. These appearances of quiet and order were, of course, delusive. Many great chiefs made solemn promises. The Bishop of the Isles (Andrew Knox) received the much contested Castle Perilous, Dunyveg in Isla, and became Stewart and Justice for the Isles, while Lochiel and Clanranald were joined with Argyll in the ferocious efforts to exterminate the Macgregors, a task for which the other clans had no heart.

Disturbances arose from a discovery casually made by Argyll in his muniment room. As far back as the reign of James V. the third Earl of Argyll had procured, through Campbell of Calder, what Calder had acquired from Maclean of Lochbuy in Mull, title-deeds to certain superiorities over the lands of Lochiel, Duror, and Glencoe. It was about 1527 that Calder, having purchased these rights from Lochbuy, and having discovered that the Camerons, Appin Stewarts, and Macdonalds or MacIans were hard to deal with, transferred the title-deeds to his brother Colin, third Earl of Argyll. The claim seems to have been forgotten for some eighty years, when Argyll happened to find the old documents, and got a new charter from the king. The man who was astonished was Lochiel, but he consented to come under Argyll's superiority. History was to prove, in the Civil War, and in 1715, and 1745, that the Argyll suzerainty was but the shadow of a name. Huntly, who had regarded Lochiel as his man, took

umbrage, and seduced away from Lochiel the Camerons of Erracht and Glen Nevis, the beautiful valley which runs up the south-east side of Ben Nevis. Even after the Forty-Five we still find the Glen Nevis Camerons (really MacSorlies) engaged against Lochiel and Fassifern, in intrigues so dark that blushing History averts her eyes, and leaves the gloomy Celtic secret in the Duke of Cumberland's MSS. Huntly's Cameron friends were put by him into lands which Allan Cameron of Lochiel held either from Huntly or Argyll. Lochiel tried to negotiate peacefully with the intruders, who gave a verbal, but refused a written promise, and asked Allan to come with them to meet Huntly. Allan mildly put the motion by; he knew what Huntly was capable of, and he rode to Edinburgh to take legal advice.

In Edinburgh he learned that "his friends" (kinsmen) were laying a plot against the life of their chief. He heard where they were to meet, hurried back to Lochaber, gathered six score fellows of the right sort, and placed them within half a mile of the scene of the hostile gathering. He set them in ambush in a wood, which lay convenient, and then, with six boys of the belt, strolled towards "his friends," asking them to meet him with other six. He had first instructed his ambushed men to lie still if all went well, if he were attacked he would fly past the wood. He went forward, was ill received, and fled under a shower of arrows. When the pursuers reached the wood, Lochiel's hundred and twenty arose from the cover of birch, and rock, and bracken; Allan turned and stood at bay, his men fell on his pursuers from the rear, slew twenty, took eight alive, and, writes James Primrose, Clerk of Council, "learned a lesson to the rest of his kin who are alive in what form they shall carry themselves to their chief hereafter." But the "form" of the Glen Nevis Camerons continued to be deplorable, though one of them "died the death of fame" at Culloden.<sup>14</sup>

James Primrose tells the tale, though a peaceful man, with spirit and sympathy. However, in December 1613 the Privy Council most unfeelingly outlawed the brave Lochiel, and gave Huntly a commission of fire and sword against him. He had slain, in fair fight, "the Bodach" John Cameron, also Allaster of Glen Nevis, for which who can blame him? <sup>15</sup> But it is a far cry to Loch Arkaig, and Huntly made little use of his letters of fire and sword.

A disturbance among the Macneils of Barra and the Macleans was characteristic. Old Barra had a family by a Maclean lady, to

whom he was only handfasted, and another family by a sister of Clanranald, to whom he was legally married. The oldest of the senior family (Macleans on the spindle side) was arrested by Clanranald for piracy against a ship from Bordeaux. He was helping himself to the claret. He died before his trial, and his brothers, with Maclean of Dowart, seized one of the legitimate family, who happened also to have been engaged in robbing the liquors of Bordeaux. He was sent to Edinburgh to be tried, but was acquitted, thanks to Clanranald. The brethren of the elder (Maclean) but illegitimate family of old Barra now seized that chief, their father, and put him in irons. The Council therefore gave Clanranald letters of fire and sword against these "lymmars" in their island. The result was the succession of one of the legal branch, Clanranald's nephew, to old Barra, who did not long survive his severe imprisonment by his sons.<sup>16</sup>

Old Angus of Dunyveg, father of the now imprisoned Sir James Macdonald, died, and Sir Ranald, Sir James's brother, succeeded in Isla. He must have been an ill-advised man, for he tried to introduce "the Irish laws," the Brehon laws and customs of land tenure, probably.<sup>17</sup> It is not surprising to hear that the Bishop of the Isles was not long permitted to retain Dunyveg Castle, which was but slenderly garrisoned. Old Angus had left a bastard, Ranald Oig, who suddenly seized the fortress early in 1614. Thereon Angus Oig, a younger brother of the imprisoned Sir James, set about recovering the castle "for the king." His kinsman Left-handed Coll (Coll Keitache, "Colkitto") succeeded in taking the place. Ranald Oig escaped by sea, and Angus retained the castle, offering to restore it to the Bishop of the Isles on conditions. The Council bade him surrender under pain of rebellion, and told the warlike prelate to seize the place. The bishop preferred to negotiate, then approached in force, but was deserted by his Celtic levies, and had to see his boats destroyed by Angus Oig. With Angus the bishop had to make terms, he would endeavour to get for him a lease of the Crown land, held in Isla by Sir Ranald, and he left, as hostages, his son Thomas, and his nephew John Knox. His letters reached the Council on October 1, 1614.<sup>18</sup> The Council was heartlessly indifferent to the fate of John and Thomas. They gave a commission to Campbell of Calder to subdue Isla; for which, when he had reduced it, he was to pay a rent. But Argyll, if we can believe the bishop, had been encouraging Angus to hold out.<sup>19</sup> It may be remarked

that, whenever the Macgregors or Macdonalds did anything especially lawless, they always said "Argyll told us to do it." If so, they ought, of course, to have found out this policy of the house of Argyll. But "these unhallowed people with that unchristian tongue" (so Sir Alexander Hay calls them in 1615) were either innocent as doves, so that Argyll could always take them with the same chaff, or they were not remarkably veracious.

Meanwhile Angus Oig made life a burden to John and Thomas Knox, and the bishop was much annoyed and distressed. Why put in the Campbells, he asked, a clan hardly less "pestiferous" than the Macdonalds themselves? Presently Angus relieved Thomas and John, understanding that he should be allowed to keep Dunyveg Castle. Royal forces from Ireland, however, arrived to demand its surrender. In January 1615 Calder joined the Irish contingent, and artillery began its work. A number of the garrison were hanged. Left-handed Coll escaped, Angus Oig was taken to Edinburgh. They had scarcely arrived, or had not yet arrived, when that old prisoner, Sir James of Dunluce, who slew the great Lachlan Maclean of Dowart, escaped from the Castle (May 24). Keppoch, the young Clanranald, and Dougal Macallester (who was in a writer's office) managed the escape; Sir James made for the Firth of Forth, crossed, and got clean away. He was nearly taken, in Atholl, by Tullibardine's men, but fled by speed of foot. He wrote interesting letters to Lord Crauford and others, protesting that he had only broken ward because he heard that Calder had a warrant for his death, and asking that his books might be returned to him. They were seized with his baggage in Atholl. One book was "The Three Conversions of England," and a manuscript "Great Chronicle." Once arrived in Keppoch's country books were scarce, but liberty was secured. Sir James sailed to Eig, and was welcomed by Coll the left-handed, with a strong force of Macdonalds, who fired their muskets to honour the chief. They next sailed to Isla and took Dunyveg. First they ambushed till the captain with a small party came out, then attacked them, killing some, but the captain escaped into the castle. This they besieged, and soon compelled a surrender, "all the Campbells in Scotland, without his majesty's power, shall not recover it as long as they live" (July 3).<sup>20</sup> Sir James now intended to reduce Kintyre and Jura to his subjection.

Sir James, in brief, was rehearsing, on a small scale, Napoleon's escape from Elba, and recovering the dominions of his house which

the Campbells had annexed. All this while Argyll was away from home in fear of his creditors. But in August Argyll came down; he was amply supplied with "waged men" and ammunition by the Government. Attacking the slender peninsula of Kintyre, where Sir James was, on both sides from the sea, Argyll drove the Macdonalds out, and followed Sir James to Isla, where he had two new fortresses. He drove the Macdonald strategist out to an island on the Irish coast; Left-handed Coll surrendered in Isla, he betrayed a number of his allies; the other Celts began to follow his example. Argyll now returned to Kintyre, and reduced the remnant of the Macdonalds there, while Sir James fled from Ireland to Spain; in fact, most of the leaders remained at large. Argyll very patriotically kept the waged men for six weeks at his own expense, and he had now put down for ever the Macdonald revolt in the south-western Highlands, Isla, and Kintyre. He left "ragged ends" of the task to be trimmed, but his Scottish creditors were pressing him hard, and he returned to his English and Catholic wife, who presently converted him from the errors of the Kirk, so that he was obliged to go into exile on the Continent.

His son was the celebrated Gillespie Grumach, "gleyed-eyed Argyll," who burned the Bonnie House o' Airlie, was the foe of the great Montrose, and lost his head at the Restoration. This distinguished Presbyterian leader appears, from his portrait, to have been by no means so *grumach* or "gleyed" as tradition avers. Sir James dwelt abroad for ten years, and ended his days among his beloved books in England.

The chiefs of the old Icolmkill statutes now renewed their declaration against imported wines and in favour of education. On the whole the result was the relative tranquillity of Kintyre and Isla, and the increase of the Campbell power (which henceforth was Whig), at the expense of the Macdonalds.

These movements in the tiny outlying Celtic principalities were not really unimportant. More than once in later national history the preponderance of the Campbells over the Macdonalds and Macleans turned the delicately poised scales of fortune in favour of the Kirk or of the house of Hanover as against the Stuart dynasty. The measures taken for quieting the Highlands and Isles included a system of bands among the Inchcolme chiefs, as they may be called, guaranteeing the good behaviour of their clans. The chiefs themselves (including Clanranald, and the MacLean

representatives) were to make an appearance annually before the Council in Edinburgh, and were also to "exhibit" some of the most potent cadets of their houses. The old rules against "sorners," men living at free quarters, were enforced. Probably these were muscular idlers, of course of good family, who were supported by their hosts, now as useful fighters, now as kinsmen, now from timidity, while the ancient Celtic custom which entitled chiefs, tanists, bards, and others to free entertainment gave a kind of sanction to the usage. The chiefs were bidden to reside permanently at different residences of theirs, and to cultivate home farms—partly to give their idle hands something other than mischief to do, partly as an example of industry.

The Celt is naturally, or then was, rather in the pastoral than the agricultural stage of civilisation. To keep the kye, hunt the deer, and watch the eternal and beautiful passage of light and shade on the hills, the lochs, and the sea, was more congenial than to dig and plough an ungrateful soil. To counteract these sympathetic tendencies of children of nature, the chiefs promised to take home farms, or "mains," into their own hands. ("Mains" is common in Lowland place-names, as "Branxholme Mains," the "toun" or farm on the hillside above Branxholme Tower.) An attempt was made (1616) to enforce fixed rents in place of all the many forms of service, in agriculture and in war, which of old had existed in England and the Lowlands, as well as in the Highlands. But the ancient system continued to flourish, especially in Knoydart and Moydart, till the great epoch of change after 1745. The rules as to education and importation of foreign wines were re-enacted. The practice of taking "calps," or heriots, "the best beast," after the death of a tenant was denounced. They who have the power—church, chief, or democracy—usually think that the death of a man, which impoverishes his family, gives a happy opportunity to add to their distress by taxation.

The affairs of Lochiel, still an outlaw for the lesson he read to the Glen Nevis Camerons, were complicated by a dispute with the Mackintoshes about certain lands. This matter provided a good running feud, in which occurred that slaughter of the Mackintosh branch of Clan Chattan which caused the saying, "Cat-skins are cheap to-day." Lochiel, at considerable cost, reconciled himself to Huntly by a cession of the superiority over certain estates, but, as late as 1720, the exiled James VIII. had to settle a feud between the Gordons and Camerons which grew up out of this arrangement.

The outlawed Keppoch, for his part, joined Sir James Macdonald in Spain, whither (1618) the now Catholic Argyll had also wandered. In his absence the chiefship of the Campbells was put in commission—Lundy, Lochnell, Ardkinglas, Kilberry, and others being the managers. Among them was Macdonald of Largie, in Kintyre, one of the few Macdonalds whose representative still retains the ancient property in Kintyre. Argyll having been perverted, Sir James Macdonald and Keppoch were recalled from Spain by the king; Sir James died in London (1626), Keppoch was permitted to go home. The MacIans of Ardnamurchan, hard pressed by the Campbells, took to piracy, but were put down by that son of Argyll, Lord Lorne, who was afterwards the famous Presbyterian Argyll, Gillespie Grumach (1625).

At the time of the death of James VI., when our volume closes, the northern and island branches of the House of Somerled, the Macdonalds of Sleat, Glengarry, and Clanranald, with the Campbells, were the most powerful Highland clans, while the Mackintoshes held more sway than the elder Clan Vourich (Macphersons) over the septs of Clan Chattan. The troubles of the reign of Charles I. and the Restoration alternately elevated or depressed the Campbells and the Macdonalds.

A most disturbed district of the realm lay in the remote domains of the Earl of Orkney. The Earl was a son of that Lord Robert Stewart, commendator of Holyrood, who had vainly warned Darnley to fly from Kirk o' Field, vainly admonished Morton to escape his impending doom. This Lord Robert was a natural son of James V., a natural brother of Queen Mary, so that his son, the Earl of Orkney, was no distant cousin of the king. He seemed to derive his genius from a far more distant collateral, the famous Wolf of Badenoch. He dwelt in great pomp at Kirkwall, with a regular guard of musketeers, which his sovereign might have envied; he had a fleet, and his oppressions are said to have been exercised "under a shadow of the Danish law." The bishop expected to keep him in order was Law, who, in his day, had trouble with the impetuous and learned Calderwood, the preacher and historian. By 1608 the Earl had been "put to the horn," for which he cared very little, on account of his oppressions. James rebuked the Council for not being energetic in the matter in 1608.<sup>21</sup> They replied that, as James knew, "they had no forces to send to Orkney" to make the said Earl conformable. He was only at the horn for a civil cause.

James made it criminal in case the Earl did not appear before them in March 1609. The Earl did appear, and was warded in Edinburgh Castle, July 1609.<sup>22</sup> But he had left kinsmen in Orkney as unruly as himself, while only less trouble was given by his neighbour and feudal enemy, the Earl of Caithness. In January 1610, Law, as bishop, had received a commission like that of Bishop Knox in the Western Isles. The Earl made plausible offers, which were rejected; his brother James and other kinsmen were apprehended. Things did not improve; to cut the Earl off from communications with his people he was confined to his chamber in the Castle, and was very destitute. In May 1611 the Danish laws in Orkney were abrogated by proclamation, and the Earl's deputies were dismissed. At the end of August he was allowed to dwell, under heavy caution, within four miles of Edinburgh. Meanwhile Bishop Law had been doing his best in Orkney, but Robert Stewart, bastard of the Earl, had proclaimed his own authority as soon as the bishop's back was turned.

On December 6, 1611, the Privy Council considered the grievances of the Orcadians. They were, it seems, forbidden to help shipwrecked vessels,—no great hardship to wreckers,—to carry law cases beyond the island courts, to cross ferries without a passport, and were subject to capricious confiscations. These ill customs were to be abrogated.<sup>23</sup> In February 1612 the Earl was removed to Dumbarton Castle, and in October Parliament annexed the lands of Orkney to the Crown. Law was appointed administrator. In January 1613 Robert Stewart, the Earl's bastard, promised never to return to Orkney. By May 1614 he had broken parole, and was setting the heather on fire in the islands. In August the Earl of Caithness was empowered to restore order, and appeared with ships and guns before Kirkwall. The siege lasted till the end of September, when the place surrendered; the walls were strong, the cannon balls of the besiegers "were broken like golf balls, and cloven in two halves," writes Caithness. Robert Stewart was removed to Edinburgh. He was tall, handsome, and only twenty-two, so he had public sympathy at his trial (January 5, 1615).

Some of the retainers of Caithness were on the jury; many of the others were burgesses of Edinburgh. They unanimously found Stewart and his associates guilty, and the men were hanged. A month later the Earl was tried for collusion with his son, convicted, and beheaded. The names of the associates of Robert Stewart are Low-



land, unless Halcro be Scandinavian. The destroyer of the Earl, Caithness (a Sinclair) had himself betrayed his kinsman, the Lord Maxwell who murdered the Laird of Johnston under trust, and was a notorious ruffian. He later tried to drive the Forbeses out of Caithness by destroying their crops, and was a kind of land pirate. He lost the sheriffship of Caithness, and a warrant to pursue him was granted to his own son. Calderwood seems to grudge at the execution of the Earl of Orkney, who, he says, did not even know the Lord's Prayer. But Calderwood never, perhaps, approved of any measure of James, and public sentiment, in all classes, was averse to capital punishment when it was richly deserved by a noble. The plan was now to revile James for not punishing violence, now to rail at him when he did. There can be no doubt that "Earl Pate" was an ambitious tyrant, with dreams, perhaps, of a separate principality. The Orcadians were a peaceful people, probably they were as much wronged by Caithness as by their Earl, but they disliked "foreigners" —officials brought in by the central Government. Their old Scandinavian tenures and habits of wrecking were disturbed, and we receive the impression that the Claud Halcros were for the Earl, and that the complainers against his rule may have been the Yellowlees (to cite examples from "The Pirate") of the period. But perhaps older Lowland settlers, who called themselves "The Gentlemen of Orkney," had become fond of Scandinavian institutions. They are Douglases, Grays, Sinclairs, Mowats, Gordons, with only Halcro, who was pardoned, to represent a Norse element. But, of 200 who signed the Band with Robert Stewart, only seventeen names, including initials, are given.<sup>24</sup> Whatever the rights and wrongs of the natives, the question of Orkney was settled. Later the Orcadians gave very weak support to the great Montrose in his final fight and defeat.

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#### NOTES TO CHAPTER XX.

<sup>1</sup> Privy Council Register, vol. vii. viii.

<sup>2</sup> Pitcairn, iii. 28-52, the Trials of Maxwell. The details are in the "Tales of a Grandfather."

<sup>3</sup> Pitcairn, iii. pp. 4, 5.

<sup>4</sup> Privy Council Register, vi. pp. 8-10.

- <sup>5</sup> Privy Council Register, vi. pp. 24, 25.
- <sup>6</sup> Thorpe, ii. 784.
- <sup>7</sup> Pitcairn, ii. pp. 431, 432.
- <sup>8</sup> In the Privy Council Register, viii. p. 219, is a note of January 5, 1609, charging MacIan of Glencoe with the murder at Glenfruin of forty poor persons "with his own hand." This is cited by Pitcairn, ii. p. 431.
- <sup>9</sup> Pitcairn, ii. 434, citing Erskine, Birrel's Diary, and Calderwood. Birrel calls this a "a Hielandman's promise."
- <sup>10</sup> Privy Council Register, vi. 558, note.
- <sup>11</sup> Privy Council Register, viii. lxxviii. lxxix.
- <sup>12</sup> Privy Council Register, viii. 742 *et seq.*
- <sup>13</sup> Privy Council Register, ix. 26-30. •
- <sup>14</sup> Privy Council Register, x. (1613), 819, 820.
- <sup>15</sup> Privy Council Register, x. 186-191.
- <sup>16</sup> James Primrose, *ut supra*; Gregory, pp. 346, 347.
- <sup>17</sup> James Primrose, *ut supra*.
- <sup>18</sup> Privy Council Register, x. 715.
- <sup>19</sup> Gregory, p. 354.
- <sup>20</sup> Pitcairn, iii. 17, 18.
- <sup>21</sup> Privy Council Register, viii. 529, 531.
- <sup>22</sup> Privy Council Register, viii. p. 312.
- <sup>23</sup> Privy Council Register, ix. 297.
- <sup>24</sup> Pitcairn, iii. 293, 294.

## CHAPTER XXI.

## SOCIAL CONDITIONS.

SOME idea of the social condition of Scotland may have been gathered from the pages of its general history. It could not be called happy, if compared with that of England. From the Orkneys to the Oykel, one set of feuds was raging; others were active from the Lewes to Kintyre; others from the Borders to Peebles, Hawick, and Biggar. Where there happened to be no great feud, involving every family of the gentry, the minor lairds were fighting among themselves. There were constant sieges and burnings of houses, from the great castle to the little peel tower. Gentlemen who could not easily come at each other in the country, where every man of note rode with a company of steel-clad horsemen, would meet in Edinburgh, in silks and satins, and fight it out with swords and pistols, or simply assassinate each other without warning. Long after Douglas of Parkhead speared Captain James Stewart in the lonely vale of Catslack, he was himself stabbed in the back, near the Cross of Edinburgh, by a Stewart of Arran's kin (July 1608). This was a scene in the long vendetta of Lord Ochiltree against the house of Torthorwald, Parkhead having married an heiress of the Carlyles, and so obtained the Torthorwald title.

In the volume of the "Privy Council Register" for 1613, ten years after James ascended the throne of England, we have a list of running feuds. There are forty-two feuds, exclusive of the Highlands and Islands, and these are not feuds of the sweeping character of Huntly *versus* Argyll, or Stewart *versus* Hamilton. For example, we have a feud between Ker of Yair, on Tweed below Elibank, and the small but warlike burgh of Selkirk. From Selkirk to the pleasant house of Yair is about three miles across

the hills, and the common land of the burgh "marches" with Yair (the author conceives) on the Linglee. The provost and burgesses yearly "rode their marches" in a festive manner, as they still do, but Andrew Ker, thinking that they trespassed on his heather, planned to lie in wait for the citizens, "where upon some inconvenients will not fail to fall out," as the Privy Council observed (1613). The Council tried to smooth matters down, vainly. The people of Selkirk had, and probably have a common herdsman to look after the kye of the burgesses on the common, as the citizens of Glasgow also used at this period. This herdsman, and several citizens, *vi et armis* took 300 cattle, and pastured them on the lands of Yair. The usual repartee was to hough the cattle, but Ker of Yair does not seem to have adopted this course.

The provost of Selkirk was not a man of mild measures. In August 1613 he was Scott of Haining, the estate lying just outside the town. He was "kinsman of the bold Buccleuch," and his deputy on the Border at the time of Kinmont Willie. This gentleman arrested a woman and her son, from Leith, on suspicion of stealing cheese, and tortured them with cords, "for moving of them to confess the truth." Haining was let off for this outrage on paying a small fine. The burghs at this time preferred to elect country gentlemen as their provosts, to secure leadership in private war, and the backing of a clan. The Yair and Selkirk feud was a branch of the old Scott and Ker feud, and thus things were so arranged that simple burgesses had their share of the universal fighting, beyond what they could get by merely "whin-gering" each other in the market-place, as in the case of Provost Dickson of Peebles. We even find a "sometime minister" entering a house in full armour, and beginning to shoot with pistol and musket. There were feuds within clans, as of Ker of Grange and Ker of Ancrum. In Galloway matters passed busily, Gordon of Lochinvar having a feud with Kennedy of Bargany and Vaus of Longcastle. Even in civilised Fife, the focus of godliness, Lundie of Lundie was at war with Wood of Largo.

A feud which was remarked on, even at that time, as exemplary, was the Auchendrane affair. In 1597 John Mure of Auchendrane, in Ayrshire, was a gentleman much looked up to in the district for the fairness and sagacity of his judicial decisions as bailie of Carrick. He had married a daughter of Kennedy of Bargany, who was on ill terms with Kennedy of Colzean. Auchendrane was also dissatisfied

with Colzean, and so was the Master of Kennedy, brother of Lord Cassilis, the head of the Kennedys. Auchendrane, the Master, and the Laird of Dunduff, therefore, made up their minds to have the blood of Colzean. We need not enter into the merits of the quarrel. On New Year's day, 1597, Colzean was to dine, in the town of Maybole, with Sir Thomas Nisbet, and was to sleep in his own lodgings. Knowing this, Auchendrane with a party of friends hid among the trees in Nisbet's garden, and, when Colzean was walking through to his rooms, they fired a volley at him, missed him, hunted him vainly, and attacked his lodgings. Colzean, therefore, took proceedings against Auchendrane with such vigour that he was alarmed, made peace, and married his eldest son to Colzean's daughter. Before this, however, Colzean had wrecked Auchendrane's house and garden, which, it is to be feared, rankled in his mind.

In May 1602 Colzean was going to Edinburgh on legal business. Anxious to oblige, he sent a retainer to Auchendrane, asking the laird to meet him, if he had any affairs which Colzean could transact for him in the capital. If so, the laird would find him next day at Duppie, near Ayr. The servant missed the laird, who was absent from home. He therefore asked Mr Robert Mure, the schoolmaster at Maybole, to write the message in a letter to the laird. Mure complied, and sent the letter by a schoolboy, William Dalrymple. The laird was found with Mure of Cloncaird, and on reading the letter he bade the boy carry it back and say that he had not found Auchendrane at his house. He and Cloncaird then summoned a few friends of the right sort, lay in wait where Colzean was to pass (as he had informed Auchendrane), and found him riding with only one servant. They slew Colzean with swords and pistols, and took 1000 merks in gold, his gold buttons, and the rings which he wore.

This incident was only part of a very flourishing feud, in which Auchendrane induced young Kennedy of Bargany to try to destroy the house of Cassilis, of which he was the senior cadet. Bargany, consequently, had ridden past Cassilis's gate without making a call. The Earl, "resolving to die rather than digest that public indignity," assembled two or three hundred of his friends in arms. Bargany also raised a force, and attacked Cassilis, whose men lay in cover, their front protected by ditches. In attempting a charge, poor young Bargany was shot, and Auchendrane, advancing with great

intrepidity, was severely wounded. It is believed that his failure after this to shoot the Earl of Cassilis irritated him, and induced him to murder Colzean, as has already been narrated. His retainers, who took part in that exploit, were outlawed, but the laird boldly offered himself for trial. Evidence was lacking, and Auchendrane's offer of trial by combat was not taken up by any of the kinsmen of Colzean. But a dangerous witness was Dalrymple, the schoolboy who had carried Colzean's letter informing Auchendrane that he was to be at the place where the laird murdered and robbed him. Young Colzean was known to be interrogating this lad, whom Auchendrane therefore first immured, and then sent to Arran, afterwards packing him off to fight under Buccleuch's colours in the Low Countries. Six years later "the eye of God conveyed Dalrymple back to Ayr." The laird then bade one Bannatyne bring Dalrymple to him, at night, on the sands of Girvan, where young Auchendrane strangled the lad, and tried to bury him in the sands. The water frustrating this purpose they threw the corpse into the sea, whence, a few days later, it was cast up on shore and recognised.

As this darkling and cruel murder, if brought home to the Auchendranes, was of a type reckoned discreditable, the Auchendranes were advised by friends to commit some ordinary crime, and fly the country on the strength of that misdeed. "It was fitter they should kill Hew Kennedy of Garrishorn" (a retainer of Cassilis), "for divers probable quarrels which they had against him." This was the advice of a cousin, and Auchendrane recognised that it was both kindly meant and, in effect, judicious. Any trouble caused by the murder of Hew was such as their kindred could sympathise with, openly abetting and sheltering them. The Auchendranes, therefore, armed themselves with sword and pistol, and, finding Hew alone, attacked him. However, Hew nearly cut off young Auchendrane's hand, and was victor in the engagement. The wisdom of the king now gave Lord Abercorn a commission to apprehend old Auchendrane, who shipped Bannatyne, the witness to the Dalrymple murder, off to Ireland. He then went boldly to his trial, but failed under examination. James now ordered torture to be applied to young Auchendrane, who, with extraordinary fortitude, was silent. Public opinion, naturally, was now favourable to young Auchendrane. After all, on the worst view, he had done nothing, it was said, to harm "the person or estate of the king." He ought

to be released on heavy bail. But, though the Privy Council pled for this, Dunfermline, backed by the king, was firm, and kept the accused in prison by sheer use of the royal prerogative. The king "may retain in ward any of his subjects, who in his conscience he knows deserves the same."

Meanwhile Abercorn in Ireland caught Bannatyne, the witness in the Dalrymple case, but, on a point of honour, let him go. But Bannatyne knew that old Auchendrane had been trying to get him murdered in Ireland, so he came in and confessed. Both Auchendranes, confronted with Bannatyne, maintained their innocence. A trial was now resolved on, and the general public maintained that Bannatyne ought first to be tried alone. If convicted, and if he confessed and clave to his confession on the scaffold, "that might put them in some opinion of Auchendrane's guiltiness." For similar exquisite reasons Mr Bruce, the famous preacher, wished James to hang Henderson, the witness in the Gowrie case. But this logic was faulty; on the scaffold George Sprot maintained his confession as to the Gowrie conspiracy, without converting a single sceptic. On July 17, 1611, the three "panels" were tried, convicted, and executed. They were undeniably guilty, but, setting Bannatyne aside, the evidence (the depositions are lost) was circumstantial, and the long detention and torture of young Auchendrane, with some informalities in the trial, increased public sympathy for these typical old Scottish malefactors.

It is never easy to be certain as to the rights and wrongs in family bickerings, like these discords among the Mures and Kennedys. No doubt there was something to be said on both sides in a quarrel which goes as far back as the roasting alive of the Commendator of Crossraguel by an Earl of Cassilis, soon after the Reformation.\* The Earl had, before Colzean's murder, been on bad terms with his brother, who was a friend of the murderer Auchendrane. In September 1602, however, the noble brothers were reconciled on the following basis:—The Earl was to give his kinsman and his accomplices a yearly pension of 1200 marks, "good and thankful payment," as soon as he takes Auchendrane's life, "beginning the first payment immediately after their committing of the said deed. . . . And hereto we oblige us, upon our honour."<sup>1</sup>

These things were done in a region which, from the dawn of the Reformation, had been peculiarly enlightened, having profited by

\* See Appendix, "Gowrie and Restalrig."

the ministrations of the martyr, George Wishart. The clergy, however, appear to have been on the side of Auchendrane. In February 1604 Lady Colzean, widow of Auchendrane's victim, "pursued the Presbytery of Ayr for not observing the order kept by themselves, and all other Presbyteries against notorious malefactors." The Presbytery made an exception in favour of her husband's murderers, "against whom they have neither used censures nor admonitions, but refuses to do the same." The Council ordered the Presbytery to excommunicate the murderers, a sensible outrage on the freedom of the Kirk.<sup>2</sup> This Lady Colzean had been the divorced wife of Logan of Restalrig, the laird connected with the Gowrie conspiracy: she did not find the west of Scotland a more peaceful and friendly place than the east.

Among the most usual causes and consequences of feuds was the destruction of the crops and the houghing of the cattle of persons occupying lands to which other persons had, or pretended, a claim. A laird or yeoman would collect his friends in arms, make a raid on a neighbouring estate, injure the cattle, thrash out the corn, or trample down the growing crops, and drag the women about by the hair of the head, pistolling or stabbing all who made resistance. Cases of this kind occur in scores. Home of Rentoun was mixed up in the affairs of Logan of Restalrig, and appears to have been one of those who acquired forged documents from Sprot, the Eyemouth notary, implicating Logan in the Gowrie affair. These were to be used to terrorise Logan's executors after the laird's death in 1606. The children of Logan, though his heirs were forfeited in 1609, seem to have pretended some rights over "the tithe sheaves and other tithes of Horndene," which, after the forfeiture of Logan's heirs (1609), had been granted by the Crown to Alexander Home of Rentoun, a cousin of the Earl of Dunbar.<sup>3</sup> Consequently, in August and September 1616, Alexander Logan, son of the late Restalrig, "armed with sword and dagger, and two pistols on his person, and a hagbut" (musket) "in his hand, went to the barnyard of Horndene, violently caused a large quantity of corn to be threshed which had been lawfully arrested by the plaintiff, and placed there till the sums due to the plaintiff had been paid, and caused the said corn to be carried by night to Norham, and other places in England, to be disposed of there at his pleasure." Moreover, Alexander Logan was backed by one of the Chirnsides, old allies of the wicked laird, by a retainer of the Earl of Home (his uncle), and others, to



the number of forty. "All armed with swords, gauntlets, forks, lances, etc., and carrying pistols and hagbuts, they went to the lands of Horndene, and violently collected the teind sheaves thereof." The plaintiff, Rentoun, sent William Lindsay (an official messenger), and his own retainer, William Home, to execute a legal summons against Alexander Logan, but he crossed the Tweed into England, and sent back Chirside and another to search for and slay William Home. The defenders did not appear, and were ordered to enter themselves at the prison of the Tolbooth. Probably they did not accept this invitation, and the tradition of the Logan family is that their ancestor settled in England till these affairs were forgotten.<sup>4</sup>

This typical instance of what was always going on may be interesting as an example of hereditary lawlessness. Alexander Logan *chassa de race*. But even preachers were not exempt from human frailties. On the page of the "Register of the Privy Council," which tells of the feats of Alexander Logan, we read that the Reverend Mr Thomas Moir, minister of Morebattle, invaded the lands of Toft, armed with a pitchfork, and attacked Andrew Ker and George Pott. He wounded Pott in the face, and cast a cartload of corn into the river. Ker was the son of Sir John Ker, and Mr Moir challenged him to single combat, which Ker refused, "not through fear, but through reverence of the law," and no doubt of the cloth. Mr Moir then took to him other devils, worse than himself, including a William Logan, to the number of twenty, all armed; they went to the barn of Cowbog, stole corn, and nearly killed Wattie Pott, who attempted to resist them. This was the plaintiff's version, but Mr Moir said that the case was the reverse, several persons, under Andrew Ker, invaded *him*, threw him down, and jumped on him. This was on September 3, 1616, the day before Mr Moir's alleged raid of Cowbog. The lords appear to have let both parties off, and one gathers that there were faults on both sides. On the whole, neither the preaching of the word nor the king's forty mounted police had made Scotland a peaceable, orderly country. Violence was the rule rather than the exception, to judge by the number of cases recorded even in counties like Ayrshire, Berwick, and Roxburgh.

The craftsmen, in towns, occasionally mutinied against the magistrates. In Stirling (1616) the bailies described the craftsmen as "seditious, restless busybodies, bound in a factious and mutinous society." They usually held "indignation meetings" every Monday,

and set down acts and statutes of their own, tampering with the lawful weight of bread, and banding together to refuse to pay the stipends of the minister and the schoolmaster. Education and religion they regarded as luxuries for which they declined to be taxed. No decision of the Town Council was accepted by the Monday meetings upon the hills; a man was a man for a' that, and why should he obey the bailies? They actually proposed to carry the king's standard at the wapinschaw instead of their own; they rioted in arms, opened the gaol and let loose the prisoners, and generally proved that the democratic doctrines of the Scots are not (as has been vainly alleged) an invention of Robert Burns.<sup>5</sup>

In the matter of private morals the Kirk, where she was strong, as in Fife, did her best. The Kirk-Session of St Andrews has bequeathed to the ages a Register, edited by Dr Hay Fleming. Hence we gather that some stubborn souls would persistently make merry at Christmas, "keeping great Yules," as was the habit of the truly unregenerate Laird of Restalrig. On Trinity Sunday, too, the populace danced and piped, at least at Raderny. They were cut off from baptism, and holy communion, and marriage till they made satisfaction; but marriage was a "benefit of the Kirk," which too many parishioners were more than content to do without. They were more easily tamed by being shut up in the kirk steeple, where witches were often incarcerated. "Sins of uncleanness," says Dr Hay Fleming, "were still fearfully prevalent." The unclean used to be let off with a 40s. fine, but Mr Black (famous as the occasion of the Edinburgh riot of 1596) was much more severe. The swain, for his first offence, had to pay £40 (Scots) to the poor, "or eight days." For the second, his fine was much increased, and his head was shaved, rendering him "not one to be desired" by the sex. For the third he was still more heavily fined, ducked thrice (the sea being convenient), and banished. An offender against the seventh commandment was pilloried, the students and populace, stern moralists, pelted him with rotten eggs, and he was well ducked. He had also to do penance at the kirk door, barefooted and in sackcloth, and go to catechism, "till the Kirk be satisfied." During the next three years only five adulterers offended, or were caught, at all events. During Mr Black's last year there was not a single case of lawless love "before the Session." But, by 1599, the brethren found that "the syn of fornicatioun and huredom did grytlie increse." Indeed, the staple of the Register is lawless affection

and Sabbath-breaking. Nobody was allowed to be seen out of kirk "in tyme of sermone," and the thirsty had to walk to Leuchars (three or four miles) and tipple there. The popular idea of a holiday is to go and get drunk somewhere else. Mr Black, be it observed, was rather an extreme disciplinarian, and publicly remarked that "a great part" of the ministers "was worthie to be hangit." After his removal Calderwood said (about 1613) that he himself saw more people skating, curling, and sliding, at all events "amusing themselves on the ice," than in church on a Sunday. Dr Hay Fleming shows that Calderwood must have been unfortunate.

In 1746 the Chevalier Johnstone found that the seed sown by the exemplary Mr Black had borne fruits of righteousness. The chevalier was escaping from Culloden, but could not induce any one to let him hire a horse on Sunday. They say grace before they take a pinch of snuff, he says, and he regards St Andrews as a great deal worse than Sodom and Gomorrah, being a nest of sanctimonious hypocrites. The chevalier was a Jacobite, and much depends upon the point of view. According to Dr Hay Fleming, and we cannot have a better guide, the Kirk-Sessions did not wait, in cases of ungodly speaking, kissing and wrestling in the streets, cards and dice, manslaughter, witchcraft, and so on, till a public slander arose. Literally "from pitch and toss to manslaughter" the Sessions dealt with all enormities. "Not only was it the duty of the elders and deacons to report transgressions, but special steps were taken to ferret out gross sins that they might be repressed." The elders would seem to have been Peeping Toms.

Of witchcraft we have elsewhere spoken. The fear of witches seems to have been a curious epidemic, raging now here, now there for a time, and then abating. Geneva exceeded in witch-burning before the Reformation, but the sixteenth and early seventeenth centuries were the most furious in this absurdity. In Scotland we hear very little of witch-burning before the Reformation, indeed, before the time of Regent Murray. In England the Puritans encouraged and Bancroft mocked at these practices, which were much stimulated by the precept and example of James VI. As a rule, charges of witchcraft rested on the belief in the evil eye, and on the assertions of young people suffering from hysterical disorders. But the witches probably believed in their own powers, and practised folk-medicine aided by popular charms in rhyme, derived from the old faith. They also worked by "sympathetic magic,"

they told fortunes, dealt in curses, and, under torture, repeated, in Germany as in Scotland, folk-tales about fairy-land and the Fairy Queen, or about the devil. Hysterical diseases are still inexplicable enough, the belief in the evil eye still flourishes, folk-medicine and charms are still in use, isolated cases of second sight occur, and all the elements of witchcraft live on in Scotland as in England. Only the law, fortunately, has been altered, much to the regret of John Wesley at the time. The old law applied to Bothwell (Francis Stewart) was the occasion of his extraordinary career of rebellion; and it lent colour, or was intended to lend colour, to the charges against the young Earl of Gowrie. He carried a written talisman which came into the hands of that Lord Cromarty who was still alive in 1713. Similar talismans, found in an old house, have lately been exhibited to the author. Belief in the efficacy of such things was very common on the Continent as well as in Scotland, as common as among the Greeks settled in Egypt, with their magical papyri.

While everything joyous that could be called a rag of Popery was put down, it is curious to find that the observance of Lent, as far as abstinence from flesh is concerned, was enforced. This was not for religious, but for supposed sanitary reasons. "Seeing that, in the spring, all kinds of flesh decays and grows out of season, and that it is convenient for the commonwealth that they be spared during that time, to the end that they be more plenteous and cheaper during the rest of the year," butchers and others were forbidden to slaughter in Lent. This was a standing Order of Council, and was intended not only for the benefit of the "bestial," but to encourage the fishing trade. Perhaps Lent originally arose before Christianity, in the opinion that meat is out of season in spring, and was merely adopted and sanctified by the early Church, like many of her other feasts and fasts. We have not observed that the preachers raised their voices against Lent as a survival of Popery. That sanitary conditions were not good may be inferred from the edicts against keeping swine in the basements of houses in Edinburgh, and against piling up dunghills and heaps of refuse in the streets. Dunbar, long before, and Smollett long afterwards, satirised the abundant filthiness of Edinburgh. When plague appeared, as it often did, infected families in the capital were obliged to go and camp on the Burgh Moor. "Every one," says a contemporary, "is become so detestable to every other, and specially the poor in the sight of the rich, as if

they were not equal with them, touching their creation." In 1584 the plague appeared in Perth; in May it reached Edinburgh; the king flying from it to what had been Gowrie's Castle of Dirleton, near North Berwick, then possessed by that Arran (Captain James Stewart) who was the instrument of the death and forfeiture of Gowrie. All fled who could; some 1400 died, says the diarist, Birrel. There is a blank in the St Andrews Register for nearly a year, "all gude ordour ceasit in this citee." The evil was attributed to the banishment of the Presbyterian leaders, with the Lords of the Raid of Ruthven, and it ceased as soon as they returned, in November 1585, at the raid of Stirling. Winter weather perhaps depressed the plague germs, and Presbyterianism triumphant may not have been the cause of the improvement. The returned nobles rode through a town almost untenanted; then Border ruffians robbed the very pest houses, but were no whit the worse. Returning from banishment with the Ruthven Lords, James Melville breakfasted at Restalrig (Logan being a Gowrie man, and hospitable), and entered Edinburgh. Riding in at the Water Gate, through the High Street, and out at the West Port, "in all that way we saw not three persons, so that I *miskenned* Edinburgh, and almost forgot that I had ever seen such a town." The survivors had fled to lonely country places; like Bessy Bell and Marion Gray in the ballad—

*They biggit a bower on yon burn-side,  
And theikit it ower wi' rashes.*

The absence of statistics makes it impossible to conjecture the extent of the injury done by the plague or pest, by other epidemic diseases, and by the perpetual murders and manslaughters, to the population of the country. It was an age of large families; the losses of pest and war were soon recovered. Scotland had more population than means of employing her children. They bore arms for most of the European powers, the Continent was crowded with our Dalgettys. Not content

"To fecht the foreign loons in their ain countrie,"

they also fought each other on alien shores. In the Gowrie tragedy we find mention of a Captain Ruthven, who carried to Lady Gowrie, from the Earl's hunting quarters in Atholl, the news that he "was to come." Captain Ruthven is mentioned only on this one occasion in the proceedings, but, on June 20, 1600, seven weeks before the slaughter of the Ruthvens, we find that he had

been brawling abroad with his own countrymen. One William Little described to the Privy Council a skirmish which he had viewed at Dantzic, "the sun shining on a fair day." Two Scots, Greir and Bain, were "playing at the cables" near the harbour, when Bain gave the lie to Greir, and Greir "gave Bain a cuff." Captain Ruthven took the side of Bain, and Captain Maxwell avowed himself the partisan of Greir, whom Bain stabbed from behind. Ruthven declared that the stroke was fair (though that was not the opinion of William Little), and he would "defend his opinion as a soldier." Captain Maxwell thereon borrowed a sword from one Cunningham, and approached Ruthven, saying "thou shalt have one." Ruthven lunged thrice at Maxwell, and said, "Thou hast enough." Maxwell answered, "Not so much as you think"; the point, perhaps, had merely grazed his ribs. Ruthven struck again, Maxwell riposted, and Ruthven, who was wearing "mules," or thin shoes, fell. Maxwell made as if to strike him where he lay, when "a little Highlandman," Duff, smote Maxwell from behind, crying to Ruthven, "Rise up, master, for he has enough." This combat was at "the Douglas Port," which seems to imply that there was a Scottish quarter in Dantzic. The end was that a corporal, Wallace, came with a halbert and protected Maxwell. The other witnesses were all burgesses of Edinburgh, except Crawford, servant to a famous rich burges named Macmorran. Except Greir, nobody is said to have been killed, nor do we find that any measures were taken against Ruthven, who seems to have returned to Scotland, and appears, for a moment, in connection with the Gowrie tragedy.<sup>6</sup>

The religious persecutions drove a Puritan, like Andrew Melville, to Sedan, and many Catholics to the foreign universities. The trading Scots formed communities of their own as far off as Poland, keeping up their religion, and organising themselves under their own bye-laws. They were not more popular in Poland than the Jews. We hear little of wider range of adventure to "the Indies" or America. Logan of Restalrig, after the Gowrie collapse, took a share, with Lord Willoughby, in a ship that was to sail to "the Indies," with the laird as skipper, but he never set out, and we do not know how the venture fared: the death of Lord Willoughby (1601) may have put an end to the project.<sup>7</sup> At home the prices of articles of utility were regulated by the magistrates or the Privy Council. Boots and shoes were declared to be far too dear, and the price was lowered. The Lothian coal-owners held a meeting

and raised the price of coal; the Council put it down again. The exportation of coal was usually prohibited, but the king would grant a privilege of exportation to a favourite. The bonnet-makers of Edinburgh and the Canongate quarrelled over their respective rights, but foreigners who could teach improvements in cloth-making were entertained at the expense of the country. Foreigners, also, took the lead in silver- and lead-mining. There was gold-mining in Meggatdale, in the Glengaber Burn, which flows into Meggat Water on the left hand. Gold is still found in that burn, but not in remunerative quantities. The author has reason to believe that gold is not the only mineral treasure of Glengaber. Hilderston, in Linlithgowshire, was a centre of silver-mining, and Thomas Foulis was busy with processes for converting lead ore into litharge, white and red lead, and ceruse. He was a goldsmith, which usually involved being a banker, in Edinburgh. The export of eggs was denounced as "most unlawful and pernicious," and the invention of curing red herring led to a good deal of litigation. The sale of tobacco was prohibited, "a weed so infective as all young and idle persons are in a manner bewitched therewith, the taking whereof being a special motive to their often meetings in taverns and alehouses" (May 22, 1616). But this prohibition merely led to a monopoly granted to a Captain Murray.

As to coinage, fraudulent "hard heads" were a standing grievance. Huntly offered James £40,000 for the privilege of coining 10,000 stone of copper, but this kind of and amount of "Wood's half-pence" was judged to be too colossal an experiment. Foreign gold coin was decried and ordered to be brought into the mint (1613). Among foreign coins in circulation were "the auld Rose noble, the Harry noble, the Portugal ducat, and the French Harry ducat"; of native coin we hear about "the queen's portrait with the naked craig" (Mary Stuart in a low dress), and "his majestie's ducat with the bair heade." The relative value of the money of the age to the money of to-day is a topic too minute and difficult. Dr Masson concludes that a sum of Scots money can be brought to the *contemporary* English level if divided by twelve. The Earl of Orkney, in prison, had an allowance of £4 Scots *per diem*; in England this would have been six shillings and eightpence. Logan of Restalrig gave Sprot £12 as an instalment of hush money. That was £1 English, and Logan said that it would buy two "bolls" of corn.<sup>8</sup> Dr Masson thinks that any sum then could

purchase at least four times as much in commodities as at present. Huntly's rental, *in money*, was £3000 Scots, equivalent, in purchasing power, to £1000 sterling at present on this calculation.<sup>9</sup> His "ferm victual" was about 4000 bolls, two bolls being, on Restalrig's theory, worth £1 English, and if the pound had four times the present purchasing value, Huntly's rents in kind greatly exceeded his rental in specie, while he got 3231 "kane hens," and vast quantities of other produce. In 1602 he was able to build a magnificent new house at Strathbogie.<sup>10</sup>

With all their comparative wealth in produce the nobles were very poor in money, hence the facility with which they were bought and bribed on every hand, and hence their greed for monopolies and English places. Hence, too, from the lack of bullion, arose the system of commercial taboos intended "to keep money in the country." "To import a commodity, unless by exchange for some native commodity" (such as red herrings), "meant to export gold and silver for purchase of the import, and, as wealth consisted in the possession of gold and silver, this was always a damage to the commonwealth." On the other hand, the exportation of native commodities—coal, corn, pig-iron, and so forth—was often under taboo, and an economic authority informs the world that "pig-iron is the test of a nation's progress." If you may not export your staple commodities (for that raises their price at home), nor purchase imports with bullion (for that sends money out of the country), it seems as if you could scarcely have any commerce at all, and as if trade must have been pure smuggling. The preachers added a taboo of their own against dealing with idolaters, like the Spaniards, but the trading classes disregarded the pious restriction.

The leather trade (which Mr Robert Louis Stevenson describes as peculiarly precarious) passed through a crisis in 1617-1622. The shoemakers complained of the execrable quality of Scottish leather, and the tanners admitted that their leather, in truth, was very bad. A committee decided that "the country was very far abused in the barking of their hides," but the Town Council of Edinburgh urged that the Privy Council had no right to bring in alien tanners to teach Scotland how to tan. That was matter for the king and Parliament. However, eight tanners were fetched, and Lord Erskine, son of the Earl of Mar, obtained a patent in the leather trade, and furnished the capital. Naturally the English



tutors in tanning (seventeen in number) did not lead happy lives, and now the boot and shoemakers resisted the very reform for which they had clamoured. They raised the prices of boots and shoes inordinately, which is perhaps the reason why the less opulent classes only wore shoes on Sundays. Such was the crisis in the leather trade.<sup>11</sup>

It will surprise no one to hear that what soap was used in Scotland was foreign soap, and that bad, probably adulterated, so that foreigners "cannot abide the smell of the napery and linen clothes washed with this filthy soap." A Mr Udward obtained a patent for soap-making, to the prejudice of the Flemish article. The king is also said to have put a prohibitive tariff on Dutch golf-balls, greatly to the benefit of the native manufacturer. If the author may hazard a conjecture, it is that the golf-balls of the period (like those used at the *jeu de mail*) were made of wood. Lord Caithness describes the cannon-balls at the siege of Kirkwall as breaking in two, "like golf-balls." Now a feather golf-ball, such as was used in the eighteenth and early nineteenth centuries, cannot break into two fragments, as a gutta-percha or a wooden golf-ball does. Hence we may infer that the golf-balls of King James's reign were wooden. Glass-making and sugar-refining, as well as cloth-making, tanning, and soap-boiling, were all improved, and were subjects of careful attention to the king and Council. A machine for transporting coal from the pit-mouth was invented, a kind of tram perhaps. English beer was introduced (and adulterated), and native beer improved, to lessen the demand for foreign wines. The local single ale cost a penny (English) the pint (the Scots pint), containing about three English pints or more. The best native double ale was the "tippenny," or two shillings Scots, and one of the grievances of the saints in the Bass, under Charles II., was that they had "to pay at a sixpenny rate for a pint o' the tippenny yill." The Celts, of course, already got drunk on whisky and *eau de vie*.

Imports, naturally, were "nearly ten times as numerous as exports." Arrows, baskets, beads, beer, bows, bricks, brushes, carpets, caviare, chairs, chessmen, chests, cloth, combs, dolls, drugs, ivory, furs, garters, gloves, glue, groceries, jew's-harps, muskets, pistols, silk, spectacles, surgical instruments, swords, tin, tobacco, thimbles, vinegar, viols, virginals, and wines (French, Rhenish, Levantine, and Spanish), were among the imports. How they were paid for is a mystery of political economy; for the most

part, perhaps, in red herrings. There was not always and universally a taboo on exporting coal, corn, and other commodities. Salmon was a staple; and, in short, though we can scarcely tell how, Scotland obtained her imports. Probably the laws were defied or evaded. At this period, judging by the case of Stirling and of Perth, where the town sent out 800 men to resist depredations by Lord Scone, and by various accounts of the troubles in Edinburgh, the craftsmen were numerous, well-to-do, and turbulent on occasion. The tillers of the ground not only suffered from the raids and feuds, but, as a rule, were subject to summary eviction, and held their crofts for brief periods on precarious tenure. We have elsewhere given examples to prove this, and the preachers constantly insisted on the merciless oppressions of the lairds.

The class of farmers called "kindly" or "native" tenants had tenures less uncertain, and enjoyed recognised rights which they could sometimes be persuaded to part with for various considerations. After the Gowrie affair, when Logan of Restalrig took to selling his lands (to avoid forfeiture, as was believed), he "came to Edinburgh for redemption of the lands of Flemington from the goodwife of Peilwalls." Lady Restalrig (Logan's wife) said, "This is but vain labour, for I am sure if it were in the laird's hands it would not bide long unsold." "And Bower" (alleged to have been Logan's go-between with Gowrie) "said to the laird, as we thought by way of pretence, 'It were better, sir, that you should let the honest folk brook their land, and take the old offer that they offered you long ago, than to wreck them and remove them, *for they are native tenants.*'" This is a statement of Sprot, the fraudulent notary, who forged the plot-letters of Logan: the passage is in the Haddington MSS. The goodwife of Peilwalls, as a kindly or native tenant, had a tenant right over part of the lands of Flemington, which Logan wished to clear off before selling the estate. According to Sprot, he made that ingenious man forge a document to further his purpose. The facts illustrate the relatively secure position of tenants, kindly or "native," who, of course, were no longer the *nativi*, or serfs, of our earlier history.

How rich ladies lived we learn from a curious and then popular play, "Philotus" (1603). One publisher, dying at about this time (1600-1610), had 500 copies of "Philotus" in stock. The piece turns on the desire of a rich old man to wed a pretty girl. He sends a woman to point out the advantages of the match. Every day shall be comfortable.

Your fire shall first be burning clear,  
 Your maidens then shall have your gear  
 Put in good order and effeir,  
 Each morning ere you rise.

And say, lo, Mistress, here your mules,  
 Put on your petticoat or it cools,  
 Lo, here one of your velvet stools  
 Whereon you shall sit down.

Then two shall come to comb your hair,  
 Put on your headgear soft and fair,  
 Take there your glass, see all be clear,  
 And so goes on your gown.

Then take to staunch the morning drouth,  
 A cup of Malmsey for your mouth,  
 For fume cast sugar in at fouth,  
 Together with a toast.

Three garden gulps take of the air,  
 And bid your page in haste prepare  
 For your disjune some dainty fair,  
 And care not for no cost.

A pair of plovers piping het,  
 A partridge and a quaily get,  
 A cup of sack, sweet and well set,  
 May for a breakfast gain.

Your cater he may care for syne  
 Some delicate against ye dine,  
 Your cook to season all so fine,  
 Then does employ his pain.

So the day goes on, with eating, drinking, dressing, music, and for exercise, walking up and down a green alley: the last collation is taken with Rhenish wine,

For it is cold and clean.

Velvet hats, gold embroideries, hoods of state, are dwelt on, and

Your mask when ye shall gang to gait  
 From sun and wind, early and late,  
 To keep that face so fair,

a precaution common even in the eighteenth century. Chains of Paris work, carcanets, velvet, silk, satin, damascene, are all offered, velvet shoon, silken stockings, "all your fingers full of rings, with pearls and precious stones."

Sweet heart, what further would you have?

The lady very briefly replies in the spirit of the song,

What should a young lassie do wi' an auld man?

Beyond this point her remarks are too candid and explicit for reproduction by a writer of the opposite sex.<sup>12</sup> The play has little merit beyond that of nimble rhyme, and is founded on a novel by Barnaby Rich.

What did people read in these days? We have the reply to this question in the wills of several Edinburgh printers and publishers. These documents contain lists of the persons who were in debt to their booksellers. They are chiefly college men and ministers. We find both Andrew and James Melville, Mr Peter Hewat and Mr Charles Lumsden (who heard Sprot's confessions as to the forged Logan letters); we find Lady Gowrie, who owed £16 : 4 : 8 to Edward Cathkin, in 1601; and we find her future son-in-law, young Tullibardine, whom she detested because he was in Perth on the fatal fifth of August, when her sons were slain. Scarcely any lairds appear to have been book-buyers, no nobles are in the lists, and, except Lady Gowrie, only one lady, Helen Rutherford. The king, however, is on the lists, and perhaps the gentry usually paid ready money; if not, they were not book-buyers, though tradesmen and the clergy patronised literature. Two curious facts are demonstrated, "the very large impressions of books then printed," and "the way in which these copies have almost wholly disappeared." Setting aside Bibles and psalm books and school books, we find that Bassandyne had 510 copies of Sir David Lindsay's poems, while the romance of "Grey Steil" existed in large numbers. Among the most popular books were Sir David Lindsay's Poems, Blind Harry's "Wallace," Henryson's "Testament of Cressid," Rollock's Sermons, "Valentine and Orson," "Guy of Warrick," "The Palace of Pleasure," Sir Thomas Elyot's "Governour," "Gargantua," Sir John Mandeville, "Squire Meldrum," "Bevis of Hampton," "Winter Nights"; the rest are, for the most part, theological books and editions of the Latin classics. "Philotus" appears to be the only contemporary work in verse which had a considerable sale. One does not observe a "Faery Queen," or any of the books of the great Elizabethan poets. On the whole, though considerable numbers of books were bought, literature in Scotland must have been a starveling trade early in the seventeenth century. The Greek classics, too, scarcely appear in the booksellers' lists.

To give a complete account of the universities is not possible in this place. The King's College of Edinburgh made up the number to four—St Andrews, Glasgow, Aberdeen, Edinburgh. There were frequent visitations of St Andrews by royal commissions. The place, freely robbed at the Reformation, and unsettled by many years of turmoil, could not be in a satisfactory condition. The University had but three colleges, St Salvator's, St Leonard's, and St Mary's, of which Andrew Melville was Principal, assisted by his nephew James. The commissioners of April 1588 were addressed in this colloquial style of royal impatience, "It is most difficult in this confused time, when all folks are looking to the weltering of the world, to effectuate any good common work . . . and specially where ye are not certainly instructed, and has no great hope of thanks for your travail; however, seeing things are so far proceeded, do something, for God's sake! . . . I have mair writing concerning thir materis of the Collegis nor I wald get red my self this XV dayes, albeit I had little other thing ado," goes on King James. It is not the author's intention to inflict on himself or the reader the information which was too much for King James. Knowing St Andrews fairly well, the king says to his commissioners, "Forbid thair quarrelling . . . Albeit it is not forbid that they flyte (scold) yet forbid fechtung, or bearing of daggis (pistols) or swerdis, sending of cartels, or setting up of pasquils."

The commissioners found that the bursar of the New College "hes maid na compt," and that all the finance was disorderly. Of five Masters of Arts who should have lectured, only three were busy, the other two, not receiving any salaries, "refused to come." Andrew Melville lectured daily on the Psalms in Hebrew, from five to six in the morning, Mr John Robertson dealt with the New Testament in Greek. Patrick Melville lectured in Ecclesiastes. A Mr Robert Hamilton had dilapidated (or embezzled) the scholarship founded by the Laird of Moncrief. (The Scots name is "bursarship," not scholarship, and a bursar is not a bursar in the Oxford sense, but a scholar.) At St Salvator's the Provost treated the finances with a free hand, and gave in no accounts. The Provost affirmed that he lectured; the ministers declared that he did not lecture once a month. Mr Wellwood averred that *he* lectured, the Provost said that he lied. The plague had scattered Mr Cranstoun's class, so he taught grammar to the Earl of Cassilis, he who made the murderband against Mure of Auchendrane. The physics of Aristotle were lectured on daily in

Greek; the first class read Isocrates, Aristotle, and Homer. At St Leonard's abundance of Aristotle, including the Ethics, was read, in Greek, one hopes. The lecturers disliked teaching grammar; everywhere they wished to begin with a form, or class, and conduct it through the whole course, whereas the law insisted on yearly change of masters.

Further examination at St Mary's, or "the New College," proved that the bursar had a receipt for his accounts, which he was said not to have presented. It was signed by James Melville and another, Andrew being absent through troubles with the king. But as to the receipt, James Melville said that "they were forced to give it, or otherwise the house would have been *skailit*," or dispersed. At St Salvator's some of the financial documents were lost, and others were buried "in ane kist under the erth, and lang thairefter found be chance, bot that the evidentis" (the documents) "was altogidder consumed thairin." The number and complexity of quarrels in St Salvator's (where the Provost declined to recognise the lecturers in law and mathematics) were beyond belief. Scholars were elected without examination. The Provost averred that the College had no common goods, except eighteen silver spoons, of recent make. The late Mr William Cranstoun had embezzled £10,000 of common property. A quarter of the cloisters and the great hall were ruinous. In short, the University, except for the Melvilles and one or two others, was a den of thieves, and college meetings must have been lively.

In 1597 a new commission "put at" Andrew Melville—unjustly, say James Melville and Dr M'Crie. Spottiswoode takes the opposite view, and so does the Blue Book of the period, recorded in the third volume of the "Commission on Scottish Universities" of 1837 (p. 197). "Mr Andrew Melville found by voting that he has not performed the office of a rector in the administration thereof, to the ruling and ordering of the University." He had not conformed to Act of Parliament and the reformed constitution. A new constitution was proclaimed. Robert Rollock and the useful Patrick Galloway, with Lennox and some local lairds and others, were in the commission. In 1597 Andrew Melville was not likely to get fair play. He was deprived of the rectorship. Mr Wellwood, a Melvillite, was also ejected. At that time, as in Glasgow still, there were examinations upon the "black stone." A seat with a stone in it still exists at Glasgow, a black capping stone at St Andrews. Is

this a relic of fetishism? James made presents of books, and it was thought desirable to have a library to put them in. St Mary's was in ruins, and the men lived in lodgings in the town. On the whole the University of St Andrews, though frequented by members of the noblest families, was disorderly, ruinous, impoverished, and rent by quarrels theological, political, and personal. This was not for want of learning. His worst enemies did not contest the erudition of Andrew Melville, and gentle King Jamie himself had more Greek and Latin than all the later occupants of the British throne could muster among them.

But the nature of the times did not permit the quiet necessary for academic life. Melville had to be fighting the battle of freedom in every direction. The University, like the State, was devoured by feuds political, religious, and personal. In an age of plunder it is clear that several of the authorities robbed the University, a practice which survived deep into the nineteenth century. The marvel is that, in these distracting circumstances, classical learning was so infinitely more abundant in Scotland than it is at the present day. If Arran, a soldier of fortune, had not only Latin but Greek in plenty, it is no marvel that men of less tumultuous lives were well read in the classics.

In poetry the Latin muse attracted the Scots much more than the muse of the vernacular. Melville was a considerable poet in Latin, so were Sir Thomas Craig, Sir Robert Ayton (a pleasing writer of English verse), Jonston, Hercules Rollock (an imposing name!), and Hume of Godscroft, the historian of the house of Douglas, a Protestant dealer in politics, an uncritical historian, but a very pleasant character. It is astonishing that Godscroft, living so near the time of the events, should believe, for example, that after Riccio's murder Morton returned from English exile before the birth of James VI. No reliance can be placed on Godscroft where "a Douglas or a Douglas's man" is concerned. But how amiably and with what fairness he writes on Mary Stuart:—"Concerning that princess, my heart inclineth more to pity. I see good qualities in her, and love them; I see errors, and pity them; I see gentleness, courtesy, humility, beauty, wisdom, liberality—who can but affect these? If they be carried to inconvenience who can but lament it? In that sex, in that place, in that education, in that company; a woman, a princess, accustomed to pleasure, to have their will, by religion, by sight, by example, by instigation, by

soothing, and approbation! Happy, yea, thrice happy are they who are guided through these rocks without touch, nay, without shipwreck." What more can history say about the unhappy queen? Darnley's murder is "that fact so lamentable, which I can never remember without affliction."

There were, doubtless, many gentlemen like Godscroft, humane, learned, and gentle; but they do not often appear among the political leaders or the infamous secondary characters of the political drama. Of the Archibald Douglasses, John Colvilles, and Logans, of the spies, and traitors, and high-handed ruffians we know much, but little of those who, in an age of perfidy and violence, were eminent for benevolence and virtue. How the distracted Scotland, torn by family feuds, ungoverned, unpoliced, could ever have reached a milder civilisation, except by way of the union of the Crowns and English influence, does not appear.

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#### NOTES TO CHAPTER XXI.

- <sup>1</sup> Pitcairn, iii. p. 622.
- <sup>2</sup> Privy Council Register, vi. 603.
- <sup>3</sup> Spottiswoode, iii. 289, citing Register of the Privy Seal, lxxviii. 1609, 1610.
- <sup>4</sup> Register of Privy Council, x. pp. 642, 643.
- <sup>5</sup> Privy Council Register, x. pp. 630-633.
- <sup>6</sup> Privy Council Register, vol. vi. pp. 856, 857.
- <sup>7</sup> Haddington MSS.
- <sup>8</sup> Haddington MSS.
- <sup>9</sup> Register Privy Council, vol. x. Introduction, p. lxxxvi.
- <sup>10</sup> Gordon Papers. Spalding Club Miscellany.
- <sup>11</sup> Register Privy Council, xii., pp. v.-xiii.
- <sup>12</sup> *Philotus*, 1603, Charteris, Edinburgh, and Bannatyne Club, 1835.



## APPENDIX A.

## THE CASKET LETTERS.

THE letters which Mary is said to have written to Bothwell, before Darnley's murder, and before her own abduction, were the only direct proof which her brother and (if she really was guilty) her accomplices could bring against her. When Mary surrendered at Carberry (June 15, 1567), and when the Lords had shut her up in Loch Leven Castle, utterly immured from the world, they needed something to justify their conduct in the eyes of Christian princes. What they needed they got with almost miraculous promptitude. On June 19 a servant of Bothwell's, named George Dalgleish, was sent by his master from Dunbar to Edinburgh Castle. Bothwell had stored his title-deeds and other objects of value in the castle, and had entrusted the command of the fortress to his creature and accomplice, Sir James Balfour, an elder of the Kirk, and, of old (1547), a fellow-captive of Knox in France. But, even before Carberry, Balfour had been won over from the cause of Bothwell and Mary by Lethington, who deserted Mary's cause just after she had saved his life from Bothwell. On the arrival of Dalgleish to remove Bothwell's property from the castle, information was sent to Morton, who was at dinner with Lethington. Then, according to Morton's sworn declaration, search was made for Dalgleish; he was found, was examined, and, on threat of torture, gave up a small silver-gilt coffer or casket, bearing the crown and cypher (F, in the new "Italian" hand) of Francis, Mary's first husband. On June 21 the box was broken open in the presence of Morton, Lethington, and various members of the Privy Council. A messenger, George Douglas, one of Riccio's murderers, was at once sent to carry a letter of Lethington's to Cecil, and a verbal narrative to Robert Melville, then representing both Mary and her opponents, at the Court of Elizabeth.

It is impossible to doubt that the verbal message was a report on the contents of the silver casket, which, on June 21, had been inspected by the persons who opened it. No reference is made to the subject in the minutes of the Privy Council of June 21, and no inventory of the contents of the casket was made, or, at all events, was produced. We have only Morton's word for the nature and number of the papers found, and for the fact that he preserved them without adding or taking away any article. At a later date, Randolph (October 15, 1570) avers that Lethington and Balfour opened a small coffer, "covered with green" (cloth or velvet) in the castle, and removed the band for Darnley's murder, and Drury mentions (in October 28, 1567) the same abstraction. This was done, if Randolph is right, in the castle, before the casket reached the hands of Morton, supposing it to be the same casket. The contents, as described by Morton, and as exhibited to the English

Commissioners at York and Westminster in 1568, were eight unsigned and undated and unaddressed letters, averred to be from Mary to Bothwell, two marriage contracts between them, and a sequence of love poems, more or less in the form of the sonnet. The Spanish ambassador in London, de Silva, heard from the French ambassador that, in June–July 1567, copies of the papers were given to du Croc (the French envoy with Mary) to take to France. Of these, no more is known; they have not been found in French archives, nor are they cited in French despatches. When versions of some of the letters were published abroad with Buchanan's 'Detection' (1571–1573) we never hear that the French Government made any allusion to the copies carried in July 1567 by du Croc. This must be remembered when it is suggested that, in 1568, a letter may have been shown, which differed from a letter alleged to have existed in 1567.

In July 1567, Throckmorton, then in Scotland, was informed by the Lords that they had evidence of Mary's guilt in her own handwriting. Again, de Silva, the Spanish ambassador, in July 1567, elicited from Elizabeth the statement that she did not believe in the letters, and that, in her opinion, "Lethington had behaved badly in that matter." I suspect that Robert Melville, who was much attached to Mary (though he was acting for the Lords), may have suggested these ideas to Elizabeth, on the first receipt of the news about the casket. It is plain that the Lords had really discovered the casket and some papers. The only apparent opportunity for tampering with them in any way, before they were seen by Morton on June 21, was that enjoyed by Sir James Balfour and Lethington, while the casket was still in the castle. Afterwards, of course, the Lords could do as they pleased, till May–June 1568, when Murray sent John Wood, with Scots translations of the letters, to Elizabeth. Whether she and Cecil, or others, saw these translations does not appear to be certain. If Cecil and Elizabeth did see these Scots translations, in the summer of 1568, and if these versions varied from those later produced, the reader must estimate for himself the chances that the English Queen and her minister would draw attention to the differences. In December 1567 the Scottish Parliament was informed that the Lords possessed guilty letters of Mary's "written and subscribed with her own hand." As the extant copies of the letters are not "subscribed" or signed, much has been built on this point by Mary's defenders. In the Act of Parliament the phrase "signed" or "subscribed" is withdrawn. The point is not worth wrangling about; the former statement, that the letters are "subscribed," is probably a mere misdescription. There was no difficulty in forging Mary's signature, had that been thought advisable by her accusers. It is not absolutely clear that the letters were inspected in this Parliament. We might gather that this was done from a later protest of the Lords of Mary's party (September 12, 1568). They speak of "her Majesty's writing produced in Parliament," and then go on to say that no "plain mention" of Darnley's murder is made in the letters, even if written by Mary's hand, which they are not. Moreover, "some principal and substantial clauses" have been garbled by the accusers. This is very obscure. The letters are not in Mary's hand, yet, if only some clauses are garbled, the substance, though not in the Queen's hand, is apparently admitted to be of her composition. The argument seems to be that the accusers, possessing genuine letters of Mary's, have had the substance copied in imitation of her writing, with additions and alterations. The Lords, it seems, could only assert all this, if they had seen and read the letters, in Parliament. If they did, and if, when the letters were published in 1571–1573, they varied from the letters read in Parliament, we might expect Mary's friends to point to the variations as a proof of dishonest usage. We do

not find that this was done. But it is conceivable that the protest of Mary's Lords, in September 1568, was worded by Lesley, Bishop of Ross.

Mary had denied the authorship of the letters, and asserted that there were men and women in Scotland, "and principally such as are in company with themselves," who could counterfeit her hand.<sup>1</sup> Her Lords *may* have put forth their plea without having inspected the letters closely, but the letters were certainly produced in Parliament, whether studied there or not. And there is no later trace of any hint, on Mary's side, that either the copies given to du Croc, or those produced in Parliament, were not identical with the letters afterwards printed and published. Lesley, or any other pamphleteer on Mary's side, if in possession of copies of the letters as produced in Parliament in 1567 (which he may not have been), ought to have insisted on any changes in the letters as later published. That this was never done is a powerful though perhaps not necessarily a conclusive argument against a theory now to be mentioned. There are traces of the existence, in 1567 and 1568, of a letter attributed to Mary by her enemies, at that time, but never produced by them.

This curious matter stands thus: Murray was in France at the time of the discovery of the casket—June 20-21, 1567. On July 8, 1567, Robert Melville, who had returned to Scotland, sent one John a Forret to Cecil. John is to go on to Murray, and a packet of letters for Murray is to be forwarded "with the greatest diligence that may be." It once occurred to me that John a Forret might be John Wood, a great ally of Murray, but more probably he was Forret of Forret in Fifeshire. Murray arrived from France into England on July 23. He saw de Silva, the Spanish ambassador, who on August 2 wrote to Philip of Spain.<sup>2</sup> De Silva says that Murray told him something that he had not told even "this Queen" (Elizabeth). Mary, he said, was certainly cognisant of Darnley's murder. Murray then cited what, he declared, he had heard about a letter of Mary's "from a man who had read it." Here we have only de Silva's report of Murray's oral version of an oral account of a letter of Mary, as given by a man who "had read it." One might suppose that in the packet of letters sent to Murray from Scotland,<sup>3</sup> on July 9, would be transcripts of the Casket Letters opened on June 21. To send to Murray a mere oral report in a messenger's memory seems a strange proceeding. However, de Silva's account of Murray's repetition of the other unnamed man's version of a letter which he "had read" exactly answers, in essentials, to Lennox's account, written in 1568, of the same letter.

It is not likely to be denied that Lennox, in 1568 (say July or August), and Murray, in July 1567, have a common source for their description of a letter never produced against Mary. In that source, Mary is represented as arranging the explosion at Kirk o' Field for the night of Bastian's marriage. She is made to urge the "dispatch" of Bothwell's wife, by poison, or divorce. In both versions, there is danger that Darnley's "fair words" will make her relent. Murray does, and Lennox does not, speak of a design to poison Darnley at a house between Glasgow and Edinburgh. Lennox does, and Murray does not, make Mary say that she wishes Bothwell "in her arms," a phrase which occurs in Casket Letter ii. The other items quoted occur in no Casket Letter. Whence did these items come? Possibly Murray, in July 1567, told to Lennox—but more copiously—what he had told to de Silva, that is to say, a report, from memory, of an oral report, from memory, by a man who, having read Casket Letter ii., made divers fanciful and exaggerated additions. That is conceivable, strange as it may seem that the Lords, when writing to Murray, on July 9, 1567, did not send transcripts of the Casket Letters, but trusted to the memory of a messenger. In that case,

Lennox, in July 1567, may have at once written down what Murray told him, and copied it out in a document of a year later. Lennox's document of seven folio pages is undated. I put it about July or August 1568, partly because it purports to be an *indictment* of Mary's conduct towards Darnley. It is in English, with corrections in Lennox's own hand, it is not in Scots. It is the first of a series of similar documents, of which the last was read by Lennox to the English Commissioners at Westminster in December 1568. It may be urged that the document, like a large memorial picture of Darnley's murder, painted for Lennox in the beginning of 1568, is a mere record, which he might write for English readers at any time earlier than July-August 1568; and on no better evidence as to the letter than Murray's oral report.

The reply to this is that Lennox's long document contains divers strange "sayings and speeches" of Mary to her closest personal attendants. Now, as late as June 1568, Lennox was writing to ask his friends to collect "the sayings of her servants and their reports." When he wrote the long paper in which he cites the letters attributed to Mary, *he had got* the "sayings and speeches" for which he was writing, from Chiswick, on June 11, 1568. Some delay must have occurred before he received these reports from Scotland, because the letter of June 11, in which he asks for them, was intercepted by Mary's party, and now occurs among the manuscripts of the house of Hamilton. It follows that the vast paper in which Lennox cites the letter attributed to Mary by Murray, but never produced, cannot be earlier than July 1568. Still, it may be said, Lennox may be only quoting Murray's verbal communication of July 1567. It may be so, but, even by June 11, 1568, Lennox was in company with, and was working with, Murray's agent, John Wood, who had in his keeping Scots translations of the Casket Letters. In writing to Scotland, on June 11, 1568, Lennox employed Wood, or his secretary, as his amanuensis. This is clear, for, on June 12, Wood wrote letters to Scotland from Greenwich, and those letters are in the same hand as Lennox's epistles of the previous day.<sup>3</sup> Thus we see that, before Lennox wrote his paper of seven pages, against Mary, in which he cites a letter attributed to Mary, but never produced against her, he was in close contact and collaboration with Wood, who had the Scots translations of the Casket Letters, as they then stood, in his possession. Is it likely that he did not communicate their contents to his ally, Lennox, the father of Darnley? If he did, Lennox quotes a letter then officially attributed to Mary, a letter which, though of essential value to the prosecutors, was later dropped by them. It was either too bold a forgery, or implicated some of the guilty men who became Mary's accusers.

That a letter attributed to Mary, and containing matter not to be found in any of the Casket Letters, really did exist, may be inferred, not only from the citations of Murray and Lennox, but from the 'Book of Articles.' This is the long indictment of Mary, whereof the manuscript is now in the British Museum: it was published by Mr Hosack. We have seen, in the text, that no endorsement nor authentication proves this document to contain the "articles" produced against Mary at Westminster, in December 1568. It *is* an arraignment of Mary; it *is* in an official Scottish hand of the period, recognised by Mr Bain as that of Alexander Hay, clerk of the Privy Council. If this be not the official and final indictment of Mary, no other is known to exist (except a draft in the Cambridge MS.). To reject the Book of Articles as dubious and unofficial is, perhaps, to show a scepticism not wholly unbiassed. In any case the document avers that Mary, "from Glasgow, by her letters and otherwise, held Bothwell continually in remembrance of the said house," namely, Kirk o' Field. Now, in the Casket Letters, Kirk o' Field is never once

mentioned. The writer says that she is bringing Darnley to Craigmillar, "if I hear no other matter of you" (Letter i. English translation). "He is to take physic at Craigmillar" (Letter ii. English translation). The only hint that might be regarded as pointing to Kirk o' Field is "of the ludging in Edinburgh," one item in a list which is found in the Scots but not in the English version of Letter ii. On the other hand, the letter described by Murray and Lennox does allude to "the house where the explosion was arranged," to "finishing the place and everything as they had desired." Now the writer of the "Articles" had Letter ii. before him, yet, like Lennox in his long paper of seven pages, he insists that Mary's letter kept harping on "the house in Edinburgh," which, in the Casket Letters, she does not, though, in the Murray-Lennox version, she does. Therefore the writer of the "Articles" had seen a Casket Letter, never produced, a forgery.

This matter of a letter, cited by Murray and Lennox, and clearly present to the mind of the writer of the Book of Articles (whether that be final and official or not), is an example of the delicately balanced problems in the case. Did Murray and Lennox cite a forged letter? Did they merely repeat, at a long interval, the same confused and exaggerated oral report about a letter? In questions like these, disputants will vote according to their prepossessions, or will reserve their judgment. The letters may be genuine throughout, but nobody who has watched the conduct of Mary's opponents will be apt to deny that they were capable of forging, garbling, and suppressing documents. Some topics, causes of much ingenious writing, may be brushed aside. The letters produced as Mary's were certainly in French, and not in the French of the versions later published in France, these being translations from the Scots versions, or from the Latin versions of the Scots versions. This is proved by extant copies of the original French at Hatfield, and in the Record Office.

Again, as to the dates: The chronology of Letter ii. cannot be made to fit with the list of dates and events in the paper called "Cecil's Diary." But it is always a possible, though a rather desperate argument, that "Cecil's Diary," or 'Journal,' is not official; that the prosecutors had a better scheme of chronology—which has vanished like their hypothetical better Book of Articles. Moreover, I have elsewhere worked out a plausible system of dates for Mary's movements, into which the Glasgow letters (i., ii.) easily fit. Again, the internal chronology of Letter ii., written on two nights, is dislocated. But this, as I have shown, may be easily explained if we suppose Mary, on the second night, to have written by accident on the clean side of a piece of paper, whereof the verso contained some lines written on the previous night, but left standing by the translators.<sup>4</sup>

There remains the difficulty about Crawford. He was in attendance on Darnley during Mary's visit to Glasgow. On December 9, 1568, he put in, before the Commissioners at Westminster, a deposition, done into English out of a version written by him in Scots. It contained, first, a report of a conversation between Crawford himself and the Queen, as she was about to enter Glasgow; next, a report of a private talk between Mary and Darnley. This talk Darnley repeated to Crawford at the time, and Crawford swore that he *then*, at the moment, wrote it out for Lennox. On June 11, 1568, Lennox wrote to ask Crawford for the *first* part of this deposition (made on Dec. 9, 1568), namely, as to the talk between himself and Mary. This part Crawford in January 1567 did not *write*, but told to Lennox, if he communicated the fact at all. For the second part, the conversation between Mary and Darnley, Lennox did not ask. The inference is that Lennox already possessed the document which Crawford swears to having made "immediately at the time," that is, about January 25, 1567. Now

Crawford's accounts of the two conversations are so verbally identical with these which Mary is made to give to Bothwell in Casket Letter ii. that Crawford's and Mary's versions must have one common source. Either Crawford borrowed his facts and phrases from Letter ii., or Letter ii. is, so far, a forgery based on what Crawford wrote for Lennox in January 1567, and on what he wrote in answer to Lennox's inquiries of June 11, 1568. What he then *wrote*, in 1568, having probably told it orally to Lennox in 1567, tallies *verbally* with the corresponding passage at the opening of Letter ii. Therefore it seems that all this portion of Letter ii. is forged on the model of Crawford's statements. If Crawford did not deliberately perjure himself, if he really did write an account of the conversation between Darnley and Mary in January 1567, if he gave it to Lennox, for whom it was written, and if Lennox kept it (we have seen that he asked for nothing of this kind when collecting information in June 1568), then Letter ii. contains elements of forgery. The two Glasgow letters are much the most important. What difficulties obscure our view of them we have made apparent.

Of the other letters, one (iii.) implicates Mary in an alleged but very dim attempt to embroil Darnley with her brother Robert. Another (iv.) concerns a maid about her person, who, if not carefully treated, may reveal something. Letters v., vi., vii. were written, or we are to suppose that they were written, in April 21-23, 1567, and bear on Bothwell's abduction of Mary. Of these, vi. is suspiciously like a mere *précis* of a long excuse of Mary's conduct, written in Scots, probably by Lethington, and sent to the Bishop of Dunblane, then in Paris, in May 1567.<sup>5</sup> Letter viii. fits into no known moment in Bothwell's relations with Mary, and is written in an affected or alembicated style, not customary, perhaps unexampled, in her epistles. On the side of the authenticity of parts, at least, of the letters, is the tone of humility and dependence which Mary later adopted, in her letters to Norfolk, when he and she intended to marry. The expressions of remorse and loathing of her task, in Letter ii., also seem almost beyond the power of a forger to conceive, but many critics are of an opposite opinion. Our impressions are merely subjective. As to the sonnets, it is not easy to guess when, if genuine, they were written. To an English reader their passion appears overpoweringly natural and unfeigned, and their inartificial laxity and roughness may be the result of rapid and excited composition. On the other hand, a French critic, Monsieur de Wyzeva, avers that, to a French ear, the "tone" is not French, and that both sonnets and letters are the work of a person who *thinks* in English (or Scots); also that this "tone" is not that of Mary's genuine writings in the French language. These are impressions which a foreigner cannot criticise.<sup>6</sup> As to the question of the possibility of forging, without detection, the handwriting of the Queen, the letters were never submitted to experts—merely to a throng of English Lords in the course of a short winter day. In the case of the Logan-Gowrie letters (Appendix, pp. 569-575), we find such an extraordinary example of skilled forgery, by a rural practitioner in a small way of business, that a successful imitation of Mary's large Italian hand seems well within the resources of the art. Examples which, probably, would deceive any modern critic, were designed by Mr F. Compton Price, and are published in the author's "Mystery of Mary Stuart." It seems possible that even if the original Casket Letters were to be discovered, and compared with Mary's authentic handwriting, we might come no nearer to a solution of the problem; though, in the Logan case, the forgery is detected.

Here we must leave this much debated question, on which conviction can hardly, perhaps, be attained by a perfectly fair and unbiassed student. As the evidence stands, the letters could not be founded on by a jury; and the author

himself, while unable to reject the testimony of all the circumstances to Mary's guilty foreknowledge of, and acquiescence in, the crime of her husband's murder, cannot entertain any certain opinion as to the entire or partial authenticity of the Casket Letters. Mary was never allowed to see the originals. Her denials were persistent. Yet, if guilty, there was no reason why she should not deny much more openly, loudly, and pertinaciously, above all, after the death of Paris, the alleged bearer of the missives (August 1569). He was gone; he could not be heard; and his confessions were not produced against the Queen, but were deliberately suppressed by Cecil. In 1582 Mary was declaring the letters to be forgeries, and was anxious to procure them. Bowes, too, the English ambassador, was attempting to obtain the letters for Elizabeth, "for the *secrecy* and benefit of the cause." Why "secrecy"? The letters were in the hands of the Earl of Gowrie: he would not give them up; he was executed for treason in 1584, and we hear no more of the letters and the casket.<sup>7</sup> "Secrecy," so desirable, may, of course, here mean secrecy from friends of Mary who were anxious to destroy the letters. But it may also mean that the more they were known, the less would they injure Mary or benefit Elizabeth. Thus, to every inference there is always a counter inference, and the business of the historian is to state each, and rely on neither of the alternatives.

<sup>1</sup> Goodall, ii. 342, 343, 388, 389.

<sup>2</sup> Spanish Calendar, i. p. 665.

<sup>3</sup> See abstracts of all these letters in Maitland Club Miscellany, vol. iv. p. 119.

<sup>4</sup> Cf. Mystery of Mary Stuart, chap. xiv.

<sup>5</sup> Labanoff, ii. pp. 32-44.

<sup>6</sup> Revue des Deux Mondes, 1902.

<sup>7</sup> Bowes' "Correspondence," pp. 236-265.

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## APPENDIX B.

### LOGAN OF RESTALRIG AND THE GOWRIE CONSPIRACY.

ON or about April 19, in the year 1608, a notary of Eyemouth, named George Sprot, was arrested. Of the circumstances we only hear vaguely, from Calderwood and Dr Abbot, later Archbishop of Canterbury, that Sprot had been babbling about his knowledge of the Gowrie Conspiracy. We have no official mention of Sprot till July 5, 1608. On that day he wrote a letter of confession to the Earl of Dunbar (Sir George Hume), who was in Scotland on the business of the Kirk. This letter, with the whole of the documents in Sprot's case between July 5 and August 12, the day of his execution, are in the muniment room of the Earl of Haddington, and have remained unknown to our historians.<sup>1</sup> The ancestor of Lord Haddington, in 1608, was Sir Thomas Hamilton, King's Advocate, one of the Octavians of 1596, an eminent historical scholar and collector of MSS. As to what befell the imprisoned Sprot between April 13 and August 5, we know from the Haddington MSS. that he had lain in the "laigh house" or dungeon on the basement of the Tolbooth, "a loathsome hole," that he had often been examined, and that he had declared Logan of Restalrig innocent of writing certain

reasonable letters, apparently in his hand, which were found on Sprot's person, among his papers, or were given up by Ninian Chirnside of Whitsumlaws. On July 5, in his letter to Lord Dunbar, Sprot maintains that Restalrig *was* in the Gowrie Conspiracy, that he himself had a guilty knowledge of it, but that he forged the Logan letters as to the plot—that is to say, *the letters then in the possession of the Government*. Sprot, as we learn from Calderwood, had, at first, admitted the genuineness of the letters, and later, under torture, had declared them to be forged.<sup>2</sup>

The peculiarity of this passage in Calderwood is that it has its basis in a manuscript, of unknown authorship, now in the Wodrow MSS. in the Advocates' Library in Edinburgh (vol. ix. Rob. iii. 2, 9). The later historian and collector, the Reverend Mr Wodrow, who lived under William III., Anne, and George I., has marked this as "MS. History of the Church of Scotland from 1581-1641, I know not by whom." It is not in Calderwood's handwriting, but in another hand of the period, and is a kind of diary of events. The passage referring to Sprot is correctly printed in Pitcairn, ii. 275, but is incorrectly described as "a curious fragment." "It is evidently written," says Mr Pitcairn, "by some one who entertained ideas unfavourable to the reality of the Gowrie Conspiracy." On comparing the excerpt (not "fragment") in Pitcairn with the passage in Calderwood (vi. pp. 778, 780), it becomes certain that Calderwood's source was the anonymous manuscript now in the Advocates' Library. He takes whole passages out of it, with a few verbal changes and transpositions of sentences, all this without acknowledgment. But when he arrives at the description of the hanging of Sprot, he not only deserts but contradicts his authority, introducing new matter of his own, without giving his sources for *that*. Thus, his MS. source, the MS. in the Wodrow MSS., declares that, on the scaffold, Sprot "maist plainlie confessit, that he had nather promise of lyf, nather rewaird to his wyf and bairnis efter his deceas. . . ." Calderwood (who must have read this in the MS.) writes, "Notwithstanding Sprot's confessions, so many as did not believe before were never a whit the more persuaded, partly because he was a false notary, and could counterfeit so finely men's hand writs, for which cause he was worthy of death; *partly because benefit was promised to his wife and children by the Earl of Dunbar*, and had suffered both death and torments as a false notary."

Calderwood appears to myself to be stating these circumstances, not as facts, but as the arguments advanced by the sceptics who had to excuse their disbelief in a dying confession. After the Gowrie tragedy, Mr Robert Bruce had professed himself ready to believe the King's account, if Henderson were hanged, and adhered to his statements on the scaffold. Now Sprot did adhere to his, but, not wishing to believe them, resolute Presbyterians appear to have alleged (1) that Sprot really suffered as a forger of an every-day kind; (2) that he was induced, by promise of reward to his wife and family, and as he had to die in any case, to make a false confession, on the scaffold, of the Gowrie Conspiracy. Calderwood therefore suppresses the statement of his MS. authority that Sprot denied this promise of reward, on the scaffold. This denial is not elsewhere stated in the official descriptions. But the earlier part of the account in Calderwood's MS. authority is also absent from the official versions. *That* part Calderwood accepts, and reproduces as his own; what does not suit him, in the same MS. authority, Calderwood burkes and contradicts. Moreover, not a word, in the Haddington MSS. (which are private and candid), hints that Sprot was arrested for, or examined on, or condemned for, general crimes of forgery. He was arrested with pseudo-Logan papers actually in his "pocquet," and his examina-



tions turned on no other point. So much for Calderwood. Mr Barbé, in his "Tragedy of Gowrie House" (125-131), accepts both the MS. in the Advocates' Library and Calderwood's account of "promise of benefit" to Sprot's family, without observing that Calderwood cites the MS. where it suits him, and ignores and contradicts it—always without quoting his sources—where it does not suit him. The official statements about Sprot's evidence are falsified and garbled, but Calderwood's version, when analysed, is not irreproachable. But, of course, he is not to be censured severely. It was then unusual to cite authorities, and he may have thought that his information was better than that of his author. At last, on July 5, and in subsequent examinations, Sprot averred that the letters in possession of the Council were impostures, but that Logan's share in the plot, and his own guilty foreknowledge, were actual facts.

The only letters in the case hitherto known to history are five; the originals were found by Mr Pitcairn, in the Warrants of Parliament, and were published by him in the second volume of his 'Criminal Trials in Scotland.' They were also copied into the record of the proceedings of the Scottish Parliament of November 1609. Of these five letters, dating from between July 18 and the last of July 1600, Nos. i., iii., and v. are, to one or more unknown persons, addressed as "Right Honourable Sir." One (ii.) is to James or "Laird" Bower, a retainer of Logan. One (iv.), dated July 29, 1600, is to the Earl of Gowrie. These letters indicate frankly that Logan and his correspondents are engaged in high treason. Failure means death, forfeiture, and extirpation of the names of the associates. The scheme, whatever its details, is based (according to the letters) on an incident which occurred, or a romance which was in circulation, at Padua, where Gowrie had been a scholar (1595-1598?). These five letters have been accepted as authentic beyond doubt by Mr Hill Burton and Mr Tytler, though Mr Mark Napier and others proved that they were in the highest degree suspicious. The confessions of Sprot, in the Haddington MSS., allege that Letters ii., iii., and v. are forgeries, while i. is doubtful, and only iv. (Logan to Gowrie, July 29, 1600) is admitted by him as genuine, and as his model for the fraudulent imitations. That even one letter was admitted to be genuine, Calderwood did not know. If accepted, Letter iv. suffices to establish the guilt both of Gowrie and Logan, but, as we have it, letter iv. is a forgery, whether the substance be copied from a real letter by Logan or not.

The reason why Sprot forged the three certainly fraudulent letters, and a number of others never publicly produced, was a purpose of extortion. After 1600, Logan of Restalrig sold all his estates, although the records of "hornings" for debt, in the "Register of the Privy Council," never show that he was pressed by creditors. Already, in 1596, he had sold his estate of Lower Gogar. This haste to get rid of landed property after 1600 must have aroused the suspicion that Logan feared forfeiture, in consequence of some treasonable enterprise; and that, probably, the Gowrie affair. Logan was of ancient family; he was of royal descent; his lands were Restalrig, near Leith, Flemingtoun (with a house, Gunnisgreen, near Eyemouth), and Fastcastle, a fortress of great strength, on a perpendicular cliff of the Berwickshire coast, above the northern sea. The possession of this impregnable fortalice, in a region still roadless, made Logan a useful ally in a conspiracy. His life had been passed in conspiracies. A half-brother of Lord Hume, a cousin of the Master of Gray, and of the Ogilvys and Sinclairs, a friend of the family of Gowrie's Mr Thomas Cranstoun, Logan belonged to the clique of Archibald Douglas, and the other Whittingham Douglasses, the Laird of Spot, John Colville, Ninian Chirnside, and all the southern partisans

of the adventurous Francis Stewart, Earl of Bothwell. In 1586 Logan was one of the packed jury which shamefully acquitted Archibald Douglas of a part in Darnley's murder. In 1592-1594, when Bothwell was chasing the King like a partridge on the mountains, Logan was his abettor, probably harboured him at Fastcastle, and was denounced rebel for his pains. When Bothwell joined the Catholics, and deserted the Kirk, Logan did not abandon the renegade, but associated with and harboured George Ker (of the Spanish Blanks), and the Jesuit, Father Andrew Clerk. In 1599 he was charged not to yield Fastcastle to the King's rebels or enemies, and in 1599 Cecil was inquiring of Lord Willoughby, at Berwick, as to his character and position. Logan had been a pirate; a Queen's man in the castle during the last agony of Mary's party; an associate of Gowrie's after the raid of Ruthven; a spy of Walsingham's (1586-1587); an accomplice of all the perfidious Douglasses of Spot and Whittingham, and Mowbrays of Barnbogle; and, as we saw, an ally of Bothwell when Bothwell was an ally of Atholl, and of the Gowrie of the Gowrie tragedy. He was also *liè* with Lord Willoughby and Sir John Guevara at Berwick, the kidnapers of Richard Ashfield (1599).

With this record, it may be judged whether Logan was an unlikely man to be a conspirator. He was a neighbour to Gowrie's castle at Dirleton, close to the sea, near North Berwick, and within a short sail of Fastcastle. The lands of Dirleton (according to Sprot) were to be Logan's if the conspiracy succeeded. When we remember that, in April 1600, Nicholson had announced to Cecil that a plot by Archibald Douglas, the Laird of Spot, and John Colville was in hand; when we add that Colville and Gowrie were both in Paris in the early spring of 1600, while Bothwell was reported to have arrived secretly and to be skulking in Scotland, it may be granted that Logan was apt to be concerned in whatever enterprises of a treasonable nature were on foot. The Gowrie conspiracy failed; Logan sold his lands (this is certain), and went partners with Lord Willoughby in a ship, wherein, Sprot says, he meant to sail to "the Indies." By 1605 Logan had sold all and was a landless man. Lord Balmerino and Lord Dunbar, the purchasers of his estates, owed him 33,000 marks on the price. In September 1605 Logan went to London to try to get his money, in which he failed. He then visited France, returned in 1606, to find Bower, his trusted old servant, dead; and he died himself in Edinburgh in July 1606. His elder children, by his first and second marriages, refused to "give up the inventory" of his estate. His heir was a girl, of about four or five years of age, born of his last marriage, and the main part of her property was the money owed to her by Dunbar and by Balmerino, who, in 1608, fell from power, and was a dying prisoner.

In these circumstances, the propriety of robbing the orphan was conspicuous to all. Sprot not only destroyed the acknowledgments of debt to Logan's heiress by one Heddilstone and by Ninian Chirnside (Logan's most intimate friend, and a trusted retainer of Bothwell), but he forged the Logan plot letters, ii., iii., v., and perhaps i., and a number of other compromising papers and letters, in an imitation of Logan's hand. These forgeries Sprot sold to Heddilstone, Ninian Chirnside, the Goodman of Rentoun (Home), and others. They were to exhibit the forged documents as genuine to Logan's executors, and so terrify them into forgiving the debts owed by Logan's surviving friends to his daughter. The whole of the dead Logan's possessions would be forfeited if his connection with the Gowrie plot came to light, and thus the forged papers were much coveted by Logan's friends and debtors, and were a source of revenue to Sprot. This branch of the notary's business was, of course, destroyed by his arrest in April 1608. In July, Dunbar,

says Calderwood, following his MS. authority, came to Scotland, "and caused take the said George Sprot out of ward, and cure his legs, bruised with the boots." Sprot now, on July 5 and later, confessed that the plot was a genuine plot, that Logan was engaged in it, that he himself had guilty foreknowledge, announced that he knew he must die, and deserved to die, but maintained that the plot-letters and other compromising papers, *then before the Privy Council*, were all forgeries. His own words are, "I confess to my own shame and God's glory, I formed and framed them all to the true meaning and purpose of the letter that Bower let me see" (Gowrie's first letter, merely asking for an interview with Logan), "to make the matter the more clear by these arguments and circumstances, for the cause I shewed to the Lords," that is, for purposes of extortion. The letter of Gowrie had been shown by Bower to Sprot "with a direction that he got from the Laird to come to him in haste for to ride in his commission to the Earl of Gowrie concerning the lands of Dirleton" (Logan's reward), "which direction to Bower is among the rest of the letters produced." Thus, on July 5, Sprot confessed that Gowrie's harmless first letter to Logan was his source, but he obviously includes what he says he knew of Logan's hope of getting the lands of Dirleton.

The letter about them (ii.) Sprot almost certainly forged, on oral information from Bower. But, as certainly, Sprot, in the recorded confessions, never mentions Letter iv., from Logan to Gowrie, till August 10. Under examination, Sprot cited the first letter of Gowrie to Logan (July 6, 1600), in which Gowrie says that Logan understands his purposes, and asks for an interview. Sprot cited various witnesses to corroborate some of his statements, but they all, very naturally, refused to corroborate, and Chirnside, with others, was long "warded" in prison. So far, the Privy Council had no valid evidence before it; only rumour, Sprot's word, contested and often demonstrably false, and the letters and papers which were confessed forgeries. On August 9 Sprot was told that he must die, and that he should see the faces of the Lords no more. He repeated that his confessions, since July 5, were true, and, in his own hand, subscribed the record of his confession "in the presence of God and his messengers, auditors hereof." The messengers of God were the Bishop of Ross, with the King's preacher, Mr Galloway, and Messrs Hall and Hewat, ministers of Edinburgh. Sprot was to see the Lords no more, but he must have sent to let them know that he had more to divulge. On the 10th of August the Lords and ministers visited him again, and, after a prayer made by Mr Galloway, he was asked, "*Where is that letter which Restalrig wrote to the Earl of Gowrie, whereupon the said George Sprot wrote and formed the missives produced?*" This must refer to some unrecorded statement just made by Sprot, for *this* letter, the now confessed model of Sprot's forgeries, has never hitherto been mentioned. In his written confession of July 5, he said that he forged the papers "to the true meaning and purpose of the letter that Bower let me see," meaning either Gowrie's first and not compromising letter, or Logan's letter to Bower, or both (No. ii.). Never before August 10 has Sprot mentioned a letter of Logan to Gowrie, as known to him, or as his model. That letter is a new feature in the case, and, on August 10, was not in possession of the Council.

Sprot was asked point-blank, after Mr Galloway's prayer, where the letter was now. He first gave an account of how he found it, unfinished, behind a bench and the wall, at Fastcastle. He must have meant Gunnisgreen, for the letter bears that date, unless, as Logan (in Letter iv.) says that he wrote it "on two sundry idle days," he began it at Fastcastle, and finished it, and, at the end, dated it, from

Gunnisgreen. But Gunnisgreen was quite close to Eyemouth, where Sprot lived, and he is unlikely to have been at Fastcastle. Sprot went on to say that, months after the conspiracy, Logan bade Bower, who kept all his papers, find and bring him this letter, which had been returned by Gowrie, through Bower, according to their method of correspondence. Bower, who could not read, asked Sprot to help him to find the letter. Sprot found it, told Bower that he could not find it, and carried it off *till* on this Letter iv., as a model, he forged all the rest. Now this is so far true: any reader of Letters iii., v., and a torn letter in the Haddington MSS. must see that they are all mere copies of Letter iv. Except in what personally applies to Gowrie, Letters iii., v., and the torn letter say nothing that is not in Letter iv. The case of Letter i. is dubious, for reasons too minute to be discussed here. Sprot now quoted Letter iv. (Logan to Gowrie), *from memory*, recognisably, but not correctly. Asked if he was at last speaking the truth, as a man under the very shadow of death, Sprot vowed to God that he was. Again required to say where the letter now was, he said that "he believes it is in his kist" (chest), sealed ("closed"), "and folded in a piece of paper." Search must have been instantly made at Eyemouth for this letter, which was probably in a secret compartment of Sprot's "kist." On August 11, at a certain hour, the Council had neither the letter nor a copy of it, for Sprot now recollected, almost correctly, a passage which he thought was in a *postscript*. This he would not have done had the letter, or a copy of it, been accessible, for really, the passage is in the *body* of the Letter iv. Sprot was to die, and did die on August 12. At a certain hour on August 11 the letter had not yet arrived, for, by racking his memory, he recovered, though incorrectly, more of its contents. But before he was hanged, Sprot endorsed, in his own ordinary hand, a copy in his "course" or current hand, of Letter iv., and another of Letter i. Now Lord Cromarty, writing in 1713, at the age of eighty-three, tells us that the Sheriff-depute was instructed to search for this letter (iv.), that he found it, and that he gave it to Sir Thomas Hamilton. The copy, endorsed by Sprot, a copy not before the Council at a certain hour of August 11, was doubtless found with the alleged original (in Logan's hand or an imitation of it) of Letter iv. This endorsed copy is still in the papers left by Sir Thomas Hamilton.

Thus Letter iv., unlike the rest, is alleged by Sprot to be genuine, and the model (as it undeniably is) of his forgeries. In my opinion, Letter iv. is, at least in substance, genuine, and it suffices to prove Logan's acquiescence in Gowrie's plot. The reader who is in doubt may read the letters and form his own opinion. It does not follow, if the substance of Letter iv. be genuine, that the handwriting is Logan's. It is certainly not Logan's, but the hand of Sprot, counterfeiting that of the Laird of Restalrig. Sprot's confession of August 10 is that, after surreptitiously reading the first part of Logan's unfinished letter to Gowrie, and after, later, seeing Gowrie's first harmless letter, he put two and two together, and conceived suspicions. He later stole Logan's letter to Gowrie (iv.), "which letter he retained *till* he framed three new letters upon it." He may have then returned the genuine Letter iv. to Bower, as if he had found it in a new search among the papers, after he had copied it, in a forgery of Logan's hand. That copy may be our Letter iv., genuine in substance, but not in handwriting. This theory would account for the firmness of the writing, the slip in spelling "protection," and so on. The substance of the letter, from internal evidence, I believe to be Logan's, but this is a matter of opinion.

On August 12 Sprot was hanged, after confessing his guilt from every corner of the scaffold, and singing a psalm. This dying confession of his own, of

Logan's, and of Gowrie's guilt (in which nothing about the letters is reported) was trying to Presbyterian sceptics. They were wont to say that they would believe in a *dying* confession. But it did not suit them to believe in Sprot's, and Calderwood treated the case in the way we have explained.

But Archbishop Spottiswoode, who was present at Sprot's *public* trial on August 12, and at his death, believed him to be an hysterical self-accuser.<sup>3</sup> The man never showed the letter, says Spottiswoode. He did, but Spottiswoode was kept in the dark. Government, in the indictment of Sprot, and in a tract officially published (both are in Pitcairn), said not a word about any letters being produced. They garbled and falsified the facts, they cited Gowrie's first letter (never found at all), and Logan's letter to Gowrie (iv.), as quoted by Sprot *from memory*.

In June 1609, the dead body of Logan was tried, before the Lords of the Articles, for treason. The Lords, who were sceptical at first, convicted the dead man. They were converted to a belief in his guilt, when the prosecution produced the Five Letters, of which Sprot had confessed that three, or perhaps four, were forgeries, Letter iv. alone being genuine. Seven honourable witnesses, who knew Logan well, produced real letters of his, and compared them with the Five Letters, in which no difference of handwriting or of spelling could be detected. The case is precisely similar to the Hampton Court comparison of Queen Mary's letters with the Casket Letters. By virtue of this conviction Logan's heirs lost all their inheritance, and Lord Dunbar was not obliged to pay the 18,000 marks which he owed to Logan's estate. All the documents of the trials, as *officially published*, are in Pitcairn, vol. ii. pp. 256-293. On these transactions, so long concealed, it is needless to offer any commentary.

As to the guilt of Logan with Gowrie, the evidence of Sprot is tainted, and not fit, in daily life, to go to a jury. After July 5 he lied variously to conceal his possession of our Letter iv. He confessed to it when death was absolutely certain. Yet that long-concealed letter, as it stands, is pronounced by experts to be as much a forgery as the others. How is the conduct of Sprot to be explained? He confessed to the plot, and to his guilty knowledge, which carried his doom. Government was sure to hang him, not so much for the crime, as to present a dying confession to the godly sceptics. But why did Sprot admit that he had forged the letters? If he had any faint hope of life, his chance lay in giving the Government documentary evidence. This he refused. And why did he keep back Letter iv. till death was absolutely certain? Why did he then give it up, and aver that it was genuine, whereas modern experts condemn it with the rest? A study of the Haddington MSS. leads me to the opinion that Logan was really in the plot, and the internal evidence, the contents of Letter iv., confirm that belief. But all this is opinion, not knowledge.

<sup>1</sup> A brief abstract is given in Sir William Frazer's Memorials of the Earls of Haddington, vol. i. 1889.

<sup>2</sup> Calderwood, vi. p. 779, *bis* (779 is printed twice by error).

<sup>3</sup> Spottiswoode, iii. pp. 199-200.

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*Montrose (after Honthorst)*

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FROM

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ANDREW LANG

VOL. III.

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# A HISTORY OF SCOTLAND FROM THE ROMAN OCCUPATION.

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## CHAPTER I.

### CHARLES I. THE BEGINNING OF EVILS.

1625-1633.

SIR THOMAS MALORY tells us that, in a lonely forest glade, the good knight, Sir Percival, saw a lion fighting a serpent. He drew his sword to aid the lion, "for it seemed to him the more natural beast of the twain." The history of Scotland, from the death of James VI. to the Revolution of 1688, is that of a battle between two tyrannies, the lion and the serpent, the Tudor despotism in Stuart hands and the Knoxian despotism of the ministers of religion. These two forces destroyed each other. The triumph of the Presbyterian ideals, the claims to bind and loose, to ruin and excommunicate, to sit in the seats of the Apostles and judge mankind, to carry a crusade of compulsory Presbyterianism into England and even abroad, and to extirpate idolaters, endured but for ten or twelve years (1638-1650). It could only endure, that triumph, while the nobles, irritated by Charles's despotism and illegal measures, were at one with the Kirk, terrible as an army with banners. When once the Estates differed from the Commissioners of the General Assembly; when once the Kirk, thwarting the State, had brought the Cromwellian conquest on Scotland, the ranks of the Covenanters were split in twain. Under the persecutions and indulgences of the Restoration, the enormous majority of Presbyterians—ministers and flocks—learned to submit to compromise, which was only resisted, and vainly resisted, by the extreme left wing of the Covenanters,

the societies of Cameronians, and especially of Renwickites. Among them alone survived the pretensions that had rent Scotland for more than a century. Meanwhile the Catholic despotism of James II. ruined the cause of royal tyranny, the lion and the serpent had destroyed each other. As the Presbyterian absolutism had invaded every corner of private life; as its claims to divine right were based, like the secular pretensions of the kings, on false criticism of isolated scriptural texts; as its odious cruelties were in contrast with the plain duty of professed "followers of the Lamb"; some may reckon the serpent the less natural beast of the twain. Sir Walter Scott justly said that our sympathies turn to the faction which, for the moment, has the worse of the struggle.

With the death of James I. ended that brief period of relative peace and quiet which Scotland enjoyed after his accession to the English crown. The dragon's teeth, plentifully sown by the Reformation, and by the king himself, were soon to bring forth their crops of armed contending men. The Reformation had scattered the fatal seed; while breaking away from the uniformity of the Church, Protestants desired a uniformity of their own—desired it with a zeal which shrank from no injustice of persecution. Now uniformity was for them impossible. Since the days when Knox and his English congregation at Frankfort quarrelled over the "mummuling" of the responses there had been two irreconcilable parties, High Church and Puritan, in the Protestant camp, and a third was rising. One faction was rigidly Calvinist, and detested most vestiges of old ecclesiastical ritual. Their altar was "the table"; candles, surplices, organs, windows of stained glass, devout gestures and attitudes, beauty of services, many of the rubrics in the Prayer Book, the prayers themselves—all things almost but preaching, psalm-singing, and "conceived prayers," were abominations to the precisians of England or of Scotland. Any theology short of Calvin's and Knox's was "Arminianism," and was to be put down and rooted out by the Parliament, as a flower of Rome. These men "saw red" whenever they thought of the danger of relapse into Catholicism, and of that they were always thinking.

Thus Mr. Row, a Presbyterian minister of the old school, explained the plague of 1625 as the vengeance of Heaven on Charles's marriage with Henrietta, a Catholic. "It is very remarkable that the Queene's masse, the pest of the soule, and a most rageing pestilence, killing bodies, came to London together (O that

men had eyes in their heads to see, and hearts to consider, the Lord's wayes)."<sup>1</sup> It was the old story of the fog, a divine warning, sent when Mary Stuart landed in Scotland. Mr. Row firmly held that Buckingham was "a Papist," who, even if he did not murder King James, "marred all," whence the failure to relieve the besieged Protestants of La Rochelle.<sup>2</sup>

Again, in 1624, to spur on the futile and disastrous war with idolatrous Spain, a preaching Scot in England, Alexander Leighton, wrote his 'Speculum Belli Sacri' ('Mirror of the Holy War'), a masterpiece of fanaticism. In 1630 he circulated in England his 'Appeal to Parliament, or Sion's Plea against Prelacy.' This work was "The Cry of ane Howle in the Wilderness" of Presbyterianism. Whatever evil existed in the world was laid to the charge of the bishops, "knobs and wens and bunchy popish flesh." The voice is the voice of Andrew Melville and John Davidson, and the voice appeals to the Parliament of England.<sup>3</sup> The king did not escape. "God had suffered him to match with the daughter of Heth" (France), "though he missed an Egyptian" (Spaniard). "Down with the bishops" was the burden of Leighton's appeal to the English Parliament, then sitting. "Strike neither at great nor small, but at these troublers of Israel: smite that Hazael in the fifth rib." "Laud," said a written pamphlet, "look to thyself: be assured thy life is sought" (1629). "Deliver my soul," wrote Laud, "from them who hate me without a cause." They were to work their will, but already Protestantism, in these voices, was appealing, as of old against Cardinal Beaton, to its old weapons the dirk and the sword, and these things were "done in the green tree" long before Laud tried to thrust the liturgy on Scotland. We see the temper of the godly before King Charles set foot in his native country.

As for the other side, the backers of bishops, the Court of Star Chamber sentenced Leighton to pay a fine of £10,000, to be whipped in the pillory, have an ear cut off, his nose slit, and be branded S. S. for a Sower of Sedition, as he certainly was. Later he was to be whipped again, and lose his other ear. Laud himself was one of the judges who thus avenged the bishops for Leighton's instigations to smite them under the fifth rib. Leighton was allowed to keep one ear, and was spared the second flogging. Perhaps, had he not made an escape and been retaken, he might have kept both ears and a sound back. His son, condemned "a father's soul to cross," became an archbishop under Charles II., a

saintly, ineffectual soul. Meanwhile the third party, the Independents, learned or ignorant, sane or insane, were rising, and some were to utter the word of all others most hateful to good men, "Toleration."

We have briefly illustrated the savage religious temper of Protestantism in Scotland and England when Charles I. began his reign. The Christianity of our fathers, notoriously that of the godly who fled to New England, meant intolerance, going to the lengths of the dagger, the axe, the hangman's shears, the pillory, and the scourge. Thus they "fought like devils for conciliation, and hated each other for the love of God." Uniformity was impossible except, perhaps, by dint of relentless and secular and one-sided persecution. Do not let us imagine that toleration for their maimed services and polemical preachers, had Charles granted it, would have satisfied the godly. The other side, the Arminians, the prelatists, "the bunchy knobs of papist flesh," must be put down, like Hazael. Liberty and tolerance were equally loathed by both parties, and free speech, from the pulpit, about predestination, was forbidden in England as it had been in Scotland. "The Puritan," says Mr Gardiner, "demanded exact conformity with the practices of which he approved. Laud demanded exact conformity with the practices of which he approved." The knot could only be cut, or rather cut at, by the sword. No statesmanship could have reconciled the parties peacefully.

Let no man think that Charles Stuart had a possible task. Naturally he sided with the religious party whose leaders maintained the Tudor absolutism, as against the party which aimed, more or less consciously, at the absolutism of the House of Commons. A better manner might have done something for him. "This king," wrote the Venetian ambassador not with perfect truth, "is so constituted by nature, that he never obliges any one, either by word or deed."<sup>4</sup> But, with good manners or bad, Charles had to face an inevitable religious war, and the inevitable revolutionary reaction against four generations of Tudor absolutism. He was born and bred in that old *régime*; and, from the very first, it was plain that of the *régime* England was weary. It is not, of course, true (as a Nonconformist divine has audaciously asserted in a *Life of Cromwell*), that all the gentlemen of England were on the side of the King. Puritanism and reaction against absolutism had scores or hundreds of leaders among the nobles and the gentry, Cromwell himself being,



as he said, a gentleman. But the opposite opinion has been boldly maintained, a proof that the blindness of the parties to that old struggle still darkens counsel and clouds popular history.

Charles did not visit Scotland till 1633, when eight crucial years of his unhappy reign had gone into the irrevocable past. A few words must be given to the events of these years in England, before we turn to the contemporary occurrences in Scotland,—occurrences apt to arouse that deep distrust of the king, which united against him, later, the nobles and the preachers with their middle-class congregations, the mobs of towns, the fisher-folk, the sailors, and the ploughmen of the fields. The years between Charles's accession and his visit to Scotland in 1633 were occupied in the first bout of the inevitable battle between the Crown and the country. The deepest cause of the conflict was still the incurable suspicion and inappeasable terror of the Puritans. Charles had inherited a “sacred war” with idolatrous Spain, and a Protestant war to recover (with the aid of Holland, of Denmark, and, as he hoped, of France) the Palatinate. These were pious enterprises, but then Charles had married an idolatress, a “Daughter of Heth,” and in Buckingham he had a favourite, or a master, who, his political blunders apart, could not be dear to Puritans. Buckingham therefore, who had a Catholic wife, was described as “a Papist” and “a minion.” Charles, on marrying Henrietta, had promised a measure of quiet to his own Catholic subjects. But he could not and did not keep his promise to France, and he threw the Catholics to the wolves,—the accustomed sacrifice, which never conciliated the brethren, which never broke down the constant loyalty of Catholics, but which naturally made France indignant.

So early as 1626 Carelton introduced to the notice of the House of Commons the inextricable connection between “Popery, slavery, and wooden shoes,” a cry that was long to be popular and useful.<sup>5</sup> The endeavour to secure France as an ally in Protestant wars failed, by reason of the breach of the promise to the French king, the romantic adventures of Buckingham with the French queen, and the dismissal of the Catholic and French attendants of the young Queen of England. Charles could not, with his best endeavours, run with the idolatrous hare and hunt with the Puritan hounds.

In the war for the Palatinate, Mansfeld's troops, more or less subsidised with English money, drifted from disaster to disaster. Enormous sums were needed when Charles's first Parliament met in

June 1625; indeed the warlike expenses had been so great that the Government, like the ordinary individual in straits, kept back the full schedule of its debts. From the beginning the Government and household of the young king were poverty-stricken, and financiers were too wary to make large advances on the security of the royal jewels. The House at once opened on the Protestant cry against "the wicked generation of Jesuits, seminary priests, and incendiaries." Eliot joined in; and while the enforcement of the persecuting Acts was insisted on, the Commons offered the most inadequate supplies; for war, however "sacred," is expensive, especially when managed in the traditional English way. So the feud between King and Commons about money began; at the same time began the Puritan attack upon a clergyman named Montague. He did not love the doctrine of predestination, to which the Puritans were tenderly attached; nor was he convinced that the Apostle had the Pope in his eye when he spoke of Antichrist. He saw no harm in works of sacred art, nor in exhorting a puzzled parishioner to consult his parson. He was also a strong supporter of Royal, not Presbyterian, Right Divine: so the Commons persecuted Montague, while Charles pardoned him and made him a bishop.

Thus what was to keep going on began at once. The religious triangular duel, the refusals of money, of tonnage and poundage, the king's attempts to extract money by force, the assertion of his prerogative, the failures of pressed and unfed soldiers and sailors, the quarrel with France, the disasters at Cadiz, at La Rochelle, everywhere; the mutinies, the arrests of politicians, the attacks on Buckingham, his murder, warmly applauded by many Puritans, the Petition of Right, the brawl in the House, the imprisonment of the members who led the brawl, the ministry of Weston, almost as much hated as Buckingham, the fall of Rochelle, the accession of Wentworth (Strafford) to the Royal cause, the dissenters' disorders which Laud could not repress, the discreditable peace with France and with Spain, the Dissolution, the beginning of Government without Parliament,—five years brought all these things, and, in 1633, led Charles back to Scotland. To Scotland we return.

That country had been a "more than usual calm" observer of the constitutional progress made by the sister kingdom. In the 'Annals' of Sir James Balfour, the English Parliament of June 1625 is dismissed in fifteen lines, without a single word about its religious and financial polemics. Spalding, who wrote 'The Memorials of

the Troubles in Scotland and in England,' begins, quite naturally, in 1624, with domestic affairs, a feud between the Earl of Moray and Clan Chattan, Moray having "cassin them out of thair kindlie possessions." They were too hard for the Earl, wasted his lands, "sorned throw the northlandis," and "Clan Chattan becamis moir furiously." Moray gets a commission of Lieutenancy, and that revives the old feud for the Bonny Earl, slain in 1592; everything in Scotland is as it used to be, and so Spalding passes on to 1628. The "troubles" in England, so far, do not attract his attention. With him all is dirk and dourlach, hackbut and claymore, not constitutional progress.

In Scotland, in short, as Charles, on his accession, wrote to the Privy Council, "matters shall continue and go forward in the same course wherein they now are." The country was governed by the Privy Council, Hamilton (Tam o' the Cowgate), now Earl of Melrose, being Secretary; Sir George Hay of Kinfauns, Chancellor; Mar, Treasurer; and six prelates, including Spottiswoode, Archbishop of St Andrews, having seats. A rising of MacIans of Ardnamurchan was put down by Lorne, Gillespie Gruamach, son of the Catholic Earl of Argyll, vanquished at Glenrinnis, and himself later the defeated of Inverlochry, and the victim of the Restoration.

A large contingent of lords and gentry went to James's funeral, where Spottiswoode declined to wear lawn sleeves, which was reckoned very noble and patriotic. Charles (July 26) emitted a proclamation, intended to be soothing, to this effect:—"restless and unquiet spirits, popishly disposed, have presumed to disperse false bruits and rumours that his Majesty intends to make some innovation concerning the estate of religion, or at the least to give too much toleration and connivance to the Popish profession." His Majesty, despite his promises to France, reassured his Scottish subjects on this point; but he made it clear that he would not revert to the golden state of the Kirk in 1592, or revoke the Articles of Perth.<sup>6</sup>

But Charles now caused fear and distrust. It was usual for the kings of Scotland to revoke, on attaining majority, all grants of crown property made in their long and turbulent minorities. As king, Charles had no minority, as prince of Scotland he had. On May 17, 1625, Gilbert Primrose, then in London for James's funeral, wrote that he had been employed by Lord Melrose to draft the king's Revocation. "The words were words of fear," says

Dr. Masson.<sup>7</sup> When the dreaded Revocation arrived, on July 25, it proved that Charles meant to revoke,—not only the grants of his minority as prince, but those of “our predecessors in their times, in detriment and harm of our soul and conscience,”—annexing these old grants to the crown and its patrimony, rights, and rents. This was alarming news, though worse was to follow. The menace seemed to upset the real property of Scotland. As Dr. Masson judiciously observes, this demand was drawn up (Sir William Alexander being perhaps the adviser?) just three days after the English Parliament had granted the king its starveling supplies.<sup>8</sup> The hint as to Charles’s imperilled “soul and conscience” may have referred especially to the alienations of Church lands. Charles may be credited with genuine scruples as to the wholesale robbery of the Church, after the Reformation, and, as we shall see, he finally did restore to the Kirk “a living wage” for all its ministers, which they had never enjoyed since the great pillage. The king may even have seen the enormity of the mistake made by the privileged classes when they starved a set of men so potent as the preachers; the sure way of producing a democratic and demagogic clergy.

While the Revocation was but distant thunder of uncertain import, a financial Convention at Edinburgh (October 27–November 3) with twenty-nine representatives of the minor barons or lairds, and twenty-one of the burghs, voted £400,000 (Scots) in three years, and a five per cent income tax. The vote was unanimous and enthusiastic, all unlike the English grant. Charles hinted a desire to commute most of the taxes for a force of 2000 men, with shipping, but to this the Convention would not assent. As time went on, and the foreign wars lasted, however, men were drilled for home defence, and a few ships were poorly provided by the Scots.

Meanwhile the most important matter in hand was an alteration in the constitutions of the Privy Council, and of the Court of Session, the Court of the Judges, “the Fifteen.” Gilbert Primrose had announced from London, in May, that there would be a “scail” (a scattering, as when devotees “scail,” or rush hurriedly, out of kirk) “among our Counsellors and the Sessioners (judges) removed from Council.” This was written on May 10, 1625, the Revocation of grants in land was not drafted for despatch to Scotland till July, and we may doubt whether Charles removed the judges from the Privy Council, and made privy councillors resign their seats on the Bench, because he conceived that the arrangement would enable

him to pass the Revocation more easily.\* This is the opinion of Mr Hume Brown, and of others. But Mr Gardiner, no Cavalier, commends the action of the king. "One great blow had been wisely struck at their" (the nobles') "supremacy by Charles. . . . He had ordained that, with the exception of the Chancellor, men who sat in the Privy Council as administrators of the Government, should not also sit in the Court of Session as judges."<sup>9</sup>

The Council, as it stood, heard of the intended reorganisation in November 1625, and did not like what it heard. On November 17 they sent to the king a letter of remonstrance. As to the Revocation, there was "fear universally apprehended." The nature and extent of the Revocation had been studiously kept in obscurity. Never had the good subjects been so heavily disquieted. Charles may have been promised "lawful and great gain," but he would find rather loss and disturbance. The Revocation, in fact, is regarded by the contemporary annalist, Sir James Balfour, as the beginning of evils, and of the Civil wars. "Let the reader here behold the seeds of most base and wicked counsel sown, which yielded no better fruit than the alienation of the subjects' hearts from their prince, and laid open a way to rebellion."<sup>10</sup> This is untrue; "better fruit" was the endowment of the ministers. The Revocation "passed the seals" despite remonstrance, directed also against the changes in judicial organisation.<sup>11</sup>

The proposed alterations affected seventeen of the best of the Council, including Melrose. The Council asked that some of their number might confer with the king, and Sir George Hay, with Melrose, went to Court. They fared so ill that, in January 1626, Melrose was deprived of the secretaryship, which was given to Sir William Alexander, later Earl of Stirling, an old tutor of Prince Henry, a poet of merit, and a man especially active in the futile attempt to plant Nova Scotia, and in the creation of Nova Scotia baronets. Alexander was to be Scottish Secretary at the English Court; and Melrose felt aggrieved, and probably was not consoled by a Royal letter.<sup>12</sup> Melrose's private memoranda show his grudge against the Revocation as too indefinite in some clauses, and a needless substitution of prerogative for the ordinary processes of law. We naturally ask, who put the king on this

\* Cf. Privy Council Register, i., xxxiv. lviii. Hume Brown, 'History of Scotland,' ii. p. 288. Rogers. Earl of Stirling's Register of Royal Letters, i., liv. lvi.

course? and no more probable name suggests itself than that of Sir William Alexander, who superseded Melrose. Meanwhile, early in 1626, Charles had to meet his second English Parliament after the disasters of the hapless naval expedition against Cadiz. The fiery Eliot led the Commons, Buckingham was to be impeached, the quarrel with France grew more angry, and the king, just before this embittered Session, sent, on January 26, 1626, a letter to explain his mind to his Scottish subjects.

He began with the usual proofs that he was a most satisfactory prince: he had already given orders for the banishment of priests and Jesuits. He next expressed his desire to provide for the Kirk and education out of the teinds, or tithes, which, since the Reformation, had drifted to lay holders *in commendam*, for life only, or had been given in perpetuity to new peers (titulars), or had been cumbered with the services and pay of middlemen ("tacksmen"); and, generally, had gone into all but the proper pockets—those of the ministers of the Gospel.\* It happened, in the intricate course of national and ecclesiastical pillage, that many landholders did not own their teinds, which belonged to some noble titular. Where the teinds were collected, as was usual, in kind—the actual "stooks" of corn,—the titular could ruin the occupant or owner of the harvest by making him leave the corn out in the wet till the teinds were gathered. This and other abuses led to endless feuds and slaughters, and Charles now expressed his design to free the gentry from these vexations, "that every man may have his own teinds" (those from his own lands) "upon reasonable conditions."

As to the Revocation in general, Charles avers that his intention is "not to wrong any of his subjects, nor to question any lands, teinds, profits, or privileges, save such as, belonging to the ancient patrimony of his crown, or annexed or falling thereunto, or belonging to the Church, are *without any just cause or lawful form* conveyed from the same to the detriment thereof, and against conscience, and may be 'laughfully' recovered."

This was far from pacifying the fears of landholders whose rights to old Kirk lands had now matured for generations. The king also averred that, in revoking grants by his predecessors, he followed the precedents of his father as regarded Queen Mary, of Mary as

\* The different methods and degrees of robbery and malappropriation of the "spiritualities" of the Church, the tithes or teinds, are fully and lucidly explained by Dr Masson, in his excellent preface to Privy Council Register, i., New Series.

regarded James V., of James V. as concerned James IV., and so back to James III. But he does not say that any revoker went back behind the reign of his one immediate predecessor. He is establishing Commissioners to aid the treasury, and, as he is levying 2000 men for the wars, needs money. As to legal reconstruction, he is merely restoring the Sessions Court to its original institution, in order that judges, no longer occupied with Privy Council work, may have time for their duties on the Bench. He is about to introduce a Commission of Grievances, but, as this was resisted, and regarded as an introduction of a Star Chamber, the scheme was dropped. Alexander's secretaryship at Court was announced, Melrose retaining a kind of correspondentship in Scotland.<sup>13</sup>

On March 23, the new Council was inaugurated, precedence over the Chancellor, Hay of Kinfauns, being given to Archbishop Spottiswoode, President of the Exchequer, "the first and last president that ever the Exchequer had," says Balfour. On July 12, this precedence of the archbishop was formally confirmed: but Kinfauns never yielded place to him: not even at Charles's Scottish coronation (1633): "Never a ston'd priest in Scotland should set a foot before him so long as his blood was hot," said Sir George to Balfour, who was Lyon King of Arms. "Weel, Lyone," answered the king, "letts goe to bussines, I will not meddle furdur with that olde canckered gootische man, at quhose handes there is nothing to be gained but soure wordes."<sup>14</sup>

Of course this precedence of a prelate increased the irritation of the nobles, and bred a jealousy against bishops, sometimes low-born, which was a potent cause of the later militant union of Kirk and peers. But Charles was, except for old Kinfauns, resolute or obstinate. He would give his new Nova Scotia baronets precedence over the lairds, or minor barons, who vainly complained: so the lairds too had a new grievance.

The new Council was indolent, but "auld Melrose" continued to work with his habitual energy. The main business was providing men and ships for the wars which now left England without a single friendly port except Huguenot Rochelle. "We have not in all the Christian world but one port to put a boat into, Rochelle," said Bristol in the House of Lords. "We have been like the broken staff of Egypt to all that have relied upon us."<sup>15</sup>

Without money, and with pressed men, starved, mutinous, and undrilled, Charles might have said of his foreign wars, *ego rapulo*

*tantum*. Scotland did next to nothing for the navy, but perhaps in all some 20,000 men left home "to fight the foreign loons in their ain countrie." From Sutherland, Mackay led the peasantry of Strathnaver, accustomed to half starvation, as Richard Franck found them some twenty-five years later. Mackay (Lord Reay) founded a house half Scots half Dutch; and Leslie, Seton, Lord Nithsdale, and others, raised levies, with many a Dugald Dalgetty in their ranks.

*La guerre est ma patrie,*

might have been their motto, and they were worthy descendants of the old Scots Archer Guard of France. Many of these troops were "masterless men," "ill neighbours," ne'er-do-wells, like Thomas Tower, of Auchindoir parish, described by the minister as "ane drunkard, blasphemer of Godis name, and ane continuall tuilzear" (brawler), "and most fitt to serve the Kingis Majesteis varres." Another recruit was "ane sorcerer and charmer": it is better to fight than to burn, as a witch. Hawick sent a very lawless contingent, including a piper: on the whole the types of Nym and Pistol were well represented, waifs and strays from the running feuds in which the Gordons of Gicht were specially distinguishing themselves, in a manner worthy of Lord Byron's ancestors. Of these impressed ruffians many may later have borne arms for the Covenant.

While the Revocation hung like a thunder-cloud over every landed man in Scotland, Charles was not conciliating the Kirk. The laity had been wont to criticise and censure their preachers, in Edinburgh at least, on the Tuesday before Communion Sunday: a pleasant interlude of "heckling" which Charles put down. The Provost and Bailies pointed out that the fashion was as old as the Reformation, though we do not remember having met any account of a Tuesday's "heckling" of John Knox—a sight worth witnessing. Charles replied to the remonstrance with his usual tact, "the narrative, if it be true, shows what a Reformation that was, and how evil advised. . . . This is an Anabaptistical phrenzy."<sup>16</sup> Charles continued to persecute the Catholics, but that sop never satisfied the Presbyterian Cerberus. The subject of the Revocation was revived by a royal letter on July 11, 1626, considered by the Council on July 21. Charles now limited the Revocation to goods of the Church, annexed to the Crown, and later granted away, and to "Regalities and Hereditary Offices, and against the changes of holdings since 1540 from the ancient tenure of Ward and Relief



to Blenshe and Taxt Warde." This was alarming, and, though the heritable offices, an old curse of Scotland, survived till 1746, their holders probably suspected that Charles might, at any convenient hour, pounce on what he actually spared. He added that he had appointed Commissioners to arrange terms of composition with all who voluntarily surrendered their holdings, as described, before January 1, 1627.<sup>17</sup>

No man surrendered, and, on August 22, Charles began an action at law against the recalcitrants, technically "a summons of reduction." All concerned were to show their titles, and "hear and see the same reduced." Thomas Hope, who had once defended imprisoned preachers, took charge of the action. The main change was to be in the Royal recovery of Church lands (temporalities), and teinds, or tithes (spiritualities). As an example of the distinction, the Earl of Gowrie, about 1592, enjoyed the lands, the temporalities, of Scone, as an "erected lordship"; they descended to his legal heirs, supposing him to have had any. But of the teinds or tithes, the spiritualities of the Abbey, he had only a tenure for life, like other lay abbots, or commendators, holding "in commendam."

The Kirk, from one point of view, did not regret the "erected lordships," hereditary, carved out of old Church lands. These, it was thought, could never again be wrung from their noble holders, and used to pamper an idolatrous or prelatical Church. The security of Presbyterianism lay, as has elsewhere been said, in the thoroughness with which the old Church had been stripped of her property. But, by "The Red Parliament" of 1606, contrary to the Act of Annexation of Church Lands to the Crown in 1587, "Bishops' Lands" (not including abbey and priory lands held by bishops) had been restored to the hated prelates. The old secular property was given back, or was to be given back to the new bishops of James's creation: *not so* the property of the old regular or monastic clergy. "The two Scottish archbishoprics and eleven Scottish bishoprics, had, before the end of James's reign, become very substantial benefices. . . ." <sup>18</sup> Meanwhile the teinds were scattered, as we saw, among lay holders of many different sorts, all tenacious; the Kirk receiving but a starveling portion. To improve this condition of affairs was the object of the Constant Plat of John Lindsay, "Parson of Menmure," a plat of which he himself despaired. During his Scottish visit of 1617, James had

devised a "constant plat" of his own, for the better endowing of the preachers, the king intending it to sweeten his unwelcome changes as to kneeling at the sacrament and so forth. Things so fell out that the Kirk "was more damnified than bettered," as Spottiswoode remarked.

Charles's purpose now was to recover the teinds, or as much of them as he could, from the complex ranks of lay holders, and to give the ministers at last "a living wage" out of these sources. This project horrified not only the nobles but the bishops. In November 1626 these bodies held meetings at Edinburgh, nominally as to putting down Catholics. "In some parts of the country the Papists are so strong in kindred, alliance, and friendship, that none of the bounds dare or can execute any commission against them," the Council reports. Taking this opportunity of being met, the bishops sent two of their number and two ministers to Court, the Lords sent three young nobles, later notable in "the troubles," the Earls of Rothes and Linlithgow, and Lord Loudoun.<sup>19</sup>

The young peers were at first rebuked, but one of them, Linlithgow, was presently (January 12, 1627) made Admiral of Scotland, during the minority of the young Lennox. The registration of the Revocation was also postponed.<sup>20</sup> The petition, signed by Melrose and many others, and carried by the three young nobles, had at least been considered. Charles had at first (December 4, 1626) "snibbed" Melrose for his part in the matter, but listened with courtesy to his proposal to call a Scottish Parliament. The king (January 17, 1627) said that he would think of a Parliament if a new Commission proved unsatisfactory.<sup>21</sup> Charles had caressed and perhaps thought he had captured the young bearers of the petition, and the Privy Council received the New Commission on January 30, 1627. The Commissioners, a body of great weight, representing the prelates, nobles, lairds or minor barons, and burghs, was to cite all concerned to give in their surrenders before August. They were first, to induce lords of erections and other titulars of teinds, to sell the teinds to the owners of the lands on which they were levied. This would prevent the usual feuds and bloodshed at the collection of teinds on the fields, and secure "that the churches may be provided of sufficient ministers, the ministers of competent stipends, and that we may have a reasonable increase of our revenue."<sup>22</sup>

The Commissioners went heartily to work, but the minor barons,

the probable buyers of the teinds from the titulars, desired that the king should first purchase from the titulars, and then the barons from the Crown. Sir James Learmonth of Balcomie, and Sir James Lockhart of the Lee, successfully negotiated this matter with Charles. Many questions of detail were left to the king himself. Lauderdale, Hamilton (great-grandson of Queen Mary's Châtelherault), Melrose, Nithsdale, and other great titulars, set the example of sending in their surrenders. Meanwhile the ten bishops on the New Commission proved troublesome. The Kirk's ideal, the recovery of all the teinds, was obviously shattered: the teinds were "too great a morsel for their greedy mouths," said Melrose. Charles "wondered and was displeased" at the insurrection of his very own men, the bishops and archbishops.<sup>23</sup> The ministers, both of the Conformist and good old Presbyterian parties, began now to speak of a General Assembly. When that came, chaos came with it. Meanwhile the details of valuation of teinds were worked at, and a certain amount of definiteness was reached, in Charles's "Decreits Arbitral," in 1629. The king had consulted in the summer of 1628 with members of the Privy Council and others. If we believe the gossip of Burnet, the angry nobles had a plot to slay these advisers on their return, in the good old style; but Burnet's evidence is not always trustworthy, and the date is unknown. The teinds were valued by Charles at nine years' purchase, and at one-fifth of the rents of the lands on which they were levied.<sup>24</sup> "All men desiring to have their own teinds came in willingly," says Row,<sup>25</sup> but this point is disputed. "It appears from a report of Commissioners in 1636 that at that time the far greater sort are not yet valued."<sup>26</sup> Parliament confirmed the settlement in 1633.

As for the Church lands (not the tithes), the holders were to retain them, paying a rent to the Crown. There is no doubt, we repeat, were it only for the evidence of Balfour—a Bishop-hater indeed, but as Lyon attached to the king—that the Revocation produced discontent, apprehension of greater changes to come, and a tendency on the part of the nobles to side with the exasperated preachers. The preachers, again, like most people, felt no gratitude for benefits that resulted from a political measure. The Revocation was an inducement to rebellion. Mr Gardiner says "in its final shape the arrangement is worthy of memory as the one successful action of Charles's reign . . . it weakened the power of

the nobility, and strengthened the prerogative in the only way in which the prerogative deserved to be strengthened . . . by the popularity it gained through carrying into effect a wise and beneficent reform. . . . It is hard to say that the nobility had any real ground for dissatisfaction."<sup>27</sup> But there is no sign of any access of popularity: the prerogative could not be strengthened by diffusing general suspicion of revolutionary royal designs; and, in short, if the Kirk was better endowed, Charles was more detested.

His ecclesiastical policy blew the fire of hatred from another quarter. In July 1626, he sent down a letter as to the standing source of disquiet, the Articles of Perth. These, it will be remembered, enjoined kneeling at the Communion, which savours of idolatry. Nonconformist ministers ordained before the passing of the Articles were, for a time, to be gently used, provided that they did not agitate against the Articles. Ministers banished or imprisoned for nonconformity were, under certain conditions, to be repatriated and released. Ministers ordained since the passing of the Articles were to be urged, under episcopal censure, to conformity: all were to sign a band of conformity. But Catholic nobles, like Nithsdale, and (later) Huntly, Angus, and Abercorn, were not to be "troubled for their religion."<sup>28</sup> Yet, at Easter 1627, very few kneeled, and some ministers did not kneel at the Communion, in "the Great Kirk."<sup>29</sup> At Easter 1628, some preachers sent a remonstrance on the matter of kneeling to the king, which he answered angrily, in a letter to Spottiswoode, threatening "condign punishment."<sup>30</sup> There was no Communion. Robert Bruce, the veteran opponent of James, was confined to a three miles' radius of his house at Kinnaird. He had been preaching, near Edinburgh, that he was the only "lawful minister of Edinburgh living" (thus anticipating a later Cameronian divine), and that the Edinburgh ministers were, in his opinion, "greater enemies to the gospel of Christ than the bishops are," most of the Edinburgh preachers being conformists.<sup>31</sup> In 1630, Mr. Foster, at Leith, denounced Christmas celebrations, preaching on Christmas day.

It was obvious that the Articles of Perth were a smouldering fire. Many of the younger ministers did not much object to them, but the women, at all events, hated them furiously; and the older prelates, like Spottiswoode, had most reluctantly accepted them, merely to avoid the anger of the king. But younger prelates were coming in,

who, in some cases, were anti-Calvinistic in doctrine. Latitudinarianism, “Arminianism,” had invaded the Kirk; already, as again in the eighteenth century, there were “Moderates,” who declined to preach “tidings of damnation.” The same men had no dislike of a modest amount of ecclesiastical costume, and of a liturgy which would prevent the grotesque language of “conceived” prayers: not really inspired by “the Spreit.” It was later, in 1634, that the devout Mr William Forbes became Bishop of Edinburgh. He lived but a few weeks as bishop there, but his faith, says Row, “was a strange miscellanie, farrago, and hotch-potch of Poperie, Arminianism, Lutheranism, and the rest,” in which he was followed by Bishops Maxwell, Sydserf, and Mitchell. “Then it was taught—The Pope is not Antichrist—A Papist living and dying such may be saved—Christ descended locally to Hell,—Christ died for all, intentionally to redeem all,—The Saints may fall from grace, finally and totally—Christ is really present in the Sacrament, *Verbum audimus, motum sentimus, modum nescimus*,” and other heresies.<sup>32</sup> To lay minds, it does not seem that the comment on the sacrament necessarily exceeds the sense of the nobly mystic words of Knox’s Confession of Faith—a theme not adapted for this place.\* “The larger hope,” and the tolerance of Forbes’s teaching are not, laymen may think, less Christian in spirit than Spottiswoode’s cuffing of Father Ogilvie, whom he tortured and hanged, or Row’s use of “bellie-gods” as a synonym for bishops, however personally ascetic. While contemning Charles’s younger Scottish bishops as politicians; while detesting the odious policy of crushing the consciences of the people, we cannot but see that, in their doctrine, as often in their lives, these new conformist divines were infinitely nearer than their opponents to the mind of their common Master. They had reached a point in religion at which many of the Scottish clergy have now arrived; while certain of them have passed beyond it, into who knows what region of devout darkness and negation of belief. The world could not remain Calvinistic, even in Scotland, and the new bishops were pointing in the direction of Christian charity with one hand, while, with the other, they were forcing their flocks into a fold which these stubborn sheep would not enter. The bishops even favoured organs, and few kirks are now to be found without some such instrument. But, on this side, the bishops were

\* Mr Gardiner says that the *Calvinistic* doctrine is “that of a real but spiritual presence” (viii. p. 311).

guilty of an error condemned by a modern statesman, as by Charles Fox. They were "in advance of their time." \*

Meanwhile the Kirk had understood that, by a definite promise of James, they were not to be tormented with innovations beyond the Articles of Perth. They had the word of the Marquis of Hamilton, when the Articles were ratified in 1621.<sup>33</sup> But this promise, Melrose told James at the time, was conditional on obedience to the Articles. How far they were obeyed we have remarked. In any case, as early as 1616, there had been attempts on the king's side to prepare and publish a Book of Canons, and a liturgy, and a large Commission was appointed to that end, under the sanction of the General Assembly at Aberdeen (vol. ii. pp. 510, 511). A draft of a liturgy was then drawn up; Cowper, Bishop of Galloway, being one of the constructors. (This was the Cowper, minister of Perth, who, in 1600, gave evidence as to the Earl of Gowrie's remarks on the extreme secrecy necessary in conspiracies. He died in 1619.) In 1619 Spottiswoode took the draft to Court, and it was to be printed. The thing stood over, and perhaps James thought that his promise of 1621 was binding on him.† In 1629, under Laud's influence, Charles returned to the project of the liturgy. Laud was pursuing his desire of uniformity, a mere will-o'-the-wisp in Protestant countries. Charles would now impose a liturgy by force. He failed, and by force the godly imposed the Covenant. Both parties were equally intolerant, equally reckless of conscience and of liberty. The king's idea was that the Scottish liturgy should be as near the English as Scottish national jealousy would permit. About 1629 a draft of what the Scottish bishops thought possibly feasible was taken to Court, but Laud recommended the mere imposition of the English liturgy.‡

Struthers, a conformist minister of Edinburgh (St Giles's Church), heard of these proceedings, and, on January 28, 1630, wrote a letter of remonstrance to the Earl of Airth, sometime Earl of Menteith, who, as a descendant of the second and legal wife of Robert II., caused some umbrage to Charles II. Struthers said that the people dreaded liturgy and organs. The bishops, he added, were already the victims of public detestation. When they deposed a noncon-

\* See Mr. Mathieson's 'Politics and Religion in Scotland,' i. pp. 326-344, for an appreciation of the bishops.

† The evidence is doubtful, being that of Hackett, in 'Life of Archbishop Williams' (p. 64), in the passage where he mentions James's expressed distrust of Laud.

‡ I follow Dr. Sprott in his work already cited.

formist, they could scarcely find a substitute to take his place. Popery may increase, "The people universally will be made susceptible of any religion, and turn atheists in gross."<sup>34</sup> Indeed the Reign of the Saints was attended by the rise of the craziest sects "of any religion," down to that of Meikle John Gib, who ended as a medicine man, or pow-wow, among the Red Indians. This was the result of uniformity enforced by secular violence. In 1631, Maxwell preached in Edinburgh, on the divine appointment of bishops, against which some of the canny prelates themselves remonstrated. Such was the condition of ecclesiastical affairs, so violent was the repugnance to Anglican innovations, when Charles, in 1633, came to Holyrood for his coronation, with Laud in his train.

It was on June 15 that Charles, with a very gallant company, entered Edinburgh. The good town had made some effort to sweep and garnish itself. The custom was to place all of what would now be the sewage of each house, simply in the public streets, whereby they "abounded with all kind of filth." This was forbidden for the time, and it was designed to appoint a dustman, "some honest man with ane kairt and hors," to carry away refuse. The heads on spikes which, by a lovable custom, usually decorated the gates, were removed: the heads were those of "some malefactors," unknown; and no Presbyterian prophet predicted that the king's head would soon be in little better case. A gallows with a casual malefactor, which enlivened the links (Bruntsfield links?) was also taken away.<sup>35</sup> The pageants were unusually magnificent, but the picture of the everyday state of the dirty town is more instructive than a record of its occasional splendour.

Though gallows and heads of malefactors were concealed, the real skeleton in the closet at once made its appearance. An Edinburgh preacher named Hogg, in his own name and that of other brethren, presented Charles with a list of grievances, which the king read through, says Balfour.<sup>36</sup>

1. The bishops had not observed the celebrated "caveats," as under the law of 1597. They ought to propose nothing in Parliament, Council, or Convention, in name of the Kirk, without warrant from the Kirk.

2. They do not give accounts of their stewardship to General Assemblies.

3. The Kirk should be heard on all this, and the bishops kept under the ignored caveats.

4. General Assemblies, by law (1592), should be held yearly : this law ought to be ratified.

5. The unholy Articles of Perth are contrary to an Act of 1567 ; moreover nonconformists are nicknamed " Puritans," and are oppressed.

6. New oaths for ministers are coined. Here Row, in a comment, avers that whoever takes the oath " obliges himself to be an incarnate dewill." *Ne fait ce tour qui veult* : but Row is very convinced. He adds, ominously, that all have " abjured antichristian prelacy in *the Covenant*" (1581) " which binds the posterity as well as the takers of it at first."<sup>37</sup> Row makes it clear, however, that many ministers were now on the conformist side.

These and similar ejaculations were presented to Charles at Dalkeith, on June 13, before he entered Edinburgh. The demands of Hogg were like the books of the Sibyl. Charles was to buy them later at a dearer ransom, or rather was to abandon much that, had he conceded what was now asked, he might have retained. His coronation service was adroitly contrived to increase the Protestant tremors of men who believed Buckingham to have been a Papist. Spottiswoode and some bishops wore white sleeves, which, at James's funeral, Spottiswoode had disdained. There was " a four cornered table in manner of an altar, with two books at least resembling clasped books" (a sight of dread), and candles, and a basin, " wherein there was nothing." There was a tapestry, wrought with the Crucifixion, to which the bishops becked and bowed, " for the quhilk they were all deposit." Matters had gone far beyond organs ; here was plain idolatry.<sup>38</sup> Later came the Riding of Parliament, the king " alighted at the stinking stile," so called *par excellence*.

The Parliament was a mere burlesque of a constitutional assembly. So irregular had the shadowy constitution been, that the all-important Lords of the Articles were chosen in different ways at different times. In the Reformation Parliament or Convention of 1560, according to Randolph, the Spiritual Lords were chosen by the Temporal (vol. ii. p. 76). This manner was revived. But the Spiritual Lords, in 1560, were in many cases lay holders of abbeys and parsonages " in commendam," and, as such, were paid to be trusty Protestants. In 1633 the Spiritual Lords, being bishops, were politically creatures of the king, who was the creature of Laud. Consequently they chose convenient Lords, including the young Duke of Lennox, and



the young Marquis of Hamilton. He had been accused by Lord Reay (Mackay of Strathnaver) of treasonable designs, while abroad aiding Gustavus Adolphus, in 1631. But the king loved and trusted Hamilton: loved too blindly, trusted too long. The Sixteen Lords of the Articles chose eight from the Lairds, and eight from the Burgesses, and Charles added eight officers of the Crown.<sup>39</sup> The Lords of the Articles were thus a packed body, and to the House their recommendations were offered in block: there was no debate on clauses, in fact no debate at all. The first Act, financial, imposed an income tax, and a reward was offered for informers against dishonest returns. Another Act enabled the king to regulate ecclesiastical costume, which now included "whites," or surplices, a thing abominable, being derived from the vestments of the priests of Isis. The Revocation was ratified. Francis Bothwell, son of the adventurous Bothwell who had so harried King James, was rehabilitated, and there was an arrangement about his recovery of lands from the Earls of Buccleuch and Roxburgh (Scott and Ker), names apt to hold a good grip of the gear, and not likely to be conciliated to Charles by the proceeding.<sup>40</sup> \*

Against such measures as these a Supplication was drawn up by many members. The ecclesiastical innovations were denounced, and "such an inquisition in men's estates as is not practised in any other nation in Christendom."<sup>41</sup> This Supplication was not presented, but a copy later came into Spottiswoode's hands, and a son of that Balmerino who was ruined by James VI. was put at, and for many months lay in prison, for his connection with the paper. His father had been a true prophet; he beheld Scotland "coming in a vile servitude, the foresight of which is all my wrack" (vol. ii. p. 504). The maltreatment of the Balmerino of 1633 produced a spirited remonstrance from the poet recluse, Drummond of Hawthornden, who advised the king to read Buchanan's 'de Jure Regni apud Scotos.'<sup>42</sup> A poet, a man of peace, one who of all things hated turmoil, Drummond spoke out, but Charles was deaf to every warning. When the crash came, Balmerino had "a contented revenge."

When the bills were to be voted on in Parliament, the king openly noted down his opponents' names on paper; he meant to intimidate, he only enraged his subjects. The bills were carried,

\* The Francis Stewart of 1633 was the forebear of the Frank Bothwell of 'Old Mortality,' who keeps a list of his family's estates and of their actual holders, signed *Haud Immemor*.

but it is said that Rothes challenged the correctness of the computation of votes. He was stopped by being told that he would imperil his life if he demanded a scrutiny and did not thereon prove his case. He, too, had his revenge.<sup>43</sup> A constitutional opposition had never existed in Scotland. The method of the dirk and the ambushade had prevailed. From these, in England, Charles was safe. The complaints of his northern subjects reached him faintly, in London; when in Scotland, he closed his ears to them. The gossiping Bishop Burnet heard many strange things from his father, who remembered such ancient worthy prophets as Davidson and Robert Bruce. Among other things he heard that, had Balmerino not been acquitted (his case dragged on into 1635, and he had been found guilty of "leasing-making" by a majority of one vote) his prison would have been forced, the hostile jurors killed, and their houses burned. In 1630 the Lord Aboyne (Huntly's son) and the laird of Rothiemay, had been burned to death in the house of the laird of Frendraght (Crichton): times still were violent. Treachery at Frendraght was suspected, and a young lady, Margaret Wood, was tortured in the boot; was accused of "prevarication," and publicly flogged.<sup>44</sup> These things arose out of a Crichton and Gordon feud, and it is perhaps uncertain whether Crichton of Rothiemay deliberately burned the Gordons who were his guests.<sup>45</sup> The popular ballad, *The Fire of Frendraght*, preserves the memory of the affair. The savage old temper survived in Scotland, and this temper Charles deliberately provoked in the strength of the Tudor theory of monarchy. He made Edinburgh a bishopric, appointed to it the egregious Forbes, already named as having maintained that the Redeemer died for all, and he "dung down" the partition walls which had divided St Giles's into two, an unsightly arrangement.<sup>46</sup> In the decadence of our age, St Giles's is once more a single church, and a fee is charged for admission, the building being thus open (to capitalists) on "lawful days."

Charles had departed for England on July 18; in August, Laud became Archbishop of Canterbury. Row tries to prove that Laud's is the name of the Beast (Revelation xiii. 17, 18). Charles had now two sons to succeed him, Charles (1630), and James (1633). This was grievous to good men, for had the king remained "a barren stock" his more Protestant sister, Elizabeth, would have succeeded. Strange fortunes were prepared for his children by Charles's next important step, the effort to introduce "Laud's Liturgy."

## NOTES TO CHAPTER I.

- <sup>1</sup> Row's 'Historie of the Kirk of Scotland,' p. 339.
- <sup>2</sup> *Op. cit.* pp. 346, 347.
- <sup>3</sup> Gardiner, 'History of England,' vol. vii. p. 145. 1899. In the small cheaper edition.
- <sup>4</sup> Gardiner, 'History of England,' vii. p. 142. Citing Soranzo's despatch, July 2/16, 1626. Venice, MSS. <sup>5</sup> Gardiner, 'History of England,' vi. 110.
- <sup>6</sup> Privy Council Register, i. (N.S.) pp. 91-93.
- <sup>7</sup> Privy Council Register, i., xix.
- <sup>8</sup> Privy Council Register, i. pp. 81, 82.
- <sup>9</sup> Gardiner, 'History of England,' vii. p. 297.
- <sup>10</sup> Balfour, 'Annals,' ii. p. 134.
- <sup>11</sup> Privy Council Register, i. pp. 193, 194.
- <sup>12</sup> Fraser, 'Haddington Memorials,' i. p. 169, ii. pp. 145-147.
- <sup>13</sup> Privy Council Register, i. pp. 227-233.
- <sup>14</sup> Balfour, 'Annals,' ii. pp. 141, 142.
- <sup>15</sup> Gardiner, 'History of England,' vi. p. 307.
- <sup>16</sup> Privy Council Register, i., c.
- <sup>17</sup> Privy Council Register, i., cv. pp. 351-353.
- <sup>18</sup> Privy Council Register, i., cxlii.
- <sup>19</sup> Privy Council Register, i. pp. 456, 457.
- <sup>20</sup> Balfour, 'Annals,' ii. pp. 153, 154.
- <sup>21</sup> 'Register of Royal Letters,' i. pp. 103-119.
- <sup>22</sup> 'Register of Royal Letters,' i. p. 145. March 26, 1627.
- <sup>23</sup> Privy Council Register, Second Series, i., cxcvii.-cxcix.
- <sup>24</sup> Act. Parl. Scot. v. pp. 197-207.
- <sup>25</sup> Row, 'Historie of the Kirk of Scotland,' p. 345.
- <sup>26</sup> Mathieson, 'Politics and Religion in Scotland,' i. p. 350, note 2; not in Library.
- Gardiner, 'History of England,' vii. pp. 279, 280.
- <sup>28</sup> Balfour, 'Annals,' ii. pp. 142-145.
- <sup>29</sup> Row, 'Historie of the Kirk of Scotland,' p. 343.
- <sup>30</sup> Row, 'Historie of the Kirk of Scotland,' p. 346.
- <sup>31</sup> Row, 'Historie of the Kirk of Scotland,' p. 347, cf. Privy Council Register, ii. p. 537, as to Bruce.
- <sup>32</sup> Row, 'Historie of the Kirk of Scotland,' pp. 371-373.
- <sup>33</sup> Sprott, 'Scottish Liturgies of the Reign of James VI.' p. xxxv., citing Calderwood and Spottiswoode. <sup>34</sup> Balfour, 'Annals,' ii. pp. 181-184.
- <sup>35</sup> Documents Relative to the Reception at Edinburgh of the Kings and Queens of Scotland, Edinburgh, 1822. <sup>36</sup> Balfour, 'Annals,' ii. pp. 215, 216.
- <sup>37</sup> Row, 'Historie of the Kirk of Scotland,' p. 361.
- <sup>38</sup> Spalding, i. p. 36. <sup>39</sup> Act. Parl. Scot. v. pp. 9, 10.
- <sup>40</sup> Act. Parl. Scot. v. pp. 15-55.
- <sup>41</sup> Row, 'Historie of the Kirk of Scotland,' pp. 365, 366.
- <sup>42</sup> Masson, 'Drummond of Hawthornden,' pp. 233-241.
- <sup>43</sup> Row, 'Historie of the Kirk of Scotland,' pp. 366, 367, note 1.
- <sup>44</sup> Spalding, i. pp. 17-21.
- <sup>45</sup> Privy Council Register, ii. pp. 533, 534.
- <sup>46</sup> Row, 'Historie of the Kirk of Scotland,' p. 369.

## CHAPTER II.

## THE LITURGY AND THE COVENANT.

1633-1638.

WHILE in Scotland, Laud, like Charles, had been struck by the neglected and ruinous condition of the sacred buildings. As early as 1626, he had ordered the cathedral of the Bishop of Ross to be repaired, and "that every diocese should take the like course with their cathedral church, as being a principal parish church to them all."<sup>1</sup> A few new churches were built under Spottiswoode: one, at Dairsie in Fifeshire, is a curious example of Jacobean imitation of mediæval architecture. Decency, orderliness, uniformity, were what Laud and Charles desired in churches as in services. "Our father of blessed memory immediately after his coming into England compared the decency and uniformity of God's worship here, with that diversity, nay, deformity, which was used in Scotland, where no set or public form of prayer was used, but Preachers or Readers and ignorant Schoolmasters prayed in the Church, sometimes so ignorantly that it was a shame to all religion to have the Majesty of God so barbarously spoken unto; sometimes so seditiously that their prayers were plain libels girding at sovereignty and authority; or Lies, being stuffed with all the false reports in the Kingdom." So Charles said, or was made to say, in his 'Large Declaration,' issued in 1639 (p. 16).

There did, in fact, exist a book of common order for prayers in church, but, if the king is right, "conceived prayers," barbarous and political, were not unusual.

As to the condition of the sacred edifices, it was a not uncommon, if not an official Presbyterian opinion, that there was no holiness in a place: a house built with hands. The practical inference was that, in testimony to this doctrine, churches might be as neglected

and dirty as suited the genius of the people and the age. Father Baillie, a Benedictine, described St Giles's Church in 1627. "Bare walls and pillars all clad with dust, sweepings and cobwebs . . . and on every side the restless resorting of people treating of their worldly affairs ; some writing and making obligations, contracts, and discharges, others laying counts or telling over sums of money. . . . The west end of the church is divided into a high house for the College of Justice, and a lower house, called the Low Tolbooth," for minor cases.<sup>2</sup> "Ye have made it a den of thieves."

In such circumstances, Laud and Charles desired to introduce decency, and, practically, the English Liturgy. The desire was, in itself, blameless ; not so the despotic measures by which a book of prayer, with, it might be feared, soap and water to follow, was thrust on the Kirk and the nation. The Book of Common Prayer of Knox was more a guide or directory to the conduct of the services than a text to be strictly followed : "conceived prayers," by the minister himself, were more congenial, and were perhaps directly inspired. They were as political as the sermons. Meanwhile, even to so learned and relatively moderate a Presbyterian preacher and historian as Baillie, later Principal of Glasgow University, the beautiful prayers of the Liturgy seemed "anti-christian." It is impossible to follow here, in detail, the development of a scheme for the revision of the Presbyterian book, a scheme which had hung incomplete for twenty years. The Scottish bishops practised a policy of delay, but Dr Sprott writes "It is evident that the Scottish Prayer Book was virtually settled in April 1636, by Laud and Wren writing into an English Liturgy the few changes suggested in Scotland, which they were willing to admit, and such other alterations, mostly in an opposite direction, as seemed good to them."<sup>3</sup> Not all of the Scottish bishops agreed. The book, and the Canons which preceded it, had no ecclesiastical sanction, either of all the bishops, or of a General Assembly. The imposition was an act of sheer royal autocratic papacy : the book, being English, insulted Scottish national sentiment ; the changes from the English version were deemed to imply a nearer approach to Rome. Protestantism was in danger. The landowners suspected that Charles meant to recover more of their old ecclesiastical estates, for the rebuilding of cathedrals, or cleaning of churches ; and thus, from "the rascal multitude" upwards, through every rank and condition of his subjects, he gave intolerable offence, and caused

extreme apprehension. He lost three kingdoms and his head, not for a mass, but for a surplice. The Book of Canons, printed in 1636, preceded the Liturgy, and enjoined the acceptance of it; "The Masse in English," says Row. "All must subscribe the Oath of Supremacy and the Book of Canons."

An intention to introduce auricular confession was suspected. The communion table was to be at the upper end of the chancel, and the cup was named the chalice. There was to be no excommunication without the bishop's approval, and excommunication had been and continued, after 1638, to be the rod and staff that comforted and defended the Kirk. "Popish words" such as "clergy" and "laity" were employed. Happily the canons ("cannons" a joke of the day) could be turned against the wicked prelates, for the canons enjoined deposition for *simony*. Now the bishops were "glad to see money" (note the play upon words, or pun), and so they were righteously deposed in 1638. The complaints, and the joke, are chronicled by Row.<sup>4</sup>

The result of the introduction of the Liturgy is known to all. Baillie discovered that "the Liturgy is taken for the most part out of these *Antichristian Writs*"—the Romish rituals! Ministers were ordered to purchase the book and use it: they behaved in such various ways as they deemed convenient. On July 23, 1637, in St Giles's, "the common people, especially the women," made the historical riot. Row says that several stools were thrown at the dean; others, that one woman threw a stool: most historians now refuse the credit to Jenny Geddes. There was abundance of virtuous ribaldry, minutely chronicled by admiring pens. The bishop nearly fell into the hands of the mob, in the afternoon. It is not certain whether or not the tumult was prearranged, or whether the female "bangsters" were men in women's weeds. Spalding affirms that the riot was organised by the nobles, who heartily hated the bishops, as usurpers of their authority and "greedy mouths" gaping for their property.<sup>5</sup> Others attribute the beginning of the clamours to waiting-maids who were, apparently, keeping seats for their mistresses. These ladies liked sermons, it would seem, better than prayer, and meant to come in when the preacher arose. On the whole "the devouter sex," and the rascal multitude (which broke the church windows), were quite capable of doing spontaneously all that was done. Mr. Gardiner judiciously remarks that, if 'prentices disguised as women threw stools, they

would not have missed. In any case the stool that was thrown played the part of the stone hurled at the tabernacle in the church of Perth (1559). The first shot in the long war had been fired.\*

One effect of the Edinburgh riot was to perplex the Council, wherein, of course, the bishops, though no keen enthusiasts for the Liturgy, were of one mind, and most of the Lords probably of another. The next consequence was that public services of religion were put for a while under an interdict.<sup>6</sup> Again, the use of the Liturgy had been enforced under the sanction of "horning," a mild form of outlawry under which debtors habitually lay. Certain clergymen of Fife, notably Henderson of Leuchars, soon to be the most powerful minister in Scotland, took legal measures to stay the horning process. The Council decided that "horning" applied only to those who did not buy, not to those who did not use the Liturgy. Meanwhile the king commanded that the rioters should be punished (as in the Porteous case, they were not), and the Council were to enforce the use of the detested "mass-book."<sup>7</sup>

On the other hand, volleys of petitions or "supplications" were discharged against the book, from all classes, ranks, and bodies of the kingdom. The country, save in the north-east (the western Celt cared for none of these things), was united. Young Lennox carried to London a supplication from the Lords and Gentlemen, with a list of sixty-six other petitions.<sup>8</sup> The Duke could speak to the intense and uniform excitement of the country. The names of the noblemen suppliants by themselves prove the unanimity. From the far north came Sutherland; Fifeshire sent Rothes; for Ayrshire was Cassilis; for the eastern Border, Home; there were Lothian, Kinnoul, Wemyss, Dalhousie, Montgomery, Fleming, Lindsay, Elcho, Yester, Sinclair, Loudoun, Balmerino, Burley, Dalziel, Cranstoun, Boyd; men whose fathers had stood on different sides in the wars of Moray and Mary, of Church and Kirk. Drawn up in long lines, nobles on one side, ministers and lairds on the other side of the road, from the Cross and the Luckenbooths to the Stinking Stile, they had waited for Lennox: the Council received the petition (September 20), and handed it to him.

\* An excellent account of the development of the Liturgy will be found in Mr. Hill Burton's 'History of Scotland,' chapter lxviii. The author goes into the question with the zest of a book hunter. Dr Sprott's work is also admirable. Of the riot perhaps the most complete contemporary account is in Lord Rothes' 'Relation of the Affairs of the Kirk, 1637-1638,' see the Appendix, Bannatyne Club, 1830. I have not thought it necessary to enter more fully into particulars.

Rothes had a conversation with Spottiswoode, and declares that the prelate merrily said "if the king would turn Papist we behoved to obey," and,—the fatal Tudor precedents in his mind,—he instanced Edward VI., Mary Tudor, and Elizabeth. He might have added Henry VIII. ; in any case it is clear that Charles I. was acting on the example of four English monarch-popes, who had changed the nation's creed at their will.<sup>9</sup> Rothes made the obvious reply ; parties in England had been so equal in force, that the king's will could lightly tilt the balance. In Scotland it was not so ; nearly all (for the Catholics were mere Ishmaelites), were then Presbyterian. When the Covenanters insisted that Charles I. and when the Protesters insisted that Charles II., should force Presbyterianism on England and Ireland, they returned, unconsciously, to Tudor principles. If it was wrong for the king to compel Scotland to accept the Liturgy, it was right for him to compel England and Ireland to accept Presbyterianism. Such was Covenanting logic.

Edinburgh was now thronged ; supplicants and excited persons of all ranks flocking in, as before the riot of December 1596. The only reply to their petitions was a royal order to Council bidding all strangers to disperse (October 17). The mob desired the Provost and Council to add supplicants for the town. There was a good deal of violence, and the Lords supplicant declined to depart from the city. The Council withdrew to Linlithgow, much as James did in 1596, but now nobody was alarmed.

A letter from the king was expected on November 17 ; again there was a huge gathering of anxious malcontents. They left commissioners of every rank in Edinburgh, to watch and warn ; these four sets of commissioners were later representatives of nobles, lairds, burgesses, and clergy.<sup>10</sup> They formed, in short, a kind of Committee of Public Safety, as in 1596 ; and were infinitely more powerful than the divided and timid Council who, from fear of mobs and tumults, acquiesced in the arrangement. This appears very weak on the part of the Council, but they were assured, says Rothes, by the king's advocate, Sir Thomas Hope, that the supplicant party might meet and choose commissioners "for any public business."<sup>11</sup> Here, in these four bodies of representatives, called "The Tables" was the nucleus of an organisation, revolutionary, so far as it resisted Government ; conservative, so far as it opposed a revolution on the part of the king. For years such standing committees were to govern Scotland.<sup>12</sup> The men of the Tables, the Sixteen, always



protested their loyalty, and "conspired," as Charles II. said of later Whigs, "by advice of counsel." Their contention was that the bishops were the guilty parties, and, as such, ought to be prosecuted, not allowed to sit judging the case in the Council. The king, dallying with the crisis, merely published a statement of his aversion to Popery, and of his intention to do nothing contrary to law (December 7).<sup>13</sup>

The Commissioners of the supplicants kept up a kind of legal wrangle, presenting "Protestations" in answer to each move of the Council or utterance of the king. Traquair urged that they should make a humiliating submission, but, in February 1638, he found it necessary to go to Court and consult Charles. On February 15, Traquair having returned, Rothes announced to him that the supplicants desired all that the old Presbyterians had wanted,—yearly Assemblies, the enforcement of the "caveats" on bishops, the recall of the Articles of Perth, and, of course, the withdrawal of the Liturgy. The demands, if granted, would have made Scotland once more a slave to presbyters. Otherwise the nobles, barons, and burgesses would hang the bishops.<sup>14</sup> This last he said "in jest," and he actually protected prelates whom the godly intended to hang.<sup>15</sup> The supplicants now heard of a proclamation in which Charles, acquitting the bishops, took all the weight of the innovations upon his own Erastian head, and denounced meetings as treasonable. The supplicants therefore put in another Protestation, and went to Stirling where the Council was sitting. Their lawyers advised them to utter a Declinature, and, if that were refused, "a protestation according to order of law," as if the whole affair were a law-suit between the king and his subjects.<sup>16</sup> Roxburgh pointed out to Rothes, who was the leader, that the king had allies; for example, Huntly. Rothes answered that two Fife lairds could keep Huntly from crossing Dundee ferry, that "three parts of his name is decayed," and, in short, that the Gordons and the Cock of the North were not worth "a salt citron." That estimate later proved, at one time, nearly correct. In fact, there was, as yet, scarce any appearance of a Cavalier party, Aberdeen being the only considerable town that did not go with the supplicants. But in Scotland there remained "a set of men whose worth was hardly known" (as a Jacobite poet sings in 1745), and the godly burgesses were to reckon with the claymore ere all was done.

There now occurred a grotesque race to Stirling, Traquair spurring

to get a new proclamation out, and the legal protestors of the supplicants hurrying after to meet it with a protestation. The supplicants, Lindsay and Home, won the race easily, and Stirling was soon full of the precisians whom an old song unfeelingly styles "the lousy tykes o' Fife." Proclamation and protestation clashed, amidst great crowds, at Edinburgh on February 22. No man was more forward in protesting than young MONTROSE. "He was a gay gallant," and he climbed up on a puncheon that stood on the scaffold, when Rothés remarked "James, you will not be at rest till you be lifted up there above the rest, in three fathom of a rope."<sup>17</sup> Though godly, Rothés was not exactly a saint, but, alas, he prophesied sooth! The leaders now sent to warn the country far and wide, bidding men neglect all proclamations inhibiting meetings. In 1596, it was the preachers who thus summoned illegal gatherings, but now the nobles took the lead.

They "fell upon the consideration of ane band of union to be made legally,"<sup>18</sup> for bands were as illegal as they were common, in all cases of feud, murder, and resistance to authority. We have heard of scores of "bands," usually for purposes of bloodshed. But *this* band was to be "made legally." Nothing more angered the Covenanters than to be told that the Covenant was merely a "band" with all the sanguinary associations of such documents. But of all bands, this modest "legally made" band was to be the bloodiest. For some fifty years it incarnadined the fields, and moors, and streets of Scotland. It became a kind of fetish, renewed again and again by the Westland and Galloway Whigs, long after it had ceased to harm "the idolatrous occupant of the throne," the Hanoverian king. Much sentimental writing has been produced in praise of the noble conduct of the Covenanters. But the point to be kept steadily in mind is this, the resistance to the thoroughly despotic, illegal, and strictly irreligious infliction of the prayer book on people who preferred "conceived prayers," was not only justifiable, but most praiseworthy. On the other hand, the expression of that resistance in a document binding the country, "while sun and moon endure" to a supposed band with Jehovah, was an anachronism fatal to the peace and liberty of two generations. The arrangement, in ten years, bred a civil war within a civil war, and for half a century deluged Scotland with blood and tears.

*O pectora cæca!* Could the men who thought the "legally made band" such a clever stroke of attorney-like statesmanship have fore-

seen their fates, they might never have sworn as they did, to the revised edition of the old "Covenant" of 1581, the Covenant which they broke, as some held (but this is a question of interpretation), when they left the king in English hands, and went home with part of their wages. The band gave itself out as "The confession of faith of the Kirk of Scotland," as first signed by James VI. and his household in 1580, again by persons of all ranks, with the sanction of the Privy Council and General Assembly in 1581, again, in 1590. To this was now added "a general band for the maintenance of the true religion, *and the king's person.*" The Covenanters aver that "the present and succeeding generations in this land are bound to keep the aforesaid national oath and subscription inviolable," as if one generation could bind posterity to a form of belief, that belief being, in fact, Presbyterianism, with all its odious claims to interference with the State. The confession was negative, mainly anti-papal. The innovations of Charles were to be understood as banned in the confession of 1580-81, "no less than if every one of them had been expressed in the aforesaid confessions."

The important clause is "we promise and swear that we shall, to the utmost of our power, with our means and lives, stand to the defence of our dread sovereign the King's Majesty, his person and authority, in the defence and preservation of the aforesaid true religion, liberties and laws of the Kingdom." \* The clause last cited appears capable of being understood as only binding the subscribers to defend the king's person, *so far as he practises "the aforesaid true religion."* Later, when the king's head was off, the English sectaries pointed out to the Covenanters that, in beheading the king (who was not a Presbyterian), they had not broken the Covenant.

"Gathered by God and a good cause," says Rothes, the Scots had made their legal band. "This being drawn, was revised and corrected by many learned ministers, and subscribed by many thousands of the nobility and gentry at the Greyfriars Kirk, on Wednesday the last of February." Preachers and burghs subscribed, and, as the saintly Rothes remarks, were "admitted again in Covenant with God."<sup>19</sup> Scotland was once more in the happy posture of Israel of old, and enjoyed a definite legal instrument, binding on all posterity, and regulating the relations between itself and the Creator of the universe. Nothing was absent but the signature of

\* The whole band may be consulted in Gardiner's 'Constitutional Documents,' 54-64.

the other high contracting party. The whole affair was the most mischievous of ignorant anachronisms: Scotland was not really præ-Christian Israel, as the framers of the Covenant seemed to suppose.

The public signing of the Covenant, probably on March 2, by the stern but weeping populace, on a flat stone in the kirkyard of the long dispossessed Franciscans, has been duly celebrated in Scottish art and letters. "What they felt," says Mr Gardiner, in the same strain as Rothes, "was the joy of those who had been long led astray, and had now returned to the Shepherd and Bishop of their souls." But surely "Bishop" is out of place?

They were not to be led "in pastures green, the quiet waters by." The position of Scotland was now much like its attitude throughout the War of Independence. Union with England would then have been a happy thing—but not a compelled union. The adoption of the excellent English Liturgy need not, perhaps, have led to the loss of souls, and would have saved the world from the eccentricities of "conceived prayers," such as many of us have listened to with a sigh or a smile. Even organs are no longer regarded in Scotland as the sirens of Satan. But an imposed liturgy the country would resist to the death. Indeed, looked at in a purely secular way, the imposed liturgy was a beginning of royal lawlessness: moreover, the nobles and lairds had to take thought of their kirk-lands. So the great band flew through the country. It was malignantly averred that the band was not legal, after all. This, if so, ought to have been known to Sir Thomas Hope, and to Johnston of Waristoun, who are said to have been the legal advisers. Johnston had later the misfortune to be hanged: for twenty-two years was the short duration of the reign of the Covenant. After that came another king who knew the Covenant but too well, and hanged Johnston.

The lovable Confession of 1581, now renewed, was much occupied by theological amenities. "We abhor and detest all contrary religion, but chiefly *all kinds of Popery*, in general and particular heads." Under "all kinds of Popery" were included, it seems, all shades of Christianity which were not "defended by many and sundry notable kirks and realms, but chiefly by the Kirk of Scotland, the King's Majesty, and three estates of this realm." Now was England one of these happy realms? If so, then the Episcopal model was not, as such, popish and damnable. But Calderwood manages to include it thus: "under the name of *wicked Hierarchy* is condemned Episcopal Government," and he adds other Presbyterian arguments.<sup>20</sup>

As for the legality of the band, Charles and his supporters argued that none but the Magistrate could administer a public oath. That the act of James (in 1581), then aged fifteen, was at most but a precedent. That only King and Council had a right to renew the oath. That the Covenanters had no right to interpret the old negative confession of 1581 as applying, for example, to the then unborn Articles of Perth. That they had added a clause of mutual defence "against all persons whatsoever," not excepting the king. That all such bands of subjects, without the king's privity, were notoriously illegal. Other arguments there were,—for example, that "it looked not like a thing approved of God, which was begun and carried on with fury and madness, and obtruded upon people with threatenings, tearing of clothes, drawing of blood," and other outrages.<sup>21</sup> Perhaps the opponents of the band had the better of the legal arguments. The band, one ventures to say (though a modern Scottish legist has defended it), so far as compliance with legality went, was a failure. Charles had broken the law: now his subjects broke it; some of them had to find out how the law stood in this matter in their later time.

The sole excuse put forward to shield Charles, by loyalists, is that he was deceived by his advisers. Lord Napier, the friend and adviser of Montrose, asserts that his own enemies at Court were actually guilty of forgery. The gentlemen of the bedchamber (and the king's old "whipping boy" Will Murray, a man of much and mysterious importance) were said to read the letters from Scotland which the king kept casually in his pockets, and to send information to the Covenanting leaders.<sup>22</sup> Lord Napier himself, in a memorandum, blames the bishops, as does Balfour. But it is certain that Charles dragged on the bishops: they could not stop Charles. Moreover, like Napoleon before and during the Russian campaign, Charles refused to listen to advice which thwarted his project. "The king is not pleased to allow any of us to come to inform him," wrote Traquair, the treasurer, on October 19, 1637.<sup>23</sup> Though Traquair also complained of the bishops, who had not a friend, the whole "wyte" of the innovations lies on the heads of Laud and the king. Charles had no force in the now mutinous condition of England, and the Covenanters were in communication with the English Puritan malcontents. The king came, at last, to understand that he must give up much, but he did not perceive his true line of policy. He should have withdrawn the Liturgy, and

revoked his Revocation; with full assurances that he would not meddle again with property and hereditary jurisdictions. The preachers would thus lose the additions to their maintenance from the tithes, and the nobles—their losses recovered, their fears allayed, their hold over the lairds regained with their lordships of tithes—would be separated, as of old, from the preachers.

Charles himself recognised and said, that Loudoun and Rothes, leaders against the Revocation, were, for the same reasons, leaders of the Covenanters. But the king merely “drove time,” and, among all the things that he uselessly abandoned, he did not abandon the one thing needful, the Revocation, little as it benefited himself.

Meanwhile, the Covenant “flew like fire about.” It was carried everywhere, and signature was forced on every one, with the threats, tumults, and bullyings becoming in a people newly awakened to freedom.<sup>24</sup> “They hound out rascally commoners on men who have not subscribed the Covenant.” The bishops sent Andrew Learmont to Charles with complaints, and details. Non-covenanting ministers were daily cursed to their faces, and their stipends were not paid. The loyal were unprotected, a thing most incident to loyalists, always and everywhere. The friends of Freedom, as ever, allowed no freedom to any but themselves. The zealots of liberty of conscience permitted no liberty of conscience to exist among persons of other opinions. In what respect their conduct was better than the king’s (which was as bad as possible), it is difficult to discover; but historians usually prefer the cause of popular to that of individual tyranny.

Mar had written to the under keeper of Edinburgh Castle, probably about munitions for the hold; the under keeper, “a great Puritan by reputation,” blabbed (February 26, 1638).<sup>25</sup> Presently the Covenanters had seized the keys of the castle, and practically blockaded it. Great palpable lies were told. There had been a design, it was said, to blow up the chief supplicants at Dalkeith, like Darnley; and, that failing, to cut their throats: we are reminded of Arbuthnot’s treatise on Political Lying,—to coin their own falsehoods is part of the rights of free peoples.<sup>26</sup> Before this latest development of Covenanting fancy (springing from the storage, at Dalkeith, of powder which could not be placed in the castle), Charles called Laud to Council, with Spottiswoode, the Bishops of Galloway, Brechin, and Ross, and the Marquis of Hamilton. Spottiswoode

had not the courage of Father Ogilvie, the Jesuit whom he had buffeted, tortured, and hanged. He and the other Scottish bishops were very reluctant to go home again, where their lives were in danger.<sup>27</sup> The resolution taken was to send Hamilton down to Scotland, with concessions. The marquis was unwilling to undertake the task, knowing the ferocity of public feeling, and the impotence of the Crown; though, of course, he concealed that opinion from the king. Writers like the impetuous biographer of Montrose, Mr. Napier, keep reminding us that Hamilton had been accused of aiming at the throne. Charles had chivalrously shown his sense of the absurdity of this charge, but Hamilton really was a broken reed. He wished to be secure in his own great possessions. "He was naturally dark and reserved in discourse," says Clarendon, and having been with Gustavus Adolphus, he spoke much of war. He was thought wise, because he was obscure: military, because he talked of fight and siege; and so "was looked upon as a worse and more dangerous man than he deserved to be." If all tales are true, Hamilton, like his ancestor the waverer Châtelherault, was "Mr. Facing Bothways."

Hamilton carried with him two proclamations. In the first, after a preamble about the disturbance caused by the Liturgy, the Canons, and the Court of High Commission, Charles reiterated his horror of "the popish superstition." He promised never to press the innovations, "except in a fair and legal way," thereby condemning his own recent measures. The Court of High Commission "shall never impugn the laws." He would pass an amnesty to all who forswore and delivered up the illegal bands: all who maintained them should be proclaimed traitors. How little Charles knew the mind of the Scots! He, in their view, was only "Christ's silly vassal," as Andrew Melville had told James VI. They, on the other hand, to repeat Mr Gardiner's eloquent words, "had long been led astray, and had now returned to the Shepherd and Bishop of their souls"; not only so, they butted other sheep who would not enter their fold.

Spottiswoode knew his gentle flock. They would never abandon the band. But the king was peremptory, saying "that as long as that Covenant was not passed from, he had no more power than the Duke of Venice."<sup>28</sup> This was true; but the way to get rid of the band was to restore the nobles to their commuted tithes, and to abolish the Liturgy and the Articles of Perth. Even that was

too late. Charles gave Hamilton an alternative form of proclamation, dropping the explicit demand for the surrender of the Covenant. Hamilton, before setting out, had summoned his friends to meet him in Scotland, just as Gowrie's friends met him with a cavalcade in May 1600. The Covenanters filled Edinburgh with armed men, as if a great Scottish trial by law were going forward. The usual and useful panic about popish villains assembling was excited, with the accustomed effect. As the Covenanters mustered in great force, and were blockading the castle, Hamilton stopped at Dalkeith, whither (as we saw) a cargo of powder intended for the castle had to be carried. The supplicants would not meet Hamilton at that house. Rothes is extremely prolix about the negotiations which ensued, the supplicants defending the clause in their band about mutual aid as legal. A great deal of pettifogging was done by subjects who were blockading, with more or less of publicity, the king's own castle. To haggle about legalities while excluding the king's supplies from the king's house was truly characteristic of the nation.

At last Hamilton met Rothes. He was as conciliatory as possible, but vowed that Charles could, and if need be would, have recourse to the *ultima ratio regum*, and a fleet of sixty vessels. Wentworth, later in July, sent to Charles a plan for subduing the Scots. It may or may not have been feasible, but Wentworth was not present to be "thorough." Rothes was not daunted by Hamilton's menace.<sup>29</sup> Hamilton anticipated that the usual threats (their use was denied by Rothes) would be employed to make himself and the Council (one of whom was Lorne, "the gleyed Argyll") sign the Covenant. The supplicants would put in their wonted protestation against any proclamation that did not withdraw the Articles of Perth, establish the caveats, grant a General Assembly, to precede and be ratified by a Parliament (extreme Theocracy, with a lay backing, being thus re-established). Of course neither proclamation met these demands, and the men of the band were also set on punishing the bishops "for their crimes." Hamilton thought of risking the milder proclamation in a few days (this is what he probably meant by "dividing the proclamation"), but looked for no good result, and asked for military forces if his measures failed. Yet victory in war would be "but over your own poor people." They will not abate their "impertinent and damnable demands," and intend themselves to call a Parliament.



The idea of a republic, we learn from Rothes, was not absent from the apprehensions of Hamilton.

By June 9 Hamilton left Dalkeith and was at Holyrood, the open and public blockade of the castle having been raised. Some 60,000 men and above 300 ministers met the Commissioner at Edinburgh. On the 13th he meant to publish the milder proclamation. He found that Hope, the king's very unfit advocate, maintained the legality of the great band, as did most of the lawyers and judges. A layman has no right to an opinion, but it does not seem probable that, in any earlier age, the view would have been taken by lawyers. Meanwhile Hamilton hoped that the crowds would disperse, and that, by protracting matters, Charles might gain time for warlike preparations. Only a complete conquest would avail: a work "of danger and some difficulty." He dared not issue the proclamation on the 13th. The gentry and nobles stood with swords in their hands, lining the road to the town cross.<sup>30</sup> The brethren of Fife occupied all one side of the way: when Montrose's war came, Fife was not so forward! "The wicked and accursed ministers" thundered in the old style: the pulpit, says Hamilton, is "the causer of all these evils." We sigh for Cotterell and his handful of Cromwellian musketeers! They were to come at last, and purge the General Assembly away, as at last the French galleys swept into St Andrews Bay to punish the murderers of the Cardinal.

Already (June 15) Hamilton foresaw the use that might be made of the men of the West Highlands and the Isles, not that they cared a farthing for religious disputes, but that they hated Lorne. On June 24, he writes that he has told "some of the best affected of them" that he must return to Charles and seek new instructions. Meanwhile Berwick must be Charles's base, Dumbarton was secured: as for Edinburgh Castle there was little hope. The Covenanters had long been arming, getting weapons and stores from many foreign ports.<sup>31</sup>

Charles, on June 20, replied very calmly that his military preparations, money, and fleet, were adequate. "I intend not to yield to the demands of those traitors the Covenanters."<sup>32</sup> But Charles was not thorough. Hamilton left Edinburgh on a promise to return in a month or less. He mainly wished to gain time, and to see that Charles really was ready for war; but he also had a scheme in the pettifogging way, the issue by the king of the

Confession of 1581 under royal authority. But it was soon proved that the legalists of the other band had excellently pious reasons for not subscribing this one. Hamilton had left for England when a royal letter induced him to return with a proclamation which was instantly "protested." "It was openly said," writes Mr Gardiner, "that the right to hold Assemblies came direct from God, and that no earthly prince might venture to interrupt them" (citing Protestation, 'Large Declaration,' 98).<sup>33</sup>

It were tedious, and in our space hardly possible to recount all the comings and goings of Hamilton in August and September. He dared not even see his mother, of the house of Glencairn, one of the most devout of the devouter sex. The Council itself he had difficulty in carrying with him, though Charles threw over almost all his ecclesiastical cargo in the storm. On August 20, the Covenanters were threatening to hold an Assembly and Parliament on their own authority.<sup>34</sup> Montrose had gone to Aberdeen to secure subscribers to the Covenant, but in Huntly's region his methods would not yet serve, and the doctors of the University had the better in an exchange of written papers. Meanwhile many a douce and canny preacher must have felt the qualms which Baillie, later Principal of Glasgow University, a cautious man, and at bottom no fanatic, notes in his own experience. "I find no example of a National Assembly meeting against the will of the supreme Magistrate, . . ." he says, the said Magistrate "rightly professing." Indeed such a meeting without a Royal Commissioner does not seem to be contemplated even by that golden Act of 1592. However, among other concessions, Charles granted a General Assembly.

Now the General Assembly in these ages was merely the curse and scourge of Scotland, from one point of view; its rock of defence, from another. James had reduced it to a harmless condition by a system of packing its court, of tampering with his promises, and by the gradual introduction of bishops. All this royal policy was unfair and illegal, as we have frequently stated. But James had never done the one thing necessary. He had never utterly destroyed the Kirk's weapon of excommunication—a relic of Rome if ever there was any—with its civil consequences. Excommunication had indeed been placed under episcopal sanction and restraint. But the first thing that "a free Assembly" would do, would be to deprive bishops of authority, and to excommunicate

*them.* Thenceforth this fiery two-edged sword would be used in all directions by the banded preachers.

Again, the old insufferable dictation of the "prophets" would certainly revive the empire of the men who judged angels, kings, and everybody. At first the allies of the nobles, the prophets would presently revolt, and rule Scotland in their own wild way. There could be no peace, and there was no peace, while the prophets bore rule. Charles should have fought rather than permit a revival of theocratic anarchy. But he could not fight; he had not the means—he lacked men, ships, and money. England was not with him; and England too, for a season, was consequently to find her own neck under the heels of the Presbyterian saints. She did not enjoy or long endure that situation.

Meanwhile there seemed a gleam of hope. The laity were the strength of the Covenanters, but the laity now insisted on sharing the privileges of the prophets. This, as Baillie says, "imported the ordinary sitting of laic Elders" (*laic* is a popish word, alas!) not only in sessions but also in presbyteries; their voting there in the election of ministers to bear commission, "this they" (the preachers apparently) "took to be an innovation, and of great and dangerous consequences." Prophets who are to go to the Assembly should only be elected by prophets. Baillie himself appears to have held that laymen might vote: but the "Table" of preachers had to be coerced into permitting this by the nobles, lairds, and burgesses. "Sundry of the brethren are very jealous of the gentry's usurpation over them."<sup>85</sup> In fact, by this "usurping," the gentry, for the time, got rid of the dangers with which the prophets might threaten them.\*

When the Assembly was held, a body calling themselves "the Ministers of the Church of Scotland" put in a remonstrance against Ruling Elders "having chief hand in choosing of Commissioners."<sup>86</sup> In short, and to be done with such matters, loyalists maintained that the Assembly of 1638 was not free and legal. The godly maintained that, for nearly forty years, no other Assembly had been

\* But probably there was no "usurpation." The method of election seems to have been that deemed orthodox by the Synod of Fife in 1597. At least a writer who is not an expert in Scottish Presbyterian legalities, can only remark that the synod conceived elders, having commission from their sessions, in matters of manners, to possess votes in the presbyteries. The provincial synods had the right "to choose the Commissioners to come from each shire to vote in the General Assembly."

legal and free. Covenanters abolished, by a rescissory act, the Assemblies and laws of the past at their pleasure. So did Cavaliers, unto the Covenanters' Assemblies, with another rescissory act, when they returned to power (1661). It is waste of time to wrangle over the legal pettifoggings of revolution and reaction. Both were apt to be virulent and unjust.

Every step, good or bad, taken by Hamilton and Charles, to lull, however so little, the fury of the Covenanters, failed. The Negative Confession of 1581, which Charles stooped to sign,—the king's counter-covenant,—was rejected. The Council, above all Lorne (whom we may henceforth call Argyll, as his father died at this time), were not to be trusted by the king, nor were the judges; the king's advocate, Hope, was as anti-Episcopal as the fiercest fish-fag of Edinburgh. Hamilton now bought of Mar the Castle of Edinburgh, retaining the old lieutenant, who, he says, was no Covenanter. He intended to make General Ruthven governor; but as the castle was without one sound musket, Ruthven would not accept the position. The bishops were accused of all manner of offences, religious and secular, before the Presbytery of Edinburgh. Their mere existence was a crime, their opinions damnable, their morals unspeakable; indeed Hamilton, writing to Charles, does not regard several of them as immaculate. The bishops would, of course, decline the judicature of the Assembly, a thing that had now been for many long years in abeyance. They would, of course, as certainly be condemned, whether they appeared or not, whether they were guilty or not. Hamilton provided for the Episcopal clergy, as for the purchase of the castle, out of his own estate. He expected that, very probably, he would be assassinated, or kept as a hostage, and prayed Charles not to consider his safety in that case. There is a well-known tale, to be set forth later, that Hamilton had really played a double part, and had bidden the leaders, before the Assembly met, to be resolute, when, he told them, they would attain all their desires. Montrose is given as, from his personal knowledge, the source of this anecdote: he, later, appears to make it one of his charges against Hamilton, to which we shall return.

The place of meeting of the Assembly (November 21) was Glasgow Cathedral, which has miraculously escaped destruction by Congregation and Covenant. The nobles, as usual in such crises, had brought in their retainers, and "the rascal multitude" was well represented, and behaved with its noble independence of manner.

“We might learn from Canterbury, yea, from the Pope, from the Turks, or Pagans, modesty and manners. . . . Our rascals, without shame, in great numbers, make such din and clamour in the house of the true God, that if they aimed to use the like behaviour in my chamber, I could not be content till they were down the stairs.” So writes Baillie, but though he had threatened the Principal of the University into withdrawing a protestation against the legality of certain performances, Baillie was perhaps never quite a True Blue Covenanter. He had a sense of certain elementary decencies. Even Baillie was wearied with the legal discussions which occupied the first days of the Assembly. Alexander Johnston of Waristoun, a fire-brand of the law, was clerk, and accidentally let out a specimen of the “wire-pulling” and electioneering devices of the Tables. Alexander Henderson, the ablest man, Baillie thought, of the party, was Moderator, and set, as he always did, an example of becoming manners.

It were tedious and profitless to follow the “hairsplitting argumentativeness,” as Mr Gardiner calls it, of both parties. The Assembly put aside the question as to the nullity of certain elections. They were not going to hear election petitions. They voted themselves competent judges of the bishops, despite the prelates’ declinature. Hamilton then made the last of his protestations; “he acted it with tears, and drew by his speech water from many eyes, as I think: well I wot, much from mine,” says Baillie.\* He then left the place. Legally speaking, by the Act of 1592 the Assembly would appear to have been ended. But it went on sitting, and working its will. Argyll spoke—a “somewhat ambiguous” speech, “and at that time we did not well understand him.” In fact he had gone over to the larger party. “He was probably as incapable of withstanding a popular belief as he was of withstanding an army of his foes,” says Mr Gardiner, who, nevertheless, praises Argyll as a statesman. But the Presbyterian belief was doubtless genuine in Argyll. His repute for ambition, cunning, and lack of military courage, has made him the reverse of a popular hero. But we have no reason to suppose him to have been a character so unusual as not heartily to hate a bishop.†

\* The Rev. Robert Blair is said to have called Cromwell “a greeting deevil,” but many public men, in those days, were as frankly lachrymose.

† Baillie, i. pp. 119-144. Burnet, ‘Hamilton Memoirs,’ p. 106. ‘Hamilton Papers,’ Camden Society, pp. 40, 61. Hardwicke MSS. ii. pp. 113, 121. The

On October 14 Hamilton had written to Charles a remark truly prophetic. "I know well it is chiefly monarchy which is intended by them to be destroyed, and I cannot say but that it hath received so great a blow as it can never be set right till the principal actors have received their just punishment." That came to some of them, as to Waristoun and Argyll, *poena pede claudo*. That great collective enthusiasm, which now bound all Scotland together, except the clans, and the Gordons, and probably a fair proportion of the preachers, could not long endure. As when Jason cast the clod among the armed men born of the dragon's teeth, the Covenanters were to turn against each other their swords, and the lightnings of their excommunications.

Charles, for his part, thanked Hamilton, who had done his best: hoped "to shew myself like myself" (as unluckily he did), "before February or March," and thought that perhaps the Parliament promised had better be held, and that Huntly might have the Lieutenancy of the North, Traquair and Roxburgh of the South, all being subordinate to Hamilton (December 7, 1638).<sup>37</sup>

In the absence of Hamilton the Assembly went "at a great rate," as Burnet observes. The last six General Assemblies were declared legally invalid. This rescissory act, getting rid of forty years of law and custom, enabled the brethren to pounce freely on bishops and Episcopalians. The bishops were put at, and, whereas it was rather more than their lives were worth to appear before a Court of which last document contains Hamilton's very free personal remarks on the leaders of both parties.

Hamilton's letter of Nov. 27 is a remarkable paper. He writes as if this note might be his last, such was the Covenanting fury, or so he represented it. The troubles, he says truly, are the result of the illegal introduction of the innovations by "my Lords of the clergy"—he should mean Laud, but he accuses the Scottish bishops. Yet he finds fault with Traquair for opposing them. He promises loyalty—he obstructed Montrose. For Roxburgh, he reminds the king of the character of him by James VI. Roxburgh, too, failed in time of need. Huntly is hated, but "will be of greater use when your Majesty shall take arms in your hand"—Huntly merely skulked, and thwarted Montrose. "Argyll will prove 'he dangerousest man in this State'"—this was verified. Tullibardine is "a true hater of Argyll": he was a broken reed. Lauderdale "is truly honest": he did not, in fact, prove loyal, and a man less "honest" never sprang from the house of Lethington than Lauderdale's son, the Duke under the Restoration. Southesk is applauded: he merely trimmed. Dalzell is praised: he, as Earl of Carnwath, persuaded Charles not to head a charge at Naseby. The Covenanting nobles are, of course, hostile, "*none more vainly foolish than Montrose.*" "Next to Hell I hate this place. . . . I wish my daughters never be married in Scotland." Yet he tried to marry one of them into the house of Argyll.

they denied the jurisdiction, one of them was denounced as impudent—because he desired to appear! In absence many were excommunicated in the most summary fashion; the rest were deposed. Baillie exults over their poverty in exile. Gordon remarks that while scores of conformist ministers were assailed for their irregularities, there appeared to be no absolutely peccant evangelist among the non-conformists. But Baillie does mention one of the brethren against whom an information was laid. "But the main thing alleged against him was but meddling with the Church box, and negligence in accounting for it."<sup>38</sup> The holy man was merely accused of robbing the poor, and he had refunded some of the money. He was referred to the presbytery of St Andrews, and, let us hope, restored the coppers of the charitable to the local paupers.

The allegations against Spottiswoode were, first, breach of the "caveats" which King James had been too slippery to enforce. The archbishop was also a Sabbath-breaker, a Simoniac, and kept 50,000 marks that had been raised for the release of some captives who lay among the Moors. He had also embezzled 5000 marks left by a Mr Wilkie for a bursary at St Andrews. It was the habitual practice, deep into the nineteenth century, to rob the University of St Andrews, whether Spottiswoode was guilty or not. There were other charges of having falsified the Acts of an Assembly. "His accusers offered to prove that he was guilty of many other gross crimes, or at least that there were very pregnant presumptions thereof against him." These were not produced. In short to be a bishop was to be guilty of everything and anything.<sup>39</sup> A minister of Melrose had blasphemed "conceived prayers," comparing them "to a bird in a cage, flying here and there": adding that "their cacologies and tautologies were intolerable," as they are even unto this day.<sup>40</sup> To give modern instances of "conceived prayers" would amuse rather than edify. To the credit of Baillie, he did try to resist a clause in which the Kirk was said to have forsworn every kind of Episcopacy and the "Articles of Perth" ("before they were made") in 1580-1581.<sup>41</sup> "It is one thing," Baillie said, "to pass by a policy as inexpedient, and another to abjure it as contrary to some article of the Confession of Faith." "Some, for the refusal of that declaration alone have been deposed from their ministry." Baillie was opposed to Episcopacy, opposed to the Articles; "albeit I be not yet satisfied of our Church's old adjuration" (in 1581), "I did never

expect that for this sole and only cause an Act should be set above my head, or the head of any other, importing no less than the merit of deposition and excommunication." Legalised boycotting was to be the sword hung over all who would not thoroughly purge the garner, "when any of our evil wishers pleases," and Baillie was "liable to all the pains whereunto anti-covenanters are now liable, or may hereafter be made subject" (July 1639).<sup>42</sup> The victory was almost always on the side of the most fanatical in the Assembly.

The Restoration turned preachers out of their parishes, and imposed oaths intolerable. The Restoration did but follow in the path of the Covenant, but popular narrators of these events are apt not to dwell on this circumstance. One better thing the Assembly did: it prohibited Sunday salmon-fishing. Netting seems to be meant, and nets laid on Sunday, as well as every other day, only hasten the extinction of the species.<sup>43</sup> Among other forms of freedom, that of the Press was put at. "Because several papers, the years past, had been printed against the Covenant, therefore the keys of all printing presses were put in the hands of Mr. Archibald Johnston" (of Waristoun, clerk of the Assembly). "The ordinance bore that nothing that concerned the acts of the Assembly, nor any treatise which concerned the Church, should be printed without Mr. Archibald Johnston's warrant and approbation, under pain of all ecclesiastical censure," which one takes to imply excommunication. Such was the amount of liberty permitted by men who are said to have fought for freedom of conscience.<sup>44</sup> Baillie thinks that the Assembly did not mean to trust "the youth" (Waristoun) quite so far. It was thought that Arminianism needed "a wipe" (in Randolph's phrase about Knox), and the wipe was administered by Baillie. Arminianism is "a deep, and large, and intricate subject," he says; he had only a night and a day for preparation, but he pleased the hurried Assembly.<sup>45</sup>

To keep down the Universities, which Knox had always dreaded and distrusted, Mr Robert Blair was sent to St Andrews, Henderson to Edinburgh, Dickson to Glasgow, and Andrew Cant to the eminently malignant and wickedly learned Aberdeen.<sup>46</sup> Just as the ancient Church had found that universities were not breakwaters of heresy, but fountains of the same (like the Well of St Leonard's), so love of the Covenant was not a natural or not a necessary flower of university soil. The four dictators became famous in the course of the troubles. The Assembly broke up on December 20, after a



Royal Proclamation, issued by Hamilton, and followed by the inevitable protestation in reply.<sup>47</sup> Argyll addressed the brethren in such terms as he deemed convenient. They determined to meet at Edinburgh in July 1639.

The issue must now be left to the sword. The Tudor theory of monarchy had broken down in catastrophe, and only revolution and anarchy lay before the country. James and Charles had brought things to this pass. Liberty and freedom bear different senses in different ages. The liberty desired and secured by the Covenanters was, in one light, a mere shifting of the weight of tyranny into the opposite balance. "Of liberty of thought these Scottish preachers neither knew anything nor cared to know anything," says Mr Gardiner (viii. 374). Such appreciation of liberty of thought as did exist, was to be found among the excommunicated and deprived "Arminians." But national and political freedom from the intolerable Tudor system, an English gift to the north, freedom from the lawless caprice of a king, had been reached, and was, through infinite troubles, to be secured: as, in the long run, was freedom from the tyranny of preachers.

The Scottish Revolution was to produce no great man, at once soldier and statesman, such as Cromwell, Washington, and Napoleon. An English historian writes, "To pass from a history which tells of Wentworth and Northumberland, Cottington and Portland, Essex and Saye, to a history which tells of Rothes and Loudoun, Balmerino and Lindsay, is like passing from the many-coloured life of the 'Iliad' to the Gyas and Cloanthus of the 'Æneid.'" But Montrose and Argyll are not colourless and unoriginal. Montrose, the most sympathetic figure in the whole history of Scotland, was a poet as well as a soldier; Argyll had somewhat of the astuteness of Lethington. But whereas in the English, French, and American revolutions the shock of circumstances supplied an adequate armed force which would follow a great leader and sweep him into power, the civil war in Scotland produced no such coherent body; nothing like the armies of Cromwell, of the French Republic, or of the homogeneous United States. Montrose had to do miracles with Celtic levies, ever ready to disband: the Covenanters were smitten by Cromwell, and split into factions, marching only at the music of "the drum ecclesiastic." Had Argyll been a soldier; had Leslie been a genius; had Montrose, after making himself free from the Covenant, possessed the materials of a stable Royalist.

army, the man, not only great, but successful, would have been found.

At this point it may be well to sketch the characters and previous careers of the men most eminent in "the Troubles." Rothés has already played his part, for he died, aged forty-one, in 1641, at a time when he was veering towards the Royalist party. As the chief peer in Fife, he inherited the traditions of the Leslies who had been implicated in the murder of the Cardinal, and the anti-monarchic and Presbyterian sentiments of the county of the Melvilles. He had been active, as we know, in the opposition to the Revocation, and politically, if not personally, he was a sound Presbyterian. His Memoir as to the stormy affairs of 1638 exhibits him as cool, resolute, and genial: saying various things "in jest," which were to be transmuted into earnest. A fanatic he was not, and is probably not falsely accused of having been "prone to levity and addicted to pleasure." He was not an austere moralist, like Murray of old, or Argyll, but he had the universal and sincere jealousy and hatred of the bishops. For the part which he played he was excellently adapted: he had an attractive frankness of manner: his temper was admirable, he was not to be intimidated, and it remained to be seen whether or not he was to be bought. His son, created Duke of Rothés by Charles II., was one of the profligate oppressors of the Restoration: his face, in a miniature preserved by the family is marked by the worst passions. Rothés himself had a large fat chin, a high brow, great round eyes, and a countenance essentially Scottish.

Of Hamilton the character must be tracked through his many variations. Charles gave the clue to it, when he called the marquis "very active for his own preservation." His position, so near the succession to the Crown, probably never led him to indulge any dreams of ambition. "To hunt with the hounds and run with the hare," to make himself tolerable to both parties, was his real policy, and Gudyill, in 'Old Mortality,' justly says that his head was never of much value, though "a sair loss to him, puir gentleman." His instincts were loyal: Charles was his personal friend, and, however much he might tamper with the Covenanters, he never would have been a party to the selling of his prince.

Argyll has shared in the general unpopularity of the Campbells. They were, in Scotland, the foremost type of the man, or family, who "birses yont," who pushes forward, with a set policy of

aggrandisement. Alone of the Highland clans, the Campbells had usually been on the side of the central Government. They had the police work of the West, they ousted Macdonalds and Macleans, and were perpetually accused of fostering the feuds by suppression of which they profited. The young Argyll, who was defeated at Glenrinnis in 1594, by Huntly and the Catholics of the North, and who, later, subdued the Macdonalds of Islay and Kintyre, broke down as a poverty-stricken Catholic exile. He was allowed to come home, and died in England, in the autumn of 1638, just before his son, the Argyll of the Troubles, while still a member of the Council, joined himself to the revolutionary Assembly of Glasgow. This earl was born apparently between 1605 and 1607.<sup>48</sup> He was added to the Council in May 1628, probably just after he attained his majority. His guardian was the Earl of Morton. In 1621 Lorne went to the University of St Andrews, where, like Montrose later, he left a silver medal attesting his skill in archery—his only proof of any military quality, it has been said. He approved of golf, "that excellent recreation, than which truly I do not know a better," cricket being then in its infancy, even in England, and football not setting this nobleman's genius.

At nineteen Lorne married Margaret, second daughter of Lord Morton. His relations with his father and his father's second wife and family were hostile, and Clarendon says that his father, the old earl, described Lorne to the king as "a man of craft, subtlety, and falsehood, and can love no man." That Clarendon could gossip foolishly about Scottish affairs, for instance, when he accuses Montrose of offering himself to the king as an assassin, is certain. The father and son, Argyll and Lorne, were on bad terms about money, and the sire may or may not have said something splenetic. Just before the St Giles's riot of 1637, Lorne had an altercation with the Bishop of Galloway: he defended Gordon of Earlstoun, who had brawled in church over the matter of kneeling at the communion. Lorne then convened Rothes, Traquair, "a great enemy of bishops," and other nobles, and showed that he, like every one else, entertained a jealousy of the prelates. The Council was the arena of a scandalous outbreak by the Bishop of Galloway.<sup>49</sup> So far Lorne merely shared the universal detestation of episcopal meddling, for which, again, the king was responsible. When the famous Samuel Rutherford was deprived of his parish, Anwoth, for non-conformity, Lorne took the side of

the preacher, "a poor unknown stranger to him." Lorne was one of the Council who visited London soon after the Covenant was started, and his father, Argyll, is said to have advised Charles to keep him in England, "or else he would wind him a pirn."<sup>50</sup> Tangled in the threads of his own "pirn," Argyll at last died for his treasons.

As we know, at the Assembly of Glasgow, Lorne, now Argyll, joined the Covenanters, though he had signed the King's Covenant. He alone of the Council supported the Assembly. Whether Argyll merely "shouted with the largest mob" (as Mr Gardiner practically states), or whether he courageously supported the weaker cause, may be disputed. He certainly must have known the strength of the national movement, and the impotence of the king.

Argyll has a reputation for the reverse of beauty. One of his portraits gives him a fair, intelligent, and melancholy face. Another makes him a moustached and resolute personage. His eyes, those of "gleyed Argyll," were "ill placed," says Clarendon. A late portrait (1652) robs the marquis of all his gallant costume, and shows him as a gloomy being, in a black skull-cap, wearing something like the apparel of a preacher. Life has clearly not been a success with Argyll. As to his lack of military courage, "he was not John of Gaunt," and we shall have opportunities of estimating his conduct, his ambition, and his patriotism. He certainly was, to Royalty "the dangerousest man in Scotland," and could probably put 5000 Highlanders in the field, though he never led them with conspicuous gallantry, never to anything but disaster.

Unlike Argyll's, the laurels of Montrose are immortally guarded "under the wings of Renown." The leader of warlike men, swift and secret in his onslaughts, the poet, the cavalier, the soul of air and fire, the foremost to head a forlorn hope, at last the forsaken victim of a forsaken cause, Montrose is for ever dear to the imagination. Indeed, imagination was his master: if his fancy was affected by the universal enthusiasm for the national faith, with that tide went Montrose. If he beheld an insulted king, and suspected that he might himself be made the subject of an usurping subject, he stood for the Crown. His temper brooked no rival, his heart knew no fear, and, whether he wore the blue ribbon or the red, he bore himself still as the same gay gallant, *flamberge au vent*. In character he was rather French than Scottish: he had ideals learned from Plutarch's men: he must be active, he must be great.

Mr Gardiner says that "there was but one mean action in the life of Montrose," and the full truth about that action, as we shall see, cannot now be ascertained. It was his misfortune, after he changed sides, to work with forces strong only for destruction, not for construction, forces anti-national, not national. He "kept the bird in his bosom," and no heart of more passionate loyalty ever beat, than that whose posthumous fortunes were a chapter of romance.

Montrose, though of an ancient house, with rich lands on either side of Scotland, was not, like Huntly, Argyll, or Hamilton, the chief of a great "name" or clan. Born in 1612, he had for grandfather that Earl of Montrose who was so long at the head of the Scottish administration. His father was a quiet man, much addicted to tobacco: his mother was a sister of that Earl of Gowrie who was slain in his own house on August 5, 1600: the most mysterious event in the history of Scotland. Montrose's mother died when her son was but five years old, and, losing his father early, the boy became the ward of Lord Napier of Merchistoun, his brother-in-law, a man of intellect, sagacity, and loyalty. Of Montrose's happy boyhood, sports, and studies at St Andrews much has been told in his 'Life' by Mr Mark Napier. He married at seventeen, made the grand tour afterwards, and is said to have been very coldly received on his return by Charles, owing to insinuations by Hamilton. The later conflicts of Hamilton and Montrose are perhaps refracted in this anecdote, which is intended to account for Montrose's early devotion to the Covenant. But it is more probable that "the canniness of Rothes," and of a preacher, Mr Robert Murray, made a recruit of Montrose, who, by a functional necessity, had to be enthusiastic about something.

The manner of the great Montrose is thus described by Patrick Gordon, who wrote his book in the loyal and hopeless endeavour to vindicate his chief, Montrose's bane, the Marquis of Huntly. "I think, verily, he" (Montrose) "was naturally inclined to humility, courtesy, gentleness, and freedom of carriage . . . affecting rather the real possession of men's hearts than the frothy and outward show of reverence, and therefore was all reverence thrust upon him, because all did love him," as all who know him do to this hour.

In person Montrose was well knit and agile; his portraits vary so much from each other that it is difficult to form an opinion as to his face. The very pronounced Scottish countenance in the likeness attributed to Jameson, bears no resemblance to the

dark, graceful, and melancholy cavalier of Honthorst. Montrose apparently had not all the beauty of his kinsman Dundee, but he made up for the lack by his dramatic appeal to sentiment. On hearts attached to the Covenant that appeal made no impression; perhaps no "Malignant" was more detested than Montrose by the brethren, and by the modern partisans of the brethren in history. Argyll has been no less unfortunate in exciting the rancour of Cavalier historians, while against him is the incomparably humorous portrait by Scott in the 'Legend of Montrose.'

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NOTES TO CHAPTER II.

- <sup>1</sup> 'Register Royal Letters,' i. pp. 73, 74.
- <sup>2</sup> Baillie, 'A True Information,' etc. Wirtsburgh, 1627. Cited by Mr. Kinloch, in 'Studies in Scottish Ecclesiastical History,' pp. 23, 24.
- <sup>3</sup> Sprott, 'Scottish Liturgies,' p. lxiii.
- <sup>4</sup> Row, 'Historie of the Kirk of Scotland,' pp. 392-395.
- <sup>5</sup> Spalding, i. p. 79.
- <sup>6</sup> Rothes, 'Relation,' p. 4, Bannatyne Club, 1830.
- <sup>7</sup> Peterkin, 'Records of the Kirk,' p. 52.
- <sup>8</sup> Rothes, 'Relation,' p. 8.
- <sup>9</sup> Rothes, 'Relation,' p. 10.
- <sup>10</sup> The exact numbers and constitution form a perplexing subject. See Gardiner, 'History of England,' viii. p. 329.
- <sup>11</sup> Rothes, 'Relation,' p. 27.
- <sup>12</sup> Gordon, 'History of Scots Affairs,' Spalding Club, i. pp. 27, 28; Row, 'Historie of the Kirk of Scotland,' p. 486.
- <sup>13</sup> Gordon, 'History of Scots Affairs,' Spalding Club, i. p. 28.
- <sup>14</sup> Rothes, 'Relation,' pp. 56, 57.
- <sup>15</sup> Gordon, 'History of Scots Affairs,' Spalding Club, i. p. 34.
- <sup>16</sup> Rothes, 'Relation,' pp. 59-61, Bannatyne Club.
- <sup>17</sup> Gordon, 'History of Scots Affairs,' Spalding Club, i. 33, note 1.
- <sup>18</sup> Rothes, 'Relation,' p. 69.
- <sup>19</sup> Rothes, 'Relation,' p. 70.
- <sup>20</sup> Calderwood, iii. pp. 505, 506.
- <sup>21</sup> Gordon, i. pp. 53-56.
- <sup>22</sup> Napier's 'Memoirs of Montrose,' i. pp. 102-126.
- <sup>23</sup> Hardwicke MSS., 'Miscellaneous State Papers,' 1501-1726, London, 1778, ii. p. 96.
- <sup>24</sup> Gordon, i. p. 45; Napier, i. pp. 142-144; Burnet, 'Memoirs of the Hamiltons,' pp. 41, 42.
- <sup>25</sup> Traquair, 'Hardwicke Papers,' i. p. 100.
- <sup>26</sup> Hamilton to Charles, June 7, 1638; Gardiner, 'Hamilton Papers,' Camden Society, p. 3.

<sup>27</sup> Burnet, 'Hamilton Memoirs,' pp. 42, 43; 'Hamilton Papers,' Camden Society, pp. 1, 2.

<sup>28</sup> Burnet, 'Hamilton Memoirs,' pp. 43, 44, 46.

<sup>29</sup> Rothes, 'Relation,' pp. 112-139; 'Hamilton Papers,' June 7, Camden Society, pp. 3-7.

<sup>30</sup> Rothes, 'Relation,' p. 148.

<sup>31</sup> 'Hamilton Papers,' Camden Society, pp. 9-17.

<sup>32</sup> Burnet, 'Hamilton Memoirs,' p. 59.

<sup>33</sup> I am unable to find any such words and claims in the Protestation. "It shall be lawful to us to appoint, hold, and use the ordinary means, our lawful meetings and Assemblies of the Church, agreeable to the Law of God and practice of the primitive Church, the Acts of the General Assemblies and Parliaments," and so on. 'Large Declaration,' p. 105. By the Golden Charter of the Kirk, 1592, there were to be annual Assemblies, under certain royal conditions, which of course could not exist if Charles did not grant them. But I cannot find that, in 1638, the right to hold Assemblies is said to come "direct from God alone."

<sup>34</sup> Burnet, 'Hamilton Memoirs,' p. 70.

<sup>35</sup> Baillie, i. pp. 99, 100.

<sup>36</sup> 'Large Declaration,' pp. 265, 266.

<sup>37</sup> Burnet, 'Hamilton Memoirs,' pp. 107, 108.

<sup>38</sup> Baillie, i. p. 154.

<sup>39</sup> Gordon, 'History of Scots Affairs,' ii. pp. 99, 100.

<sup>40</sup> Gordon, 'History of Scots Affairs,' ii. p. 144.

<sup>41</sup> Gordon, 'History of Scots Affairs,' ii. p. 108.

<sup>42</sup> Baillie, i. pp. 177-184.

<sup>43</sup> Gordon, 'History of Scots Affairs,' ii. p. 162.

<sup>44</sup> Gordon, 'History of Scots Affairs,' ii. p. 167.

<sup>45</sup> Baillie, i. pp. 150, 151.

<sup>46</sup> Gordon, 'History of Scots Affairs,' ii. p. 169.

<sup>47</sup> Burnet, 'Hamilton Memorials,' p. 111; Balfour, ii. p. 315.

<sup>48</sup> Willcock, 'The Great Marquess,' p. 11. This is a biography of Argyll, not, as might be supposed from the title, of Montrose.

<sup>49</sup> Spalding, i. p. 78.

<sup>50</sup> Guthry, 'Memoirs,' p. 36.

## CHAPTER III.

## THE BISHOPS' WAR.

1639.

THE beginning of the first "Bishops' War" proved that all the enthusiasm and organisation were on the side of the king's rebels. The Tables became a strong central government; they raised money and men, they purchased arms from abroad, and their ranks, for the time, were almost exempt from the most ferocious and fatal of passions, military jealousy. On Charles's side the English Council advised a levy of 30,000 of the "trained bands"; Newcastle and Hull were to be fortified, and Carlisle and Berwick put into a posture of defence. But the trained bands would be reluctant soldiers, unlike the Scottish lads from the plough, still accustomed to make their hands keep their heads in private feud, full of spiritual and national excitement, led by their local lairds, and drilled by the covenanted Dalgettys returned from the Continental wars. Of these, Patrick Gordon tells us, enough came home to supply every grade of officers for 50,000 men!

Charles called the English nobles to do their almost obsolete feudal service. His forces, on paper, were reckoned at about 20,000, 5000 being under Hamilton. These were to join hands with Huntly in the north, sailing to Aberdeen, but, whether by virtue of Hamilton's jealousy and incompetence, or of Huntly's hereditary half-heartedness, or of the actual necessities of the Royal situation, this movement, in itself well calculated, ended in utter failure. On the English side, Arundel, a Catholic, or "of no religion," was to command, in place of Essex, who had some military experience. Holland, a favourite of the queen, was to lead the cavalry, wherefore Arundel all but resigned. On the other hand, the Scots, seeking efficiency, made the experienced, if old and crooked, Alexander Leslie



their commander, though he was nominally but adjutant-general to Montrose in the operations now to be undertaken against Huntly.

On February 14 the Covenanters laid their case before the people of England, and pleased the Puritans by casting the blame on the bishops, the common scapegoats. The king replied. The Scots had no reason for apprehensions about their religion. Plunder and the overthrow of the throne were their desire. The 'Large Declaration,' a volume of some four hundred and fifty pages, by a clergyman of the old Presbyterian name of Balcanquhal, was published.\* The case for the Crown is clearly stated, and the similarity of Jesuit and high Presbyterian ideals is enforced. But the book, of course, is a partisan tract of unusual dimensions; and such paper bullets of the brain, like all mere arguments, have never any effect upon opponents, beyond causing violent irritation.

The king's intended scheme of operations is well described by Burnet in his 'Memoirs of the Duke of Hamilton.' †

The royal plan, as we have partly seen, was for Charles to move in force on the Border. The fleet was to watch the coast; Hamilton's 5000 were to join Huntly—which they never did—and fall on the rear of the southern Covenanters, while dividing them from the brethren of the northern shires. The Earl of Antrim, a Scottish Macdonnell, was to divert Argyll by attacking Kintyre, from which the Campbells, under James VI., had ousted the Macdonalds. Wentworth was to lead an Irish force, victualling at Arran, to Dumbarton, the old Key of Scotland. Hamilton had managed to throw a few men with supplies into Edinburgh Castle, and the Castle of Dumbarton was reckoned secure. If Charles's leaders and men had been efficient, this was a good plot. But Ruthven, declining to be shut up in the untenable Castle of Edinburgh, had gone south to the king. Traquair, Roxburgh, and the Marquis of Douglas proved helpless in Tweeddale, Teviotdale, and elsewhere; the Covenanters seized Tantallon; Douglas, a Catholic, had no longer a name to conjure with, or a force to help or harm his prince. Roxburgh's

\* It was "printed by Robert Young, His Majesty's printer for Scotland"; if it was printed *in* Scotland, Waristoun's censorship of the press must have been relaxed.

† Hamilton is his hero; on the other side Gordon upholds his chief, Huntly; Mr Mark Napier was in love with his kinsman of old days, Montrose, and has therefore to make Hamilton's conduct look as black as possible. None of the three Scottish nobles—Montrose, Hamilton, or Huntly—was in an enviable position, and it is hard now to unravel the rights and wrongs of their tangled affairs.

son went over to the Covenant, and the Kers would follow the son rather than his father.

When operations began, Huntly was holding a meeting at the village of Turriff, when Montrose, with his wonted mobility, descended on him. Huntly did not produce his commission of lieutenantcy, and the parties merely "glared at each other," and dispersed. This was on February 14.<sup>1</sup> On March 23 Leslie entered Edinburgh Castle, which offered no resistance. Sir William Stewart surrendered Dumbarton Castle, whether in consequence of an ingenious *ruse de guerre*, or because, as Burnet says, all his men were Covenanters. Traquair was driven from Dalkeith, not a strong house, and the powder stored there was seized, also the Regalia, which were lodged in the castle. Traquair was not the man to fight it out, and blow up his magazine, like our officers at Delhi, in the Sepoy Mutiny.<sup>2</sup> The whole of the south "was lost, without stroke of sword," and Charles's gate of Dumbarton was locked against him.

Now came the serious operations against Huntly. In that personal letter of November 27, 1638, which Burnet did not print, Hamilton had nibbled away Huntly's character as "much disliked," suspected of Popery, "to be trusted by you, but whether fitly or no I cannot say." Without the aid of Hamilton's 5000 men, Huntly, had he been a Montrose, might have made a stand; but he was no hero, and Hamilton never brought the men. He did not appear with his transports in the Firth of Forth till after Huntly was a captive. Like all of the Huntlys since Pinkie fight, the marquis was not to be trusted; though his language was nobly chivalrous.<sup>3</sup> Gordon and Burnet agree that Huntly's commission as lieutenant was to be kept back as long as possible. He was not to be the aggressor; he was to wait till the king was on the Border.<sup>4</sup> However, Huntly did now begin to arm and to fortify his capital, the most unhappy town of Aberdeen (March 1639). Montrose meanwhile arranged that Argyll should provide occupation for the loyal Earl of Airlie (Ogilvy), and Argyll ravaged, with the Camerons (for once on the Lowland side), Huntly's Highland domains in Badenoch.

Montrose had some 2000 men, horsemen of Angus, Perthshire, and the Crichtons and Forbeses, with drilled infantry, and officers from the foreign wars. Meanwhile Hamilton was confusing Huntly with commands to be dilatory. Huntly tried to make, in mid March, a pacific arrangement with Montrose,

at his house near the town of that name, but Montrose insisted that he had a commission from the Assembly to deal with Aberdeen, "Meroz, that wicked city." Another set of heralds from Huntly found Montrose's men wearing the blue ribbon, "Montrose's whimsy," hence probably the phrase "true blue Presbyterian." Hence, too, the name of "the blue bonnets," which were soon to be "over the Border," for the gentry of the Covenant now adopted this headgear. Montrose had ever an eye for the picturesque, and knew the value of its popular appeal. Gordon, who was present, recounts a prodigy, the morning sun of March shining "of a perfect blood colour, like to fresh blood, whereof a little is poured into a bright silver basin." Learned men who beheld it could find no normal cause of this phenomenon. Huntly, meanwhile, for reasons best known to himself,\* and certainly known to no one else, had disbanded his forces. The learned of Aberdeen, who had proved too hard for the godly in controversy, now fled by sea from the arm of flesh. Sixty of the best of the town, with the town flag, and a drummer, also departed to join the king.<sup>5</sup> Huntly having retired, like his father before James VI., Montrose and Leslie entered Aberdeen on March 30. They compelled the citizens to fill up and level their ditches and ramparts.

Leaving Kinghorn with a sufficient force to guard Aberdeen, Montrose with "dear Sandy's stoups" (portable pieces of artillery introduced by Alexander Hamilton), marched on the heels of the fugitive Huntly. The Covenanters plundered pretty freely, but that was only natural. The Cock of the North came in, and met his pursuer in confidence: he next, with twelve gentlemen, went to Montrose's quarters at Inverury. Huntly here signed, if not the Covenant, something like the king's futile Covenant. The rest of the Covenanters, says Gordon, "thought it not so satisfactory as Montrose did," for, as to religious treaties with the Almighty, or feuds of preachers and bishops, as such, Montrose probably cared no more than Lethington. Catholics were admitted to protection, if "willing to concur in the common course of maintaining the laws and liberties of the kingdom." This did not hold long, nor was it intended to hold. On returning to Inverury from the meeting with Montrose, Huntly found many of his feudal enemies there, Frazers and Forbeses. He sent to request that Montrose would not listen

\* William Gordon, in his 'History of the Gordons,' p. 168, says that Huntly acted by Hamilton's orders.

to these men, warning him that, if he took the chiefs of the Gordons south, the country would not be the quieter. Montrose told Straloch, who carried this message, that all was done by the votes of Committees (these he mentions disdainfully in his famous song), and that "he could not get things done by himself."

Covenanters from all quarters now met at Aberdeen, inveterate foes of the House of Huntly from of old. They sent to Huntly a safe-conduct, signed, so Gordon assures us, by Montrose among the rest, and Huntly came to them, relying on this document. Leslie now "put Huntly to perform some articles": to contribute to the expenses, pacify the Highlands, bring in certain prisoners, and so on. This Huntly refused.<sup>6</sup> Leslie then told him that he must go south with them: Huntly asked for the return of whatever paper he had already signed, and Leslie, "some say," took him prisoner. The Forbeses, Frazers, and Crichton of Frendraght (in whose house Huntly's kinsmen had been burned) now insisted that he should be detained. Spalding avers that "the General" took the lead in coercing Huntly to come south, and that Huntly asked for, and received, the band, whatever it was, that he had signed at Inverury. By "the General," Spalding seems here to mean Montrose. Gordon<sup>7</sup> assigns the seizing of Huntly to Leslie. Gordon doubts, as we saw, whether Montrose took part in the transaction because he was overpowered by votes, and by the glory of bringing in Huntly as a trophy, or whether he was constrained by the clamour of the northern Covenanters, Huntly's ancestral enemies. "It is uncertain."

In either case, says Mr Gardiner, in carrying Huntly away though he had a safe-conduct, Montrose "played but a mean and shabby part," "the only mean action in his life." So, certainly, had all the Covenanters concerned acted meanly. Montrose had already spoken of his inability to resist the Committee. We may wish that he had laid down his commission: he was not the man to dwell long in the Covenanting tabernacle. But we are not convinced that Huntly was really reluctant to leave the scenes in which Burnet, with clerical freedom, accuses him of playing a coward's part. Our evidence as to the whole affair is dubious, but Charles, writing to Hamilton (York, April 23), says Huntly is both "feeble and false."<sup>8</sup> He probably had no objection to being removed from a dangerous and difficult position. In Edinburgh (April 20) Huntly said: "You may take my head from my shoulders, but not my heart from my sovereign." Brave words, never carried into useful action. The

"shabbiness" of Montrose, in carrying off Huntly, then, must be left to the judgment of the reader.<sup>9</sup> The writer believes that Huntly was no unwilling captive, and Montrose, certainly, no commander with full powers.

Montrose carried Huntly and his eldest son to Edinburgh. The second son, Lord Aboyne, had been allowed to return home; he was a lad of eighteen, and he, with his scapegrace schoolboy brother, Lord Lewis Gordon, became the centre of renewed troubles. It was not till May 1 that Hamilton with his 5000 men arrived in the Firth of Forth, where, Leith being strongly fortified, and all Fife opposing a landing, Huntly's country alone offered a chance of useful operations. Baillie indicates that Hamilton was believed to be too good a patriot to injure his countrymen: \* he also attests the moderation and courtesy of Hamilton during his stay in the Firth, and avers that his forces died in numbers, while the rest were weakened by sickness. Hamilton, in fact, in place of fighting or preparing to fight, was feebly negotiating and making stolen visits to Covenanting lords. On May 8, Charles advised him to go north to Huntly's country, as originally designed, "to strengthen my party there."<sup>10</sup> This was not a command, but a counsel, a counsel which Montrose, in Hamilton's place, would have anticipated. The Gordons only wanted a leader. On the previous day, Hamilton had advised Charles to come to terms; his infantry could not handle, still less discharge, a musket! They improved in this respect, but Hamilton threw cold water on "Lord Aboyne's proposition," that the 5000 should join the Gordons, and was afraid to send his men to Aberdeen. Meanwhile Aboyne had visited Charles, who approved of his plan for fighting in the north. By May 21 Hamilton was proposing to send two of his regiments to Charles on the Border, whither Leslie was marching with a strong if ill-provisioned army, which he could not have done had the Gordons risen behind him in the north, aided by Hamilton. Baillie rode with Leslie as an armed chaplain. Thus, when Aboyne came to Hamilton, in the Firth of Forth, by May 29, he found no aid in men, and was merely introduced to a Colonel Gun, who would be his adviser in war. This officer, who had fought abroad, proved to be a failure, and was deemed a traitor.<sup>11</sup> Hamilton appears to have

\* Mr Mark Napier says that, according to Baillie, this opinion was held "by many" (Napier, i. p. 194). But Baillie, in fact, says that it was held by few, "amongst which few I was one" (Baillie, i. p. 202).

thought the cause hopeless, negotiation the least futile policy, and himself a person who ought rather to study the political situation than fight, or help others to fight.

Meanwhile Montrose dealt with the Royalist party of the north, where a ruffle called the Trot of Turriff (May 14) had been rather to the advantage of the Cavaliers. Bamff and Gordon of Haddo now nominally commanded a force raised by the lairds, and had a professional soldier, Colonel Johnston, to direct them. They occupied Aberdeen, and might have done something if Hamilton had followed the advice of the king and carried his forces to join the Gordons. Lord Lewis Gordon (a whelp who stole his father's jewels) had escaped from school, passed into the Highland domains of his family, and returned, in Highland dress, with kilted allies. The lairds, quarrelling among themselves, had left Aberdeen open to the Covenanting Earl Marischal (Keith), whom Montrose joined with a considerable force. His men looted houses, and killed all the dogs in Aberdeen, because the women, in derision, had adorned them with blue Covenanting favours. Baillie mentions the lenity of Montrose in sparing the town. But Baillie does not seem to have "panted after the blood and ashes of the loyal north," as Mr Napier avers.<sup>12</sup> He merely says that the Covenanters now disbanded, "it was thought, on some malcontentment, either at Montrose's too great lenity in sparing the enemy's houses, or somewhat else."<sup>13</sup> At this moment Baillie was anxious about the prospects of the Covenant, but his knowledge was mainly of Leslie's force in the south. On June 6 Glencairn, Tullibardine, Aboyne, and other Royalists came to Aberdeen, and soon, with Lord Lewis and his Highlanders, marched against the Earl Marischal and Montrose at Stonehaven.

The purpose of the Royalists was to make a diversion southward, leaving Montrose unattacked, but Colonel Gun, merely "to harden his men to be cannon proof," placed them within range of Montrose's artillery. The Highlanders, more frightened than hurt, ran away; to them guns were as unfamiliar as muskets to the forces of Montezuma. Aboyne retreated in good order to Aberdeen with his horsemen, but his three attendant ships, with guns and provisions, sailed away into the vague. Montrose followed Aboyne, and though the burgesses of Aberdeen stoutly defended the Bridge of Dee, he deceived Gun by a simple stratagem, a feint by his cavalry towards an impossible ford, while his infantry forced the bridge and entered

the unlucky town on June 19. Baillie speaks of the Covenanters' intention to "have sacked the town orderly" (an operation unprecedented in war), but God was pleased to keep the Covenant "from all marks of the least alleged cruelty," for that night came news of negotiations between king and Covenant. Marischal and another are said to have pressed Montrose with the Committee's warrant for burning Aberdeen, whether "in orderly manner" or not; but they changed their minds, and came in to Montrose's opinion.\*

That Gun, who allowed the Brig o' Dee to be taken, was a traitor in Hamilton's interest, was the opinion of Colonel Johnston, wounded at the fight on the bridge,† and he challenged Gun. The king preferred to honour Hamilton's favourite, who later obtained high military rank in Germany. Probably he was merely ignorant of the country, believed the ford to which Montrose's cavalry rode to be practicable, and was obstinate. The cry *nous sommes trahis* is seldom justified, but suspicion of Gun was rife and mischievous. Spalding does not incriminate Gun in this matter, but blames Aboyne even for cowardice, which is incredible.<sup>14</sup> Gordon, however, treats Gun's conduct severely.<sup>15</sup> Patrick Gordon, too, in 'Britane's Distemper,' reveals him as treacherous or imbecile.

While Montrose was Covenanter General in the north, in the south Charles, by May 1, had advanced to Durham, and sent a new Proclamation into Scotland. It was not absurdly truculent and threatening, as a Proclamation of April 7 had been. But the Proclamation of May 1 could not get itself proclaimed. Sir Edmund Verney, a true Cavalier, and a man of sense, reckoned the Royal army at 12,000 foot, and 2000 horse: the men untrained, the weapons worthless, the supplies meagre. Charles was at his wits' end for money: by no means of cajoling or threatening could funds be raised. Thus he could not maintain indefinitely tactics of defence on the line of Tweed, which would have outworn his adversaries, while they, in turn, knew that if they invaded England the hearts of Englishmen would be aroused against them, and Charles would be backed by men and money in abundance.

Weak as was the position of Charles, the brethren had their own

\* Mr Gardiner, no prejudiced Cavalier, writes: "Montrose had brought with him orders to sack the town. He disobeyed the pitiless injunction." Perhaps the point might be disputed by apologists for the Covenanters. Gardiner, ix. p. 41.

† Here Major Middleton, later so notable on the Royal side, fought for the Covenant.

perplexities. Charles (May 14) had tried a new, conciliatory, but ambiguous proclamation, from Newcastle. He would not invade if "civil and temporal"—not ecclesiastical—obedience were given to him, but, if the Covenanters came within ten miles of the Border, then the king would not spare them.<sup>16</sup> Now, even the Covenanting Lord Advocate, Sir Thomas Hope, had already avowed his obedience in civil matters. Hamilton (May 14) informed the king that the Covenanters would "condiscend to all sivill obediens, yet it is with this damnabill 'but,'—that bishops must be abolished, or, at least, that Parliament must be heard on the matter."<sup>17</sup> Grounds for negotiation were thus being prepared; but Charles tried to raise reinforcements, and, in spite of the remonstrances of those about him, marched in person to Berwick. Hamilton represented the resoluteness of the enemy, and proposed to send some 3000 of his men, hitherto idle, to the king. They arrived on May 28. Leslie, up till then, had certainly force enough, if he advanced successfully and crossed Tweed at Kelso, to cut Charles off from Newcastle. Hamilton thought that, if successful, the Scots might proclaim a republic, for which they were totally unfit. They, on their part, told Holland that they would keep the ten miles' limit if he would withdraw his fleet and army.<sup>18</sup> On May 26 Henderson, at Dunbar, preached to the Covenanters on the wars of Israel and Amalek; the Royalists, thus early in the day, were dubbed Amalekites, and to Amalekites Saul was forbidden to give quarter! The king's friends were later treated on the precedent of Samuel, when he massacred Agag and others.

Hearing that English soldiers had published proclamations at Eyemouth and Aytoun, the Tables sent the fiery cross round among the Presbyteries, which now undertook military functions. Leslie advanced to Cockburnspath, near that deep ravine which Arran neglected to hold against the English invaders before Pinkie fight.<sup>19</sup> The Covenanters were in bitter need now of supplies, "a natural mind might despair," says Waristoun. But a reconnoissance of Holland's horse to Dunse retired before a force which Clarendon thinks was inferior, and this gave heart to good men. The Covenanters made renewed appeals to the preachers to raise the whole country between sixteen and sixty. They lacked tools for entrenching, they lacked beef, and bread, and beer, and horsemen, at Dunglas. Fife was dilatory. Dumfries, widowed of Munroe's regiment, feared an incursion by the Maxwells, who had no taste for the Covenant. The Johnstones and the Laird of Lag, with the



Earl of Galloway and Lord Drumlanrig, were bidden to gather and protect Dumfries. Forced loans were to be raised, on pain of confiscation, for Charles was not alone in this illiberal measure. The Covenanters at Kelso had been mutinous for want of supplies.

Thus, by June 3 Waristoun and his junto of preachers "have bethought and better bethought," upon the want of money, food, material, and discipline, "the natural impossibilities either to retire, remain, or go on." They therefore negotiated a small private covenant or treaty with the Deity! "Mr David Dickson took instruments in my hand," says Johnston of the legal mind, that he and his friends would admire their heavenly Ally very much, if He extricated them from a position of threatened annihilation!<sup>20</sup> This was a step which could never have occurred to an Amalekite mind! While each party, Cavalier and Covenanting, was really in desperate straits, the Covenanters wrestled through to success, for the day after taking instruments with Omnipotence, the godly in Edinburgh heard of Holland's baffled reconnaissance; Lothian, however, was called in to join the main body of Covenanters at Dunse. Leslie was extremely perplexed, and Waristoun "was brought low before God indeed." Meanwhile the honest English amateur soldiers were full of fight, "cast up their caps with caprioles, shouts, and signs of joy," in hope of a tussle at last. They were moved to Birks, three miles above Berwick; and there they lay, unled, ill-fed, while Charles issued a proclamation!<sup>21</sup>

The king had been reinforced, but was short of money, as were his adversaries. Both parties were in a fright: victory would turn to the less nervous combatants. On June 4 the leaders sent round a letter saying that the people were disposed to surrender, or were hypnotised: "some Spirit of slumber hath overtaken and possessed them." But the leaders, taking heart, concentrated at Dunse (June 5). At this crisis a Royal page, Robert Leslie (he adhered to the king in captivity later) came with an informal proposal to Alexander Leslie for a conference. Charles had been frightened into adopting the defensive. In his place, Montrose or Dundee would probably have attacked Kelso in force a week earlier, occupied Dunse Law, and struck the first blow, securing the bridge at Kelso. But Leslie's advance to Dunse left Charles standing at gaze.\*

\* Mr Gardiner, who never cites Waristoun, supposes the Covenanters to have had abundance of money and supplies, quoting Baillie, i. pp. 212, 213. If so

Baillie took a much more favourable view than Waristoun of the prospects of his party. They meditated the "offensive defensive," he says, an invasion of England, while they lay entrenched at Dunglas, where their earthworks are still to be seen. Baillie seems to have been unaware of the scarcity of spades and shovels. He says that tidings of an order to Holland, to attack Kelso in force, caused the retreat of Munroe from Kelso, and the concentration on Duns Law, a circular eminence, which Charles ought to have occupied and entrenched while he could. Holding Kelso and Duns Law, Charles might have threatened, from the sea, Leslie's rear at Dunglas. But the king's delay allowed Leslie to establish himself and secure supplies, so that, when it came to the push, the proposals for negotiations were from the Royal side.

The Scots willingly sent in the Earl of Dunfermline with a "supplication," and Sir Edmund Verney, with Dunfermline, visited the Covenanting camp. Charles was reduced to being thankful that his Proclamation, though refused, and, on legal points, refuted, was read by the leaders among themselves. After some haggling over safe-conducts, and after Waristoun had seen, to his indignant horror, a copy of Charles's 'Large Declaration,' the Covenanting commissioners entered the king's camp (June 11). Charles unexpectedly appeared at the meeting, to hear the rebels' grievances with his own ears. On June 18, after arguments in which Charles had the better in logic, a treaty was signed.<sup>22</sup> The "humble desires" of the men who burlesqued the part of "supplicants" had been:—

1. That the king would ratify all the Acts of the late Assembly in a Parliament in July.

Now to do so involved Charles in ratifying the excommunications and other penalties decreed against the bishops, who had been his too faithful servants.

2. The king was to permit all matters ecclesiastical to be determined by Assemblies, all civil matters by Parliament.

But what were "matters ecclesiastical"? The Assembly, under James VI., had encroached constantly on "matters civil," hence the long war of that prince with the Kirk.

3. Charles was to recall his forces, compensate losses in trade, hand over the excommunicated to endure their punishments, and withdraw all the manifestoes under his name.

Waristoun was a craven, or supplies came later than the moment when he was so alarmed. Gardiner, ix. p. 29.

These were their "humble desyres"! They were ready "not to insist to crave any point which is not so warranted." If England will not pay compensation, the suppliants would be satisfied with the estates of Catholics, "incendiaries," and bishops, to be administered for the preachers, the poor, and education. The brethren in England were to be safeguarded. Appointments to governorship of castles must be made "by the King and Estates, according to the old law of this kingdom." Here we recognise Waristoun, who, in 1641, maintained that the Estates must unite with the king in making appointments to the chief offices of State. "Records" to this unexpected effect were "discovered" by Waristoun at Dunfermline. He had casually found them in Hay of Dunfermline's charter chest. So says Wodrow in his entertaining collection of gossip and ghost stories.\*

To this topic we shall return: meanwhile Waristoun inserted the full scope of the Parliamentary appointments of officers of State in his memoranda of humble desires. Waristoun reminded the nobles, Rothes, Loudoun, and Dunfermline, who were to treat, that they must not behave as they said that others had done, in reference to the Tithes and Revocation. "Every one then looked so to his own particular accommodation of the king that every one betrayed another, and all betrayed the public."<sup>23</sup> Thus the old real source of bitterness bubbles up. The public, above all the preachers, were not betrayed, but benefited by the commutation of tithes, but *hoc nocuit*, this was the source of the religious zeal of many a noble.

There was much wrangling on June 13, Waristoun speaking often. He insisted that the Kirk could excommunicate, "albeit not of civil punishments which *behoved* to be added by the civil law"; and Rothes remarked that, if a king sinned like David (which Charles II. did exceeding abundantly), the Kirk could excommunicate him,—and indeed Cargill did. This power of the preachers to excommunicate, and to make the civil authority enforce the sentence, is the "storm-centre" of the long war between Kirk and State. Much discourse out of the books of Samuel followed. Later came a dispute as to whether the king could proclaim Assemblies to gather, and whether he had a veto, and whether the Assembly could sit after he dissolved it. The reply was that only an Assembly could decide: how it would decide we can guess. This conference,

\* 'Analecta,' ii. 219.

indeed, contains the ground of quarrel in a nutshell. The right of preachers to dominate the civil magistate was asserted. Meanwhile the king was admitted to possess the right of calling Assemblies. His subjects could not do so, but the Kirk could "by herself convene," "in the case of extreme or urgent necessity," and so on, by "divine right." The king could not dissolve or veto an Assembly.<sup>24</sup> The king replied (June 15) that, after consulting the Councils of the two kingdoms, he could not ratify the acts of the pretended Assembly of Glasgow, but would withdraw all innovations, and leave all bishops, actual or future, to the censure of the Assembly, and matters civil and ecclesiastical to annual Assemblies and Parliaments. He would appoint, and meant to be present at, an Assembly in Edinburgh. If the Scots would disband, dissolve their Tables, and surrender the castles, he would withdraw his forces, and restore what had been taken during the war. Objections were made, Waristoun being very prominent; but Charles told him that the Devil could not put a more uncharitable construction on his Declaration. "He commanded me silence, and said he would speak to more reasonable men." Yet Waristoun went on to say that Charles evaded the question of the already proclaimed excommunication of the bishops. Then all kneeled, and begged that he would "quit bishops," to which he gave a smiling but evasive reply.<sup>25</sup>

Next day was Sunday, and the Covenanters in their camp modified the king's Declaration to their taste. On the 17th they returned to beg Charles to "quit bishops," if condemned (as they were sure to be) by the next Assembly. Charles retired for consultation, and Hamilton was overheard advising resistance to yearly Assemblies, which would deprive the king of his crowns, as they practically did.\* The king, after much hairsplitting, made a few changes in his Declaration. On the 18th the Covenanters wrote out their view of the pact, in an "Information against all mistaking of his Majesty's Declaration." In brief, they announced that they held by the Assembly of Glasgow. Thus the pacification meant only a brief truce, as both parties were aware.<sup>26</sup>

Each side was content with the patent futility, because each side was at its wits' end. Charles beheld no prospect but that of defeat, if he fought. But he should have fought. Had he lost, if he fell

\* Burnet attributes to Hamilton the advice to concede all, and bide better times. ('Mem. Ham.' p. 140, cf. Waristoun, p. 87.)

he fell with honour; if he survived defeat, "likely all England behoved to have risen in revenge," says Baillie. Many of the best in all ranks of the Covenanters were averse to entering England. If their scruples were overcome, then in England, says Baillie, they could not support themselves; from Scotland they could neither have transport nor protection for convoys. There was but the slightest hope, or no hope, of aid from the English Puritans. There was too much murmuring in the Scottish camp; Home, and other Berwickshire gentry "were beginning to be suspected."<sup>27</sup> The king had made (but not on Waristoun) a most favourable impression. "The king was very sober, meek, and patient to hear all. . . . His Majestie was ever the longer the better loved of all that heard him, as one of the most just, reasonable, sweet persons they had ever seen."

Fatal fascination! An appeal to the sword was Charles's one chance; "fall back, fall edge." He must have won victory, or, dying, found honour and revenge; or, defeated, a united England behind him after a Cadmeian triumph of the Scots. Oh for one hour of Montrose!

Charles now entered on the path that led him through insult and unspeakable disgrace to the scaffold. The Covenanters entered on the path that brought them to the selling of "one of the most just, reasonable, sweet persons they had ever seen." From the first the Covenanters were determined to have every one of their demands; and their published version of the sense in which they understood the treaty was later burned in England by the hangman.<sup>28</sup> Charles, on his part, meant only to secure delay and cover from which he could operate for the restoration of Episcopacy at a more convenient season.

On July 1 Charles had a proclamation read in Edinburgh as to the meeting of the Assembly. The date, at that time not inconvenient to sporting lay elders, was August 12. Archbishops, bishops, and commissioners of kirks were warned to attend. Against this the Covenanters formally protested, in the usual way. Charles had legality on his side. The case of the bishops was to be decided in the Assembly: they ought, said the king, to be present. But the protesters argued that they had already been excommunicated, in many cases, and deposed by the Assembly of Glasgow. If the bishops did appear, they must be "delivered over to the Devil." \* "Next day," or the day after (July 3), Edinburgh

\* Peterkin, 'Records of the Kirk of Scotland,' p. 231.

indulged in four riots, "one upon the Marquis of Huntly's gentlemen, the second upon Lord Aboyne, the third upon the Earl of Traquair, the fourth upon Sir William Elphinstone, Lord Chief Justice, whom, after the women had trampled under feet, and then housed, a lusty dame pulled the Covenant out of her purse and enforced him to subscribe it."<sup>29</sup> The carriage of Traquair and Kinnoul was thrust through with swords, the occupants with difficulty fled to Holyrood; Elphinstone was kicked. On July 5 some Lords came to Charles at Berwick to apologise; but he, naturally annoyed, postponed his visit to Edinburgh, and presently abandoned it.<sup>30</sup> Hamilton put the alternatives to Charles: he must abandon bishops and everything, or take "the kingly way"—war,—call a Parliament in England, and risk the chances of it, while leaving Scotland in the hands of the Covenanters (July 5).<sup>31</sup> Loudoun was at Berwick, and Charles, having received the Covenanting account of the conference, and their interpretation of it, called Loudoun and "said no more but, 'Why do you use me thus?'"<sup>32</sup> He determined not to go to Edinburgh, and appointed Traquair (a sound bishop-hater) as Commissioner to the General Assembly.

Meanwhile, though the castle was put in Ruthven's hands, the brethren would not return the ordnance, or destroy their works at Leith. They would not carry their suits before the Court of Session, the Covenanters having banned it as illegally convoked. They did not disband Munroe's regiment, they kept on holding meetings as of old. They would not permit certain nobles whom the king had summoned, to meet him, save Montrose, Loudoun, Lothian, Rothes, and Dunfermline, to whom they added, unbidden, Henderson the preacher (July 15).<sup>33</sup> Charles also wished to see Argyll, Cassilis, Lindsay, and others, but they came not. Charles demanded the cashiering of Leslie, the cessation of the Tables, the punishment of the rioters, the suppression of the paper about the Conference, the restoration of the guns and ammunition to the castle: so Henry de Vic heard, and wrote to Secretary Windebank. In most of these demands the king was justified: the brethren insulted him by acting as if their leaders could not be trusted with him (July 21).<sup>34</sup>

On July 17 Charles entered into an extraordinary arrangement with Hamilton, who usually shared his sleeping chamber at this time. Hamilton was to use all the means he could to find out, from Montrose, Loudoun, Rothes, and the rest, "which way they

intend the estate of bishops shall be supplied in Parliament." If the bishops did not sit, how, it seems to be meant, was the royal interest to be recouped for the loss of their fourteen votes? Lacking the Spiritual Estate, how were the Estates to be constituted? Generally, Hamilton was to worm out the designs of the Covenanters. "For which end you will be necessitated to speak that language which, if you were called to an account for by us, you might suffer for it." The document assured Hamilton of safety, if he thus talked the language of Canaan, and pretended to be of the godliest (Berwick, July 17, 1639).<sup>35</sup> Diplomats have their own consciences, but Charles was authorising Hamilton to be a spy. Can it have been words used by him now, or on another occasion with similar licence, which were later made part of the charges against Hamilton? As for Rothes, with him Charles quarrelled on the point of declaring Episcopacy unlawful. If it were so, how could he maintain it in England and Ireland? Rothes professed no mind to go beyond Scotland; but if Charles insisted on the merits of the institution elsewhere, "our people" would "rip up" the iniquities of English and Irish bishops, so joining hands, as they did, with the English Puritans, and doing what Rothes disclaimed, —making war to inflict their Presbyterianism on England. Twice, says Rothes, Charles called him a liar: an example of "sweetness" (August, Rothes to William Murray, of the king's bedchamber).<sup>36</sup>

As for Montrose's dealings with Charles at Berwick, we have no information.\* As he opposed, presently, in Parliament, certain sweeping constitutional changes, "the Zealots," says the Rev. Mr Guthry, a contemporary, and later a bishop, "became suspicious of him, that the king had turned him . . . at Berwick." The generous heart of Montrose may well have been moved by the insults which were Charles's daily bread. He may not have understood, in the same sense as the Zealots did, the clause in the Covenant about the king's "person and authority." The constitutional changes, reducing the king to the most faint and futile shadow of authority, on the modern pattern, may well have offended Montrose. No man is obliged, in honour, to adhere to

\* Burnet says that Montrose "was much wrought upon, and gave his Majesty full assurance of his duty in time coming; and upon that entered in a correspondence with the king" (Burnet, 'Mem. Ham.', p. 149). But here Burnet probably reports the suspicions of the day, caused by Montrose's action in Parliament. He cites no documents.

a party in all its Protean shiftings, and all its excesses. But he who does not will be called a Judas, as if to desert a civil faction were to betray Christ! Such was the lot of Montrose. "He changed sides," people still say, as if that were necessarily wrong.

Roths and the rest were sent away (July 21) to bring their comrades. Only Dunfermline, Lindsay, and Loudoun returned.\* Charles determined, on pretence of important business, to return to London.<sup>37</sup> He had heard of some of the intended constitutional innovations in the Edinburgh Parliament, especially as affected the Lords of the Articles. He drew up, with the help of Hamilton, the instructions to Traquair as Commissioner, and that bishop-hater persuaded him that bishops were, legally, one of the Estates, and that an Act abolishing them, in their absence, and under their protest (which was handed in secretly), would not be binding.<sup>38</sup> Charles informed Spottiswoode that he "gave way for the present," yet "shall not leave thinking in time how to remedy" what was prejudicial "both to the Church and our own Government." He had behind him his belief that the Act abolishing bishops, to which he would assent, was not binding. Charles II., later, by merely adopting the rescissory Covenanting tactics, rescinded it. The Assembly of August 12, without mentioning the Glasgow Assembly, repeated its work "at a gallop," says Gordon, and imposed the signing of the Covenant upon all Scotland.<sup>39</sup>

This was assented to by Traquair and the Council; Traquair, at least, looked on the whole thing as a farce, knowing the king's intentions. The 'Large Declaration' was condemned, and Mr. Andrew Cant proposed that the author, Balcanquhal, Dean of Durham, should be hanged! The Sheriff of Teviotdale, Sir William Douglas, humorously said that "being better acquainted with hanging," in the way of business, than the ministers, he would be glad to do all that was necessary.<sup>40</sup> Thus pleasant were the godly among themselves, but earlier, Mr John Wemys, like Agamemnon in the 'Iliad,' had "wept like a waterfall," tears of joy "trickling down along his grey hairs like drops of rain, or dew upon the top of the tender grass." *Nunc dimittis* was the word of the ancient brethren, and the Moderator expressed his conviction that the king would have been sensibly moved by the spectacle.<sup>41</sup> The Moderator perhaps had a sense of irony.

The whole desire of the Assembly was to "give Christ the highest

\* De Vic to Windebank, July 26.



room." That meant giving supreme authority to the Prophets, such as the Presbytery of Fife. This policy could not endure. Preachers were already in full tide, denouncing Laud as "priest of Baal and son of Belial."<sup>42</sup> The king's God, and that of all England except non-Episcopalians, was Baal! "The wark gangs merrily on!" This example of the fanatical folly of the preachers is noteworthy. Rothes had deprecated the idea of forcing the true, the Presbyterian God, on the Baal-worshippers of England. But the Covenanters presently came, as in conscience they must, to that point, for it would be nefarious to tolerate Baal-worship.

Parliament met on August 31, for the first time in the then new "Parliament House." There was a large attendance: Huntly was present, so was his deadly foe, Crichton of Frendraght (he sat for Banff); in his house Huntly's kinsman had been burned. When Traquair and the nobles retired to choose Lords of the Articles, Argyll protested that this should not be a precedent. A Bill would be introduced whereby nobles, barons, and burghs should all elect their own representatives on the "probouleutic" board.<sup>43</sup> Huntly, with six Covenanting peers, and Southesk, were lords for the nobles. The nobles elected the Lords for the barons and burghs—they were Covenanters, including that expert in hanging, the Sheriff of Teviotdale, and the Laird of Lag, a name later disesteemed by the Remnant. The Lord Advocate, Hope, protested that only the king could elect the nobles as Lords of the Articles, while only the nobles could elect barons and burgesses.\* This constitutional point is very obscure, as we have often seen: the Lords of the Articles, who had all the power, were elected, at various times, in all manner of ways. †

The question also rose (after much hairsplitting about an Act of indemnity for the rebellion), who were to supply the places of the lost fourteen episcopal votes? Charles had told Traquair to try to

\* Act. Parl. Scot., v. p. 254.

† Gordon gives an account of the arguments used by the party of Reform. On the king's side it was argued that in 1587, 1609, and 1612, and later, the nobles chose eight bishops, *they* chose eight nobles, and both sets chose eight from burghs and shires. The reformers argued that, till 1617, Lords of the Articles were chosen in Parliament publicly. Bishops had introduced the practice of going apart to elect. There was no statute law as to the whole affair, no Act of Parliament. Prescription and custom, since David II., could not bind Parliament. The burghs complained that they were called, not only to vote, but to debate and discuss, which the Lords of the Articles did not allow them to do (Gordon, iii. p. 66). As to 1587 and 1609, the statement made is erroneous.

secure fourteen ministers, or other persons approved of by himself. (Burnet, 'Mem. Ham.,' 150). The Record of the Act of Parliament gives no debates on this topic, but many wrangles about precedence. Mr Gardiner, as to these matters, cites a news-letter (MS.) of October 7, 1639. Montrose, Lindsay, and a party were striving to secure fourteen laymen, in place of the lost fourteen bishops.<sup>44</sup> Divers "known Covenanters" were of the same mind. Montrose became suspect, and on his door a paper was fixed, "Invictus armis, verbis vincitur."<sup>45</sup> The little rift within the lute of the Covenant had opened. Moreover, Charles would neither sanction the Parliament in calling Episcopacy "unlawful"—for then where was the Church of England? a mere temple of Baal, as the preacher said—nor would he be party to an act rescissory of the old Acts establishing Episcopacy. That would cut his plan for reintroducing Episcopacy, on the strength of these Acts, from under his feet. He would rather have his real intentions discovered than render them futile:<sup>46</sup> he would risk a rupture rather than submit. Meanwhile, by one vote, Argyll carried his Bill about the election of Lords of the Articles. The Covenanters also demanded freedom of debate, not mere voting, on each Bill sent down from the Lords of the Articles,\* and that keepers of the great castles should be Scots, and chosen by advice of the Estates.†

Charles could not submit. The changes demanded were revolutionary. Parliament would have passed at one step into its present measure of authority. Admirable as our constitution may be, this leap to it out of Tudor monarchy was apt to startle a king. Traquair prorogued Parliament: it protested, and he adjourned, for a visit to Court, till November 14. Charles gave increase of rank to several of his supporters—Ogilvy was made Earl of Airlie, Ruthven was created Lord Ruthven of Ettrick. The Covenanters now sent Loudoun and Dunfermline to Charles in London (November 8). He declined to see them, as they were not commissioned by Traquair, and he prorogued Parliament till next June. Traquair, coming up, was out of favour, but bought back his power by showing to Charles a singular document, which proved that the enemies of Baal were

\* Rossingham, News-Letter, Oct. 28. Add. MSS. Brit. Mus. 11,045, fol. 68. Gardiner, ix. p. 53, note 2.

† Act. Parl. Scot., v. p. 303. There are traces of the Earl of Buccleuch's resistance to the claims of Francis Stewart, son of the Bothwell who so annoyed James VI. Act. Parl. Scot., v. p. 608.

seeking alliance with Baal, yea, with the idolatrous King of France ! So Charles regarded the matter. As to the incriminating paper produced by Traquair, Balfour (under 1641) says that Colonel Munroe "was imprisoned for delivering that letter to Sir Donald Gorme, which *he* gave to Traquair (as Munroe averred), written by the committee here to the French king to be a mediator betwixt the king and them."<sup>47</sup> In April, one William Colville (a connection of John Colville, the spy?) had been deputed to plead with France for intercession, by way of a treaty, "but had never been sent," says Baillie.<sup>48</sup> The letter to France gave Traquair a new *locus standi*; in revenge the Covenanters later pursued him as "The Grand Incendiary."<sup>49</sup> In the good old times—so near and so far away—the imaginers of this letter might, if their party was out of power, have lost their heads. But we have seen how hard it was, even in the good old times, to punish Scottish nobles for the rankest treason. They soon began to show no mercy to loyal subjects.

The Covenanters again sent up Dunfermline and Loudoun. They intrigued with the French ambassador, Bellièvre, proposing that, in any new treaty with Charles, their alliance with France was to be recognised, and Scots were to be put in the committee of Foreign Affairs, for the benefit of France. Richelieu would hear of no such policy.\* Israel hath held forth the hand to Moab, she hath called even unto Midian! The Regent Murray had been as ready for an idolatrous French alliance in 1567. But when James VI. was suspected of such dealings with idolatry, the pulpits rang from Dan to Beersheba. In January 1640 Traquair came from Edinburgh with Dunfermline and Loudoun. Ruthven was reinforced in Edinburgh Castle, and the Scots at once sent Colville to Louis Treize, asking for mediation in the name of the ancient League. Montrose, on December 26, had declined to visit Charles, as men were still "filled with their usual and wonted jealousies."<sup>50</sup> Waristoun said that Montrose had done nobly, but he was also so noble as to sign the letter to Louis.<sup>51</sup> As to the earlier letter to France, never sent, Loudoun was now placed in the Tower for his concern with it. But he had pleas which, legally, were adequate. The deed had been intended, not done, before the Act of Amnesty, in the Parliament of 1639; he was covered by that Amnesty; again, he could only be tried in Scotland.

Charles's dealings with the Scottish Commissioners in spring came

\* Gardiner, ix. pp. 91, 92. From French Archives.

to nothing. The men, besides the two nobles, were the hanging sheriff of Teviotdale, Sir William Douglas, and one Barclay, formerly pædagogues of Argyll. In Edinburgh the prorogued Parliament was represented by a committee—Lothian, Dalhousie, Yester, Balmerino, Cranstoun, and Montrose's friend, Napier, with lairds and burgesses.<sup>52</sup>

All things in Scotland were unsettled. Ruthven wished to rebuild part of the works at Edinburgh Castle: the citizens treasonably refused to supply materials. The old works were shaken down by the guns fired on Charles's birthday (November 19, 1639) and mankind—as usual unable to see that effects follow causes, not *vice versa*—held that the walls crumbled from a prescience of bad fortune.<sup>53</sup> Perhaps the death of Spottiswoode was boded? He expired on November 27, 1639. His son, Sir Robert, was a better man.

In the new year, 1640, the Covenanters organised their fighting finance by "The Blind Band," taxing and assessing everybody. Many even of the godly did not relish these exactions. The castle was reinforced (February 10, 1640).<sup>54</sup> The question of money now preoccupied Charles; he was driven to call that three weeks' Parliament in England, the Short Parliament, which proved so ominous (April 13). In Edinburgh the Covenanters erected works commanding the castle gate, having heard that Charles had levied new forces under Northumberland; hence their threatening conduct. Ruthven remonstrated with them and threatened to fire: the town's party seized and imprisoned loyalists.<sup>55</sup> A wordy war of pamphlets, declarations, and protestations went on, and Ruthven occasionally fired upon Edinburgh (May 1).

While the Scots were reorganising their army, and beating up for money, exacting a tenth, as if, says Burnet, for a sacred war, while the ladies contributed their jewels, in England the financial efforts of the king were paralysed. Every corner was raked for money, threats were held over the City and the merchants, in vain: Spain, France, and even (by the queen) the Pope, were supplicated for loans, and supplicated to no avail. The national temper, overwrought by Laud (who had some thoughts of burning a heretic, and had imprisoned many Nonconformists), was in sympathy with the Scots. The Northern Counties could not be asked to serve again; the pressed men from the Southern Counties robbed right and left as they marched, burned the communion rails in churches, and, in the ardour of their Christianity, threatened, and on occasion

murdered, their Catholic officers. Almost alone, the Catholics, scapegoats as they were, the whipping-boys of Charles's Protestantism, were now loyal to the king. At Newcastle, Conway failed to keep order among the reckless unpaid levies that were sent to him; the town could not be fortified, and in case of war it was the objective of the Scots, who meant to stop the coal supplies of London. Riots occurred in the capital, and were only calmed by calling out the trained bands.

In 1639, as we saw, Charles had his chance of fighting the Scots and rousing England against them, but he missed it. An offensive war against Scotland, successful or unsuccessful, would have been the saving of him; a defensive war he could not wage, nor wait till want of supplies caused the Scots to disband. In 1640 he might have yielded all along the line, become a puppet king, or abdicated. The old kings, the Plantagenets, had yielded to constitutional pressure, when their backs were at the wall, or had been murdered, or had caused a diversion by foreign campaigns. Charles would not yield, he could not carry the war into France, and the hour for his murder had not sounded. Strafford, returned from Ireland, pressed the policy of force,—he would strike at the Scots or let that kingdom go. It seems conceivable that, in the heat of controversy in Council, he dropped some words about using the Irish army not only in Scotland but in England. The words, spoken or not, were written down by Vane, and were to be used against Strafford on occasion.\* But Charles now listened to Strafford, and now wavered; and, in May, prorogued to mid July the Scottish Parliament, which should have met, and did meet, on June 21. There was a technical informality, reported at length by Burnet, in the form of the prorogation, or there was something that the hairsplitters of the Covenant might reckon informality.<sup>56</sup> So they constituted themselves a Parliament, went through their destined work "at a gallop," and sent "two high declarations" to the new Scottish secretary, the Earl of Lanark. He was Hamilton's brother, a man of twenty-four, who had succeeded to the post on the death of the Earl of Stirling (Sir William Alexander).

\* We have no doubt that the phrase of Strafford, even as given by Vane, did not bear the interpretation later fixed on it by the men who did the king's loyal servant to death. "You have an army in Ireland you may employ here" (that is, on the east side of St. George's Channel), "to reduce this kingdom" (that is, Scotland). *Cal. State Papers, 1640, xxiii. p. 113*). Mr Douglas Hamilton, editor of the Calendar, thinks this the probable interpretation.

The argument for holding, by way of a Parliament, a Convention as illegal as that which swept away the Church in 1560, was, as Mr Napier states it: "Is it less unlawful for us simply to vote Lord Burleigh into the chair, than to declare King Charles no longer on the throne, distinctly implying that there was no other alternative?"<sup>57</sup> There *was* no alternative. Charles had prorogued the Estates merely to gain time to muster his forces, and the Scots knew it. Charles had set the example of law-breaking. Tudor sovereigns had altered religion at their will; so would he, on that precedent. The Scots ever had in their minds the precedent of James III. at Lauder Bridge, and the reasonings of George Buchanan in his 'De Jure Regni' and his 'History.' It is futile to blame revolutions for being laws to themselves.

Montrose, as to the point of holding a Convention, opposed the new revolution, in which Lord Napier had a part. Waristoun wrote to Hepburn of Humbie, later (April 20, 1641), "Montrose did dispute against Argyll, Rothes, Balmerino, and myself; because some urged that, as long as we had a king, we could not sit without him; and it was answered that to do the less" (dispense with the royal permission) "was more lawful than to do the greater" (declare Charles dethroned).<sup>58</sup>

Parliament adjourned to November 19, to prepare war, having organised "a monster committee" of the Estates, on which Argyll, for his own ends, declined to sit. There were about forty members, from earls to tailors and saddlers. Among the names were those of Montrose, Napier, and Stirling of Keir, all three soon to suffer for their loyalty. Montrose had his reasons for being in, as Argyll had his for being out of a committee far too large for the direction of a war. Outside the ranks of the Covenant were Huntly (who, Napier admits, "never showed better than a mere skulker, throughout the whole of the troubles"), Atholl, and Airlie.<sup>59</sup> Airlie's son, Lord Ogilvy; Huntly's son, Lord Gordon, stood out for the Crown. Now the Committee had ordered that private defensible houses should be handed over to themselves, or, in case of resistance, "reduced." Argyll therefore received a commission "of fire and sword," for the extirpation of malignants (such as Ogilvy and the benighted Celtic non-Covenanters) on the frontiers between his region, or principality, and those of Atholl, Airlie, and Huntly, in Badenoch, Lochaber, and Rannoch. The non-Covenanters were to be "brought to their duty," or else "utterly subdued and rooted

out of the country," or to "become Christians," so says the Act of Indemnity to Argyll in 1641.<sup>60</sup> This phrase, "rooted out," or its equivalent, "extirpated," later became notorious in the case of the Massacre of Glencoe. Here, perhaps, we may take it to mean, not universal massacre, but the driving of the anti-Christians out of their lands, "out of the country."

The people of Forfarshire, or Angus, were now threatened by Argyll's Campbells, whom they regarded much as England did the Irish army. The Celts, be they Campbells, or be they Macdonalds, were looked on as undisciplined savages by distant Lowlanders. To anticipate the savages of Argyll, Montrose dealt, by orders of Lindsay, it seems, with Ogilvy for the peaceful surrender of Airlie Castle. "I did render my house to the Earl of Montrose for the use of the public," said Airlie in 1641, "neither would he accept of it upon any other terms."<sup>61</sup> Montrose then wrote to Argyll, saying that he need not enter Forfarshire, Airlie Castle being already surrendered. Argyll was not to be balked of revenge against Ogilvy, a feudal foe, but first he treated the Earl of Atholl exactly as the Covenanters (Montrose being "art and part") had treated Huntly. He broke a safe-conduct of Atholl's and sent him to Edinburgh.\* Having dealt with Atholl, Argyll next marched against Airlie; and gave orders to young Campbell of Calder to arrest Lord Ogilvy. He then, "goaded into savage exasperation by the intervention of Montrose," says Mr. Gardiner, ordered the burning of the Bonnie House o' Airlie, and Airlie's other house of Forthar, while the property was wrecked, and cattle were driven to stock Glen Shira.

To Campbell of Inverawe Argyll wrote, "See how ye can cast off the iron gates and windows, and take down the roof, and if ye find it will be longsome ye shall fire it well, that so it may be destroyed. But ye need not let know that ye have directions from me to fire it. . . ." <sup>62</sup> Argyll, at his trial in 1661, stoutly denied that he even knew of this deed of fire-raising.

\* This is Mr Gardiner's view (ix. pp. 166, 167), and he is not a Highland partisan (cf. Napier, i. pp. 258-261), he quotes Guthry, who heard the statements of John Stewart of Ladywell, executed in 1641 (cf. Spalding, i. p. 271).

In Huntly's case, one may suspect that he was not sorry to go. Charles, as we saw, writing to Hamilton, called him "as false as feeble" (Hist. MSS. Com. xi. Appendix, pt. vi. p. 102). Burnet gives the letter (York, April 23, 1639), but not this remark about Huntly. The editor of the Hamilton Papers in the Hist. MS. Com. refers to Burnet, but does not observe that the bishop expurgated the king's observation that Huntly "is both feeble and false." Compare page 56, *supra*.

His letter to Inverawe, commanding the outrage, exists to bear witness against him. Gordon avers that Argyll drove Lady Ogilvy, who was about to have a child, from Forthar, and would not permit the lady's grandmother (who took permission), to receive her at Kelly.\* "Atrocities" had begun, as usual, Argyll leading the way; and, as always, they were invented even when they did not exist. Argyll, later, was to get his own kail through the reek, and to think himself as unjustly treated as if he had not set the first example of robbery and arson. Aberdeen and Huntly's country were soon compelled to sign the Covenant, and were plundered and burned by the Christians under Munroe. Everywhere non-Christians were suffering extremity.<sup>63</sup>

So passed May and June, at the end of which Charles released the captive Loudoun, and sent him to Scotland in some hopes of peace.<sup>64</sup> Loudoun, in London, had been conspiring with Savile, who had a hereditary hatred of Strafford. The intrigue, according to Burnet, began when Dunfermline was also in London. "A person of quality of the English nation, whose name is suppressed because of the infamy of this action" (Savile), entreated Loudoun and Dunfermline to begin a new war, bringing papers of adhesion to the Scots signed "by most of the greatest peers of England."<sup>65</sup> In fact, on June 23, when Leslie's army was again mustering, Waristoun, the soul of mischief, wrote to Savile, suggesting the ruinous idea of an extension of the Covenant to England, with other treasonable proposals. Savile, with five other peers, answered through Loudoun. They refused to lend treasonable aid, their opportunity was not ripe, but they confessed a common cause. Later, Savile "sent them what they wanted": to bring the Scots to invade England, he forged signatures of the peers to a letter inviting a Presbyterian invasion.† The forgery by Savile was

\* That Argyll accused Montrose of "suffering Lady Ogilvy to escape" does not perhaps, as Mr Gardiner thinks, contradict Gordon's narrative. It is more important that Gordon clearly had a confused idea of the facts, for he dates the burning of Airlie Castle in 1639; repeats the story under 1640, and cannot imagine what more Argyll could find to do in that year.

† This is Mr Gardiner's view: he accepts the Letters published by Oldmixon ('History of England,' p. 141). Oldmixon, however, has confused the actual Letter (1) with the Savile forgery (2). Savile acknowledged the forgery later, as Mandeville (afterwards Manchester) records (Nalson, ii. p. 427. Add. MSS. 15, 567, a fragment of Mandeville's lost Memoirs. Gardiner, ix. pp. 179, 180, and 210, 211). Savile was a better forger, or employed a better than George Sprot, for the peers could not detect the imitation of their own hands. But Savile had



detected some months later, when the deluded Scots met the supposed signatories at Ripon.

Meanwhile Leslie advanced with part of his forces to Camp Moor, near Dunse. Here he lingered for weeks, awaiting supplies, and here the rift in the Covenant was widened. The Committee of the Estates, as we saw, was too large for military purposes. There was an idea of erecting a Triumvirate; one man—Argyll—to be responsible north of Forth, and two men south of Forth. Montrose appears to have heard of the scheme through Archibald, brother of Sir James Campbell of Lawers. Montrose procured a modification of the draft commission, his own name was added to that of Argyll for the North, with those of Mar, Cassilis, and two others. Argyll, therefore, could not be a Dictator.\* When Montrose joined Leslie, Argyll appears to have accused him of too much lenity (then his besetting sin) during the operations in the north. He was absolved by Leslie and the Committee. Next he was offered for signature a "band" in favour of Argyll's dictatorship.<sup>66</sup>

To check Argyll (whose vigorous methods of proselytising have been noted), Montrose presided over the drawing up of a private band, at Cumbernauld, the seat of the Earl of Wigtoun (Fleming), in the month of August. Any such association might be regarded as a breach of the Covenant, but, in Montrose's eyes, it was necessary to counteract the other band, and the movement in favour of Argyll, at once his personal enemy and a man cruel, revengeful, and dangerous to the internal peace of the north. The actual band of Montrose was later burned, but Mr Napier found a transcript (preserved, he says, by Sir James Balfour) of this "damnable" document, as Baillie calls it. The Cumbernauld band avers that "the particular and indirect practising of a few" (in favour of Argyll's northern dictatorship) is dangerous to the country and to the duty of the signing parties to the Covenant itself. The signatories bind themselves to mutual defence "as far as may consist with the good and weel of the public," quite a new kind of clause in a band. The names are Marischal, Montrose, Wigtoun, Kinghorn, Home (who had been discontented as early as

only signatures to forge, and, to do Sprot justice, his *signature* of "Restalrig" defies detection.

\* This is Montrose's account, given in May 1641. Napier, i. pp. 255, 256. Wodrow MSS.

June 1639), Atholl, Mar, Perth, Boyd, Galloway, Stormont, Seaforth, Erskine, Kirkcudbright, Almond, later Callendar (commanding under Leslie), Drummond, Johnston, Lour, D. Carnegy, and the Master of Lour.<sup>67</sup> These names, though noble, carried, at this period, no very special weight. Mar was not what Mar had been, the Keiths had no great following, and Montrose's allies proved broken reeds, mere "respectables," helpless or treacherous in a revolution. For the moment, however, the feelings which prompted the writing of the Cumbernauld band were known to be strong enough to make a dictatorial triumvirate perilous—the ambition of Argyll was thwarted; he bided his time, and the Committee of Estates went on as before.

On August 3 Strafford received a Royal Commission empowering him to lead an army of Ireland, and of such as the king might add in England, to resist invasion and rebellion in all three kingdoms. The Scots sent a manifesto into England: they appealed to Parliament, they promised to work no wrong and pay for all supplies which they took south of Tweed. Charles determined to march north in person; and Strafford, with no Irish army, was there to command. But, ere he arrived on the northern scene, all was over. On the night of August 20, Montrose was the foremost man to ford "the glittering and resolute streams of Tweed." On him the lot, by chance or cozenage, had fallen. He crossed alone, and, returning, led his men over. "I was, of all, myself the first that put my foot in the water, and led over a regiment in the view of all the army."<sup>68</sup> By August 29 the royal cause was undone. Conway made a feeble attempt at resistance on the fords of Tyne: he was outnumbered, his position was untenable, and next day the Scots entered Newcastle, which cowardly surrendered, and seized the magazine.<sup>69</sup>

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#### NOTES TO CHAPTER III.

<sup>1</sup> Spalding, i. p. 137; Napier, 'Memoirs of Montrose,' i. pp. 166-168.

<sup>2</sup> Burnet, 'Mem. Ham.,' pp. 115-117.

<sup>3</sup> Gordon, ii. pp. 197 *et seq.*

<sup>4</sup> Burnet, 'Mem. Ham.,' p. 113; Gordon, ii. p. 213.

<sup>5</sup> Spalding, i. pp. 150, 151.

<sup>6</sup> Spalding's account differs, and is more to the discredit of Montrose.

Spalding, i. pp. 169-171.

<sup>7</sup> Gordon, ii. p. 205, note 1.

- <sup>8</sup> Hist. MSS. Com., Report XI., Appendix vi. p. 102.
- <sup>9</sup> Gordon, ii. pp. 210-237; Spalding, i. pp. 136-171.
- <sup>10</sup> Burnet, 'Mem. Ham.,' pp. 127, 128.
- <sup>11</sup> Hamilton Papers, pp. 89-92. <sup>12</sup> Napier, i. p. 200.
- <sup>13</sup> Baillie, i. p. 205. <sup>14</sup> Spalding, i. pp. 209-212.
- <sup>15</sup> Gordon, ii. pp. 270-281; Gardiner, ix. p. 41; Gordon, 'Britane's Dis-temper,' pp. 26-28; Spalding Club, 1845.
- <sup>16</sup> Peterkin, 'Records of the Kirk of Scotland,' p. 220.
- <sup>17</sup> Hamilton Papers, Camden Society, p. 83; Burnet, 'Mem. Ham.,' p. 131.
- <sup>18</sup> 'Johnston of Wariston's Diary,' Scot. Hist. Soc., p. 41; Peterkin, 'Records of the Kirk of Scotland,' p. 223. <sup>19</sup> Wariston, pp. 43-46.
- <sup>20</sup> Wariston, p. 58. <sup>21</sup> Gardiner, ix. p. 23.
- <sup>22</sup> Hardwicke Papers, ii. pp. 130 *et seq.* Compare Wariston, pp. 76-92.
- <sup>23</sup> Wariston, p. 76.
- <sup>24</sup> Wariston, pp. 80-82. <sup>25</sup> Wariston, pp. 82-85.
- <sup>26</sup> Burnet, 'Mem. Ham.,' pp. 142, 143, with the Terms.
- <sup>27</sup> Baillie, i. pp. 218, 219. <sup>28</sup> Peterkin, p. 230.
- <sup>29</sup> Cal. State Papers, Domestic, 1639, pp. 386, 387.
- <sup>30</sup> Cal. State Papers, 1639, pp. 370, 371.
- <sup>31</sup> Burnet, 'Mem. Ham.,' pp. 144, 145.
- <sup>32</sup> Cal. State Papers, 1639, p. 387.
- <sup>33</sup> Cal. State Papers, 1639, p. 395.
- <sup>34</sup> Cal. State Papers, 1639, pp. 408, 409.
- <sup>35</sup> Hardwicke Papers, pp. 141, 142.
- <sup>36</sup> Hamilton Papers, Camden Society, pp. 98-100.
- <sup>37</sup> Cal. State Papers, 1639, p. 419.
- <sup>38</sup> Burnet, 'Mem. Ham.,' p. 149. Charles to Spottiswoode, Aug. 6. *Ibid.*
- pp. 153, 154. <sup>39</sup> Peterkin, pp. 269, 270.
- <sup>40</sup> Peterkin, p. 268. <sup>41</sup> Peterkin, pp. 250-252.
- <sup>42</sup> Howell, 'Familiar Letters,' p. 276, cited by Hill Burton.
- <sup>43</sup> Act. Parl. Scot., v. pp. 252, 253
- <sup>44</sup> Gardiner, ix. p. 51, note 3. <sup>45</sup> Guthry in Napier, i. p. 222.
- <sup>46</sup> Burnet, 'Mem. Ham.,' pp. 158, 159. <sup>47</sup> Balfour, iii. p. 76.
- <sup>48</sup> Rushworth, iii., i. p. 119.
- <sup>49</sup> Burnet, 'Mem. Ham.,' p. 160. <sup>50</sup> Napier, i. p. 228.
- <sup>51</sup> See Gardiner, ix. pp. 92, 93, for the Covenanters' Letter to France. Bib. Nat. Fr. 15, 915, fol. 410.
- <sup>52</sup> Gordon, iii. pp. 79-81. <sup>53</sup> Gordon, iii. pp. 86, 87.
- <sup>54</sup> Gordon, iii. pp. 80-100. <sup>55</sup> Gordon, iii. p. 126.
- <sup>56</sup> Burnet, 'Mem. Ham.,' pp. 166, 167. <sup>57</sup> Napier, i. p. 234.
- <sup>58</sup> Napier, i. p. 236. <sup>59</sup> Napier, i. p. 239.
- <sup>60</sup> Act. Parl. Scot., v. p. 398. <sup>61</sup> Napier, i. p. 245.
- <sup>62</sup> Gardiner, ix. p. 167, note 3, quoting the letter from 'Notes and Queries,' Series v., ix. p. 364.
- <sup>63</sup> Gordon, iii. pp. 164, 165, 271; Willcock, 'The Great Marquess,' p. 107; Cal. State Papers, Sept. 12, 1640.
- <sup>64</sup> Burnet, 'Mem. Ham.,' pp. 170, 171. <sup>65</sup> Burnet, 'Mem. Ham.,' p. 165.
- <sup>66</sup> Napier, i. pp. 263, 264. <sup>67</sup> Napier, i. pp. 269, 270.
- <sup>68</sup> MS. in Montrose Charter Chest; Napier, i. p. 271.
- <sup>69</sup> Baillie, i. pp. 256, 257; cf. Clarendon, i. pp. 204, 205, on this disgraceful surrender of Newcastle.

## CHAPTER IV

## THE SCOTS INVASION OF ENGLAND.

1640.

THE presence of a Scottish army at Newcastle, confiscating the patrimony of St Cuthbert and the goods of Catholics or of Anglicans at will, would once have united England in arms. The Scots would have been driven from Tees and Tyne to the Naver, calling on their mountains to cover them. An England united and prepared would have done it: in a few years an England prepared, though not united, did it. But England was now neither united nor prepared. Strafford met the retreating levies of the king at Darlington. Terrified as they were, they were scarcely more uneasy than the Scots had been after their victory at the ford of Tyne. Some 4000 of the Scots army are said to have decamped, homesick no doubt, towards Berwick. Though the numbers are probably exaggerated, Leslie reports (September 2) "the evil carriage of our own soldiers," and "the multitude of runaways, who abandon the army."<sup>1</sup> Says Baillie, who was present, "If Newcastle had but closed their ports, we had been in great hazard of present disbanding," but the garrison was at once withdrawn.

Only the gentlemen of England had fought well. Wilmot had cut down one or two opponents in a cavalry charge: Strafford, from Darlington, reported to Charles, at York, that Wilmot had slain Montrose, a rumour contradicted by Vane on September 3.<sup>2</sup> The counties of Durham and York had begun to show some spirit; even now, had Charles concentrated at York and advanced, the heart of England might have been aroused, whether by victory or defeat. It was not to be. England, apart from all other distractions, was in one of her fits of fear about Popery: as absurd as if Spain had been in terror of a Protestant plot. It was commonly said that whoever

was not Scotch was Popish. In place of aiding the king, the chief Puritan peers were in London, agitating and petitioning. They and the middle classes stood towards the invading Scots, as Brunston and Ormistoun, Knox and Glencairn, and the Douglasses, had stood of old towards the invading English. They called for a Parliament, for the trial of the king's ministers: while the Scots also now insisted on the punishment of "incendiaries," chiefly Traquair and Hamilton, Strafford and Laud. Baillie, by his pamphlets, was a chief agent in hounding Laud to the block; "We pant," says this clergyman, "for the trials of Laud and Strafford."

We need not dwell on the tragedy of Charles, the familiar steps to ruin with dishonour. The petition of the city for a Parliament was added to the petition of the peers. Hamilton was in terror: he wished to fly the country; that being forbidden he helped the Commissioners whom the Scots presently sent to London, with all his might. He "was very active for his own preservation." The Royalist garrisons in the castles of Edinburgh and Dumbarton yielded to scurvy and starvation. The great Council of Peers met, for the first time since Henry VII., at York. They appointed Commissioners to capitulate to the Scots at Ripon (October 2). In the Scottish camp there was trouble. Montrose, "whose pride was long ago intolerable, and meaning very doubtful, was found to have intercourse of letters with the king, for which he was accused publicly by the General in face of the Committee," says Baillie.<sup>3</sup> Montrose is said to have been betrayed by Hamilton and the gentlemen pickpockets of the king's bedchamber. Burnet says that his letter to the king happened to fall to the ground, and the address was noticed by Sir James Mercer, who picked it up. Wishart, Montrose's chaplain, blames the gentlemen of the king's bedchamber, who acted as spies for the Covenanters. Of these men, Will Murray, of old the king's "whipping-boy," is the most notorious. He is freely accused of being employed, now by Hamilton, now by Argyll; he is mixed up in every intrigue: he was always suspected, never discarded, and could probably have explained many a problem that history cannot unravel.<sup>4</sup> Montrose's letter was a mere protestation of loyalty, such as the Covenanters indulged in publicly. The king was not "the enemy," so Montrose was safe: he had not communicated with "the enemy." Meanwhile, in the meeting of Scots and English at Ripon, the forgery of Savile was detected. He justified himself by patriotic motives;

he too was safe ; who could denounce him, to whom ? The Ripon meeting haggled over the question of how much the Scots would take to remain quietly where they were. In the end they received a considerable sum of money, "brotherly assistance." The inevitable Parliament, the Long Parliament, met on November 3. Baillie, travelling south with the Scottish Commissioners, reports that the inns were "like palaces." The king at this time reprieved a Jesuit, sentenced to death for being one ; the anti-Popish agitation went on ; the presence of Rossetti, a papal agent, and the queen's futile dealings with him were resented. The utter uprooting of Episcopacy was clamoured for by the preacher Henderson, in a pamphlet which gave great offence to the English : "diverse of our true friends did think us too rash, and, though they loved not the bishops, yet for the honour of their nation, they would keep them up rather than we strangers should pull them down," says Baillie. The Scots cherished the ambition to see all England Presbyterian on their own model, a lovely dream, that came through the Ivory Gate.<sup>5</sup> The Root and Branch party, however, was powerful and very noisy. But Cheshire petitioners on the Episcopal side objected to "the mere arbitrary government of a numerous Presbytery, who, together with their ruling elders, will arise to near forty thousand Church governors."<sup>6</sup> The Cheshire petition was signed by four peers, more than eighty knights and esquires, seventy clergymen, three hundred gentlemen, and over six thousand freeholders and others. The anti-prelatists produced a counter-petition, in which the numbers all round were exactly doubled ! The thing was a forgery, or a Presbyterian joke.<sup>7</sup>

In March 1643 the satisfaction of the Scottish demands for money was postponed to the business of illegally condemning Strafford : "pleasure first, business afterwards." The Scots acquiesced in this arrangement. We do not dwell on a tragedy "too deep for tears," not the death of a brave man already near his end, but the moral overthrow and the worm that never dies in the breast of Charles. He appears to have yielded in fear of mob violence, which threatened the life of the queen. In August the arrangement with the Scots was completed, and, much to the wrath of the English Parliament, the king hurried northwards, to forget, if he could, in changed scenes : to save his servant, the incendiary Traquair, if he could ; to procure evidence of English treason in inviting a Scottish invasion ; to see whether the name of Stuart

might yet have a charm, and make Scotland a rallying-point of resistance against the English; possibly to punish Argyll, who lay, as we shall see, under some suspicion of flat undeniable personal treason. Above all, Charles may have hoped to establish the less enthusiastic Covenanters in the chief offices of State.<sup>8</sup>

Already, in England, Catholics were dying for their religion. William Ward, a priest, was hanged at Tyburn, just as a friend of his, for no other crime than his creed, had perished thirteen years earlier. Resisting the fury of the House of Commons, and the pressure of the mob, as he should have done when Strafford was condemned, Charles now rode out of Palace Yard with his face to the north. The man should repent it, he said, who touched his horse's reins. If we may believe the Venetian Ambassador, the Scottish Commissioners had made him loyal promises.<sup>9</sup> He was their native king: Scotland had ever been jealous of his prolonged absences. But if he expected to win Scotland, to awaken Scottish national sentiment, the king was notably deceived. He went to abase himself in the dust, to assent to all that his soul loathed. He had apparently bought Rothes, by money and place, but at this moment Rothes died.<sup>10</sup> "From him his Majesty expected much service at the present conjuncture, he having given many assurances thereof."<sup>11</sup> He was to have enjoyed high office, *in England*, and to have married the rich Countess of Devon.<sup>12</sup> We have, perhaps, no right to say that Rothes, the chief fomentor of the Covenant, was bought. He may have been pricked in heart and conscience by the situation of the king. However, there were promises and hopes held before him: to Montrose no bribes were offered. To regard *his* change of party as the result of personal jealousy and self-seeking, is the note of a mind incapable of understanding a noble motive.

"Though jealousy of Argyll had, no doubt, its full weight in sending Montrose to the king's side," says Mr Gardiner, "there can be little doubt that he was swayed in the main by higher considerations." There can be no doubt, except among the unreflecting base. Rats do not desert to a sinking ship, as was the king's in 1639-1640. Had Montrose deserted the Covenant earlier, had he joined Strafford, had he led the king's army from Berwick to meet Leslie at Duns, English history would have been other than it is. But when the Royal ship had foundered, when Strafford's head had fallen, when every month brought its new attack, it was then that Montrose, in Scotland, began to stir for his king. On one

side he saw the representative of centuries of legitimate monarchy, on the other, zealots led by or leading Argyll: and power in the hands of whatever great House best pleased the populace and the preachers.

Returning to Scottish affairs after the capture of Newcastle, we find, in 1640-1641, first the beginning of a split between the less immoderate and the more enthusiastic preachers; next, the affair of Montrose's so-called "plot" against Argyll. Before attending to these we may note a singular example of social manners. Ministers of the Gospel still carried daggers, "whingers," and used them. A preacher of the pleasing name of Lamb had been deposed, in the time of Episcopal darkness, by the Bishop of Galloway, as a quarrelsome person. The ministers of Edinburgh secured for this victim of prelatical prejudice a church in the Presbytery of Peebles. "They say he had stricken a man, whereof he died." His Presbytery suspended him, and he appealed to the General Assembly. They remitted him to his Presbytery, which irritated Lamb. On a Sunday, after hearing two sermons, he acted in an indescribably insulting manner to a young man unknown, and when the youth remonstrated, "with his whinger struck him, whereof presently he died." Mr Lamb then easily obtained a letter of Slains from the family of the young man, which means that he would pay the *eric*, or blood-wyte. "But we think the Constable will cause execute him," says Baillie, "murder (1), by a preacher (2), especially on the Sabbath day (3), while the Assembly was sitting (4), being a thing of dangerous example."<sup>18</sup>

The ministers had trouble within their fold. As soon as bishops were turned out, amateur professors of religion came in. A tailor and a surgeon from England, "and from Ireland a fleece of Scots people," dissatisfied with official Presbyterianism, had introduced conventicles of their own. Among them were a gifted ploughman and the laird of Lecky. They "sought edification by private meetings" (than which nothing seems more praiseworthy), and were said to be supported by two notable divines, Mr Blair of St Andrews, and Mr Samuel Rutherford, the author of celebrated devotional letters, and of 'Lex Rex,' a political treatise of liberal complexion. Henderson, Guthry, and others opposed the private religious meetings, as savouring of Brownism, or of that New Independent heresy then raising its head in England. A conference was held by both parties, and it was agreed that private devotional meetings had been vastly well in times of corruption, but that now,



when the Gospel shone in all its purity, such assemblies might break up congregations, "and by progress of time the whole Kirk," which was very true. But Covenanters forbidding conventicles reminds us of the Gracchi denouncing sedition. The circumstance may be remembered when we find bishops equally intolerant.

The members of the conference signed the document, but those who had been friends of "revival" meetings encouraged them more than ever. "Such as kept those private meetings were, by the rigid sort, esteemed the godly of the land," a thing naturally irritating to the official godly. An Assembly at Aberdeen followed (July 1640), when Dickson, Rutherford, and most of the ministers and elders of the West defended the meetings, and would have carried licence for them, but Guthrie produced \* the signed paper of the conference, disallowing these conventicles, and an Act of the Assembly against them was passed.<sup>14</sup> This Guthrie, later Bishop of Dunkeld, died in 1676. Always a moderate Presbyterian, he inclined to the Royal side. His evidence, in his book, is certainly not always accurate, though of value when he was personally concerned. In 1641 the conventiclars wished the Act of the Aberdeen Assembly to be revoked. Calderwood, the historian, was fiercely opposed to conventicles, however limited in number, being a Presbyterian of the old rock: Blair and Dickson were moderate. An eirenicon was found, but Mr Calderwood continued to be "very peevish" on points of the constitution of the Assembly. "Likely he shall not in haste be provided" with a living, says Baillie; "the man is sixty-six years, his utterance is unpleasant, his carriage . . . has made him less considerable."<sup>15</sup> Thus our old friend and authority who had bearded King James, became unpopular among the brethren: and indeed a certain peevishness and delight in hair-splitting may be remarked in his historical writings.

We now turn to the affairs of Montrose, whose advice was probably one of the causes that brought the king to Scotland in August 1641. It will be remembered that he had contrived the Cumbernauld anti-Argyll band, with eighteen other nobles, in August 1640, and had been known to write a protestation of loyalty to the king, from Newcastle. That gave no handle against him, for the Covenanters always kept up the farce of pretending loyalty to "his Majesty's sacred person and authority." But in November 1640 young Lord Boyd, on his deathbed, let out the

\* Not Mr James Guthrie, later a martyr.

secret of the Cumbernauld band, and Argyll got wind of it, and drew the whole truth from Lord Almond, at Callendar House, where Queen Mary and Darnley had rested on their way to Kirk o' Field. Argyll reported to the Committee of the Estates, who summoned Montrose and the other banders before them. They acknowledged and justified their band, and, says Guthry, "some of the ministers and other fiery spirits pressed that their lives might go for it."<sup>16</sup> But some banders commanded regiments, and were not lightly to be meddled with, and the quarrel was patched up, the Committee burning the band, whereof we have a copy. On May 26, 1641, at a sitting of the Committee new trouble began. Montrose had heard, from Atholl, Stewart of Grandtully, and John Stewart, younger of Ladywell, many things about Argyll's words and ways at the time when he was Christianising Lochaber, Angus, and Atholl with fire and sword, and took these gentlemen prisoners. Montrose sent Ladywell to collect evidence, and appears to have meant to denounce Argyll and Hamilton of treason when the king came (and for that reason Montrose desired him to come) to the Scottish Parliament.

Montrose was working at a paper on Sovereignty, in 1640-1641; it is printed by Mr Napier, and contains the ideas of the Great Marquis. They are peculiar. He acknowledges, of course, that sovereignty may, and does, exist in Republics, Aristocracies, as at Venice, and in Monarchies. He does not claim any more of sacredness for monarchy than for other polities, but he appears to hold that tampering with any form of sovereignty, once established—Republic, Aristocracy, or Kingdom—is so dangerous as to be positively wrong. The Scots, if they go too far, will suffer the worst of all tyrannies, that of subjects usurping power (he means Argyll, and other nobles with Argyll), and the end will be despotism: "the Kingdom fall into the hands of One, who of necessity must, and for reasons of State, *will* tyrannize over you." The One was then walking about England, in clothes ill-made by a country tailor; his sword very close by his side; a speck of blood noticed on his little white band. This One was to arrive, and tyrannize, and his officer was to turn the General Assembly into the streets. To revert to Montrose, the Doge of Venice, he says, "is no sovereign, is nothing but the idol to whom ceremonies and compliments are addressed." To this constitutional position of a Doge, Argyll, with his demand that the Estates should appoint the chief ministers of the Crown,

would reduce the Sovereign of Scotland. The Highland chief and his allies, with the populace and popular preachers, would really hold the sovereignty. Charles ought not thus to abdicate power, but ought to hold frequent Parliaments, and never encroach on religion and just liberties, as guaranteed by law.

Montrose desires a reformed Charles, a contented people, safety from the tyranny of preachers, populace, and Argyll.<sup>17</sup>

But the worst of these is Argyll.

Montrose made no secret of his ideas. He wrote them out in a treatise, perhaps addressed to Drummond of Hawthornden. Here he named no names, but in private correspondence he spoke out to Mr Murray, a minister who, in the beginning of the troubles, had helped Rothes to convert him to the Covenant. Murray told Graham, another preacher. Graham talked, and the affair, as we saw, in May 1641 came before the Committee. What had Montrose said about Argyll's sayings? Montrose had averred that Argyll had said to Atholl, Ladywell, Grandtully, and other prisoners, that he and his party had consulted lawyers and divines about deposing the king, and that they meant to do it. He cited Ladywell as having heard the words, and Lindsay as having mentioned, on another occasion, that Argyll was to be Dictator. Lindsay, summoned, did not remember having named Argyll, and, if he had, it was no great matter. The evidence of Ladywell would be more serious. Montrose sent for him, and he appeared before the Committee in May, and signed a written statement in corroboration of Montrose. It is obvious that Argyll was a very unlikely man to have used, in the hearing of opponents, the language reported by Ladywell. But, in these days, men often did speak, over the bottle, with surprising indiscretion. Argyll is never charged with intemperance, but a glass of wine, and the heat of discussion, may have betrayed him into hasty expressions. This would be a theory less tenable if the measures taken against Ladywell had not evinced a desire to silence for ever, with little or no regard to law and usage, an inconvenient witness.

Having signed his corroboration of Montrose's charges, Ladywell was sent to the castle, and there was so worked on by Balmerino and Dury that he "cleared" Argyll. He also confessed that, impelled by Montrose, Napier, Stirling of Keir, and others, he had sent a report of Argyll's treasonable speeches to the king. The messenger who carried the report, Captain Walter Stewart, was

captured for the Committee on his return.<sup>18</sup> In his possession was found a brief note to Montrose from the king, in which he merely promised to behave in Scotland on the lines laid down by Montrose in the treatise on sovereignty. On June 12 Charles wrote to Argyll, denying that he had promised high official places to Montrose and his associates. He avowed his letter to Montrose, taken with Walter Stewart, and maintained that it was such a letter as he ought to write. This was incontestable. But another paper, in cypher, or at least with cant names, "A. B. C." "the Serpent," "the Elephant," "the Dromedary," and so forth, was found in the captured Walter Stewart's possession. This paper was in his pocket, "and, with astonishment, he swore he thought it had not been in the world," writes Hope to Waristoun (June 7). This indicates that the cyphered paper really contained cryptic notes made by Walter Stewart of his own ideas, and that he probably thought that he had destroyed it. But he had casually kept it in his pocket! This was the least likely way of concealing a document which, according to what was finally dragged out of Walter Stewart, really contained, not his own words, but messages from Montrose, Napier, Keir, and Blackhall, taken by him to Traquair in London, and by Traquair to Charles, who gave "particular answers" to them.<sup>19</sup> Where were the "particular answers"? They were not found on Walter Stewart, or were not produced, and have never been discovered. And why, in place of the answers, was Walter bringing back the questions? It may be guessed, on the other side, that he was unconsciously carrying back Montrose's messages to Charles, in his pocket, hence his astonishment when they were found there. Traquair denied all connection with the Elephant, Dromedary, Serpent, and the rest, as did the king.<sup>20</sup> Montrose, Napier, and others averred that they had, indeed, sent Walter Stewart to Lennox, his chief, in London, but "only to speed his Majesty's journey to Scotland. . . ." "There was some other discourses to that purpose in the bye, as, that it was best his Majesty should keep up the offices [of State] vacant, till he had settled the affairs here. . . ." \*

This is not very satisfactory. Walter Stewart's cypher papers may have been made by him to assist his memory, in London, and may have been his notes of "other discourses in the bye."

\* Montrose's and Napier's Replies unto the Libel, 1641-42. Montrose Charter Room. Napier, i. pp. 295-297.

Whatever the document really was, it seemed like an attempt by Montrose's friends to secure office at the expense of Argyll, and the matter was carried to the long account of his enemies against Traquair. Lennox was more or less involved in an intrigue which employed so many of his clan. There are notes by Vane of a meeting of the English Privy Council on June 18, in which this business was discussed. Argyll, after the discovery of Walter Stewart's cyphered paper, appears to have informed Charles that he himself has been cleared (of the charge brought by Ladywell), by the Committee in Scotland. "He desires you to hear my Lord Traquair. A foolish business concerning Captain Walter Stewart. Whatsoever plot he was upon, your Majesty is not knowing of it, nor the Duke of Lennox. Great mistake." The notes are so confused that we cannot often tell who is being spoken about.<sup>21</sup>

The result was the separate caging of Montrose, Napier, Stirling of Keir, and Stewart of Blackhall in the castle (June 11). Montrose had certainly designed to denounce Argyll of treason in Parliament, on the strength of Ladywell's, and probably of other evidence. Ladywell, we see, recanted—he truckled to Argyll, but he was hanged for "leasing making." He was executed on July 28. Baillie writes "it is true that none ever died for no transgressions of that act" (against leasing making).<sup>22</sup> However, "stone dead hath no fellow," and Ladywell (there is little reason to suspect that he had been tortured) was inconvenient to Argyll.\* It was also convenient to keep Montrose and his friends in prison, to brand them as "plotters," and denounce them with fury.

Montrose declined the judicature of the Committee; if tried he would be tried publicly, by his peers. Napier avoided the appearance of "contumacy," but gave negative answers without discussion. They had all, we saw, repudiated Walter Stewart's cypher, and the meaning which he chose to put upon it. Napier maintained, and his honour is not doubted, that if any were guilty he was, and he

\* Ladywell's exoneration of Argyll was to the effect that his speeches about deposing kings, "I now having thought better of them, were general, of *all* kings: howsoever, by my foresaid prejudicate opinion of his Lordship's actions, I applied them to the present." He speaks of "my weakness, not being able either to stand or go." This suggests the Boot, but Guthry, who was with Ladywell on the scaffold, says nothing of torture, but of persuasion on hope of mercy (Guthry, pp. 93-95). He adds that Argyll consulted Hope, as to whether Ladywell might be spared: Hope and other lawyers replied, "it was necessary for Argyll's vindication that he should suffer."

could not be induced to accept release from prison as a favour. Napier's conduct was nobly constant; he knew well why Argyll's Committee tried to separate him from Montrose. All the houses of Montrose were ransacked, and nothing worse was discovered than some old letters of euphuistic courtship. A copy of the harmless Cumbernauld band, with some of Montrose's thoughts on the subject, found in a charter chest, was made matter for outcry. On July 27 Montrose was called before Parliament. "My resolution is," he said, "to carry along with me fidelity and honour to the grave."\* He nobly kept his word. Such was the demeanour of this turn-coat plotter, as Montrose is called by the devotees of the Covenant.

Montrose lay in close confinement during the visit of the king to Scotland. Watched at Edinburgh by Hampden and other Commissioners from the English Parliament, Charles combined strenuous efforts to win popularity with feeble attempts to recover authority. Lennox, after some hesitation, signed the Covenant, as did Hamilton. There were festivals, much lip-loyalty, and the king almost convinced himself that all was going well. He attended the sermons of the preachers, and had to listen to abuse of bishops. Fanaticism had been making great progress. "The Lord's prayer began to grow out of fashion, as being a set form."<sup>23</sup> An Act for abolishing "monuments of idolatry" was passed.<sup>24</sup> Already in the north, screens whose colours and gold had weathered the blasts in the roofless Cathedral of Elgin, were used as firewood. The ancient and beautiful seventh-century Cross of Ruthwell near Dumfries, with its Anglo-Saxon hymn in Runic characters, was broken into three pieces.† It had passed unscathed through the Border wars and the Reformation: it had for a thousand years proved that the dark ages knew more of art and poetry than Presbyterianism could provide or endure. In 1802 it found a shelter in the manse garden, and is now re-erected under the roof of the church. What the Vikings had spared in Iona, with much work of later times, wild preachers desecrated and destroyed. In Aberdeen, Easter Day was perforce kept as a fast (1642), "no flesh durst be sold in Aberdeen," says Spalding.

\* The report from the MS. in the Cumbernauld Charter Chest is published by Mr Napier, i. p. 346. Balfour, iii. 30.

† For a picture of the cross and decipherment, see Stephens's 'Handbook to the Runic Monuments,' p. 130.

While Charles was in Edinburgh, old Lady Huntly was driven into exile to escape excommunication. Catholics were boycotted, and their property was confiscated. Charles accepted an Act by which he must choose his officers of State subject to consent of Parliament. Argyll now denounced one of these officers, Morton, who had brought him up.<sup>25</sup> The barons wished to give their votes on election of officers by ballot, Charles decried this as cowardly. Morton begged leave to refuse office as Chancellor, he did not wish to be a cause of trouble.<sup>26</sup> It will be remembered that while Roxburgh, "that awful man," had refused the Covenant, his son, Lord Ker, had taken it. But Ker now challenged Hamilton as a traitor to the king, for both Hamilton and his brother Lanark, the secretary, were suspected by all who held the ideas of Napier and Montrose. Ker was constrained to apologise before the House, and the Estates passed an Act acquitting Hamilton.<sup>27</sup> Meanwhile the battle over the appointment of officers of State raged, and even in Balfour's brief jottings of the debates we see that the king's self-control nearly broke down. Would they accept Loudoun as chancellor, yes or no? He pressed for a reply, "else he protested to God he would name none more to them."<sup>28</sup>

Meanwhile, what of "the plotters"? On August 28, Napier, Keir, and Stewart of Blackhall were brought to Parliament, where Charles encouraged them by taking off his hat, and nodding in a kindly way; but the hearing of their case was ever postponed.<sup>29</sup> Sir Patrick Wemyss (September 25) wrote to Ormonde saying that the king had "engaged his royal promise to Montrose, not to leave the kingdom till he come to his trial. For if he leave him, all the world will not save his life."<sup>30</sup> Would Charles be more loyal to Montrose than to Strafford? The world knows by what chicanery Strafford was brought to the block; doubtless Argyll would have found out a way for Montrose thither, as in the case of Ladywell. Perhaps Montrose, in criticising Argyll and Hamilton, and in accusing Argyll, had been guilty of "leasing making," and so might be righteously executed. But it was infinitely desirable that he should not speak in his defence, publicly, before his peers. "If this be what you call liberty," said the Earl of Perth, "God send me the old slavery again."<sup>31</sup> If Montrose lost his head for what he had done, then, as Argyll's Celts boasted, Scotland would serve King Campbell, not King Stuart.

While Loudoun had become Chancellor, Charles had nominated

Lord Almond as Treasurer. Perhaps because Almond had signed the Cumbernauld band, perhaps because he was not of the Argyll clique, or merely because the king had proposed him, Parliament resisted Almond's appointment. At this juncture, when the most that Charles could hope for was to save the lives and estates of men like Montrose and Napier, when Hamilton had secured himself by an alliance with Argyll, and when men like the Earl of Perth were dreading the new "liberty" more than the old slavery, a dramatic event—did not occur. In place of a successful return to the old Scottish methods of kidnapping or assassinating, a feeble effort was made to revive these practices, and the result was THE INCIDENT.

The exact truth about this mismanaged mystery can never, perhaps, be ascertained. In exploring the evidence we meet currents of cross-swearing; where only two witnesses can speak to certain details, they flatly contradict each other. Probably the first symptom of a brewing plot (which seems to have been overlooked by historians) occurs in a speech of the Chancellor Loudoun on October 5. He "remonstrated to the king and Parliament that there was a great confluence of people of late come into the town, upon what ground he did not know." A proclamation was issued against the gathering.<sup>32</sup> Later we shall find that Hamilton and Argyll were said to have 5000 of their "friends" concealed in the city. It was the Scottish custom in any crisis to collect "friends." Ker is said to have been accompanied by 600 men when he apologised to Hamilton, and Hamilton also was accompanied by many gentlemen of his name.

The first overt movement was on October 12, when Charles, with some 500 gentlemen not of the godliest, went down to the House. He told the Estates that he had come to Scotland with intent to "settle their religion and liberties," and that he had done it. "None should ever draw him from that." "Yet, my Lords, I must needs tell you a very strange story. Yesternight" (October 11) "my Lord Hamilton came to me, I being walking in the garden, with a petition of very small moment, and thereafter in a philosophical and parabolical way, such as he sometimes had used, he began a very strange discourse to me," to the effect that enemies had provoked the queen against him by calumnies, and so he requested permission to leave Court that night.<sup>33</sup> Next day (October 12) Hamilton, Lanark, and Argyll retired to Hamilton's house of Kinneil, some twenty miles away. On the 12th, therefore, the advanced party found itself



deprived of its leader, the extremely cautious Argyll, while he, Hamilton, and Lanark were to be regarded as victims of an intended plot. Their partisans would, of course, suspect the complicity of the king with the conspirators. Now Charles, as reported by Balfour in the passage just cited, knew not a word of a plot against the life or liberty of Hamilton; but merely that he complained of having been traduced to the queen. Charles then produced a letter, full of loyalty, written to him by Hamilton, and received that day. "With tears in his eyes," the king complained of Hamilton's distrust of him: he had taken Hamilton, when accused of treasonable projects, to sleep in his chamber: yet his friend held him in suspicion.<sup>84</sup>

Our next source is in the statements of Hamilton and Lanark, written from their retreat at "Keneel," on October 22. Lanark had found, before October 11, that Charles had some suspicions both of himself and his brother; "he was pleased to say that he thought me to be an honest man, and that he had never heard anything to the contrary; but that he thought my brother had been very *active in his own preservation*," a phrase already cited. Days went on after Charles spoke thus, and Lanark hoped that an accommodation with Parliament was probable, when all was ruined by The Incident of October 11. On that day Leslie had sent for Hamilton and Argyll to come to him privily.

In the circumstances now to be related, Leslie ought at once to have told to the king what he proceeded, on October 11, to tell to Hamilton and Argyll. But "he said for excuse that he thought it a foolish business, and therefore omitted it."<sup>85</sup>

Going to Leslie's rooms, on October 11, Argyll and Hamilton had found him with Colonel Hurry, who "told them," says Lanark, "that there was a plot, that same night, to cut the throats both of Argyll, my brother, and myself." This fact Hurry had learned from Captain William Stewart, "who should have been an actor in it." The three nobles were to be inveigled into a room at Holyrood, as if to speak to the king on business. Two lords were to enter by a garden door (as Ruthven entered Mary's cabinet on the night of Riccio's murder); they were to be followed, as in that old crime, by a large company, who would slay Hamilton, Lanark, and Argyll, or convey them on board a ship of the royal navy. As there was but one witness, Hurry, Hamilton had told the king, in the garden, "in general, that he had heard there was some plot intended against his life."

According to Charles, as reported by Balfour, and more fully by Nicholas, Hamilton then spoke only of being calumniated, and of desiring to retire on that score, and, from a letter of Hamilton's presently to be cited, it seems that he said no more than this. But Hamilton's speech, the king said, was "problematical." Later, on October 11, Captain William Stewart confirmed Hurry's tale, and Hamilton and Argyll, sending for Lanark to Lindsay's house, told him all, and the three took measures for their safety. Next day (October 12) they wrote to the king, who, dissatisfied with their letters, went straight to Parliament, as we saw, with his "very strange story." In his escort were men whom Hurry and Captain Stewart had denounced. To avoid tumult, the three menaced noblemen did not go to the House "with our friends at our backs," but retired, as has been seen, to Kinneil. "I am most confident," adds Lanark, "his Majesty knows not of any such base design (if any such there were), yet I may say he injures himself much in striving to protect those that are accused."<sup>36</sup>

Charles, as a matter of fact, was praying Parliament vainly for a public trial of the case. On October 22 Hamilton also wrote, from Kinneil, to the king—to whom Lanark wrote we do not know. From Hamilton's letter of October 22, it seems that, in the garden, he only told Charles vaguely "that I knew not when I should be so happy as to attend on your Majesty again." Thus Charles did *not* know, from Hamilton, in the garden, on October 11, that there was "some plot intended against his life." Nor did Hamilton tell Charles later, on that night, when he had now two witnesses, Hurry and Captain William Stewart, to his story. The king knew nothing: but next day Argyll sent a Mr Maule with all that they had learned. Hamilton explains that he left the town, on the 12th, to avoid a street fight, and he protested that he was not base enough to suspect the king's knowledge of the conspiracy.<sup>37</sup> No more is known of Mr Maule, but his message proved to Charles that Hamilton was suspicious of a plot against his life and Argyll's.

We now come to the evidence of Captain William Stewart, interrogated by a Committee of the House, on October 12. He said that at nine o'clock P.M. of the previous day, he and Hurry were summoned to speak to Lieutenant-Colonel Alexander Stewart, who offered them drink. Both declined; Hurry because he was to dine with the Earl of Crawford at eleven, a very early hour. Hurry departed, but Colonel Alexander Stewart took the captain to his

rooms, where he revealed the plot, saying that Lord Almond was to take the *rôle* of entering from the garden, that he would denounce Hamilton and Argyll, and, with a force of three or four hundred men, convey them to a ship. William Murray, of the king's bed-chamber, was to lure the two nobles into a drawing-room proper for the purpose of kidnapping them, and the Earl of Crawford, recently returned from the Imperial Service, was to command the four hundred men. Crawford was for killing the nobles; Almond intended merely to have them legally tried. Captain Stewart (though at feud with Argyll for the death of Ladywell and captivity of Stewart of Blackhall) refused to be concerned, but said that he might appear at Crawford's rooms where Hurry was to dine. On October 21 Captain William Stewart, again examined, gave similar evidence before a secret Committee of the House, for the public trial demanded by Charles was not granted. The captain now said that he had revealed all to Hurry, bidding him tell Leslie, which, as we know, he did, and Leslie then told Argyll and Hamilton. On October 12 Lieutenant-Colonel Robert Home, being examined, implicated Colonel Cochrane, who declared that William Murray had taken him to the king's bedside, for what purpose Cochrane did not say. On October 11, however, Colonel Cochrane had sent for Home to come to Crawford's rooms, where he promised to make Home's fortune; but Home declined to listen to his plan. Hurry, on the 12th and later, corroborated Captain Stewart; he had been approached by Crawford, but declined to deal with him, though by Leslie's permission he dined with the earl. He declared that Crawford asked him to come to him "early next morning" (the 12th) "with three or four good fellows, and it would be a means to make him a fortune." But the plot, if plot there ever had been, was for the night of August 11! Hurry did not go, as he heard a guess that Crawford meant to liberate Montrose from the castle, and attack Argyll on October 12. If so, this was a second plot.

On October 22 Lieutenant-Colonel Alexander Stewart, under examination, gave his account of his interview on October 11 with Captain William Stewart. The captain had spoken ill of Hamilton, and said that he certainly was a traitor. But he despaired of success in petitioning Charles for the release of his own uncle, Stewart of Blackhall, "for the marquis" (Hamilton) "is of such power with the king," adding "all was true that my uncle said" against Hamilton. Captain Stewart then informed the colonel that

the town was full of Argyll's and Hamilton's men to the number of 5000. Now five days earlier, Loudoun had told the king and the House that "there was a great confluence of people lately, upon what ground he did not know."<sup>38</sup> The Royalists maintained that Argyll and Hamilton did not wish for a happy accommodation with the king, and that The Incident exactly suited their designs. Hamilton and Argyll may have gathered their men into the town to attain their purpose in another way, by force, or they may have heard of an attempt to be made against themselves. The colonel replied to the captain that if Hamilton and Argyll made any treasonable enterprise, Home, Roxburgh, Almond, and Mar could raise their counties against them, and Crawford would help. They could seize Hamilton in his coach, or in the king's rooms, "*if the king were out of the way.*" They would carry their prisoner to a ship, and kill him, in the German fashion, if a strong rescue were attempted. Though the captain and the colonel thus differed widely in details, yet the idea of the plot clearly remained the same. It might be defensive, against the 5000 of Hamilton and Argyll, or these 5000 may have been summoned in anticipation of a Royalist attack.

When Crawford was examined (October 23), our knowledge of the plot was carried a day farther back, to Sunday, October 10. On that day the earl, and William Murray of the royal bedchamber, met Lords Ogilvy (of the bonnie House of Airlie), Gray, Almond, and Colonel Cochrane, and Murray asked the company if they had heard of a letter from Montrose to the king offering to accuse Hamilton of treason. (No such letter is known to have been written by Montrose.) Almond thought the charge improbable. As to his talk with Hurry on October 11, Crawford said that it merely concerned the colonel's desire to serve abroad; Lieutenant-Colonel Stewart had the same purpose. On Monday night (the 11th) he and his friends met and drank at Cochrane's rooms. (By this time they must have known, through William Murray, of Hamilton's visit to the king in Holyrood gardens, that Hamilton had suspicions, and that the game was up.) On October 27 Crawford admitted that, from the talk held on Sunday night (October 10), he gathered that there might be an idea of arresting Hamilton. He had no further information. He "did not remember" having talked about cutting the throats of traitors. His request to Hurry to come with three or four others on the morning of the 12th, referred only to the purpose of their taking foreign service, which is

natural enough, as the 12th would have been "the day after the fair." The nobles were to have been seized on the night of October 11; on the 12th they decamped.

On October 23 and 27 Cochrane implicated William Murray as having spoken to him about the desirableness of "sequestering" Hamilton and Argyll, and as having sounded him about his regiment, then quartered at Musselburgh. He had made no attempt to tamper with Lieutenant-Colonel Home, and on Monday morning (October 11), near Holyrood, had told Crawford that he would have nothing to do with "cutting of throats." He denied that he had been with Almond, Crawford, Murray, and the others on the Sunday night (October 10), and Crawford had already withdrawn his original statement that Cochrane was there. On October 23-27 William Murray said that, by Cochrane's repeated desire, he had taken him into the king's bedroom, where he had an interview with his Majesty. As to Hamilton and Argyll, he himself, he confessed, had said that if they really were traitors, they should be legally "sequestered." On Sunday, October 10, his business with Almond was to tell him that the king wished him to resign the treasurership, the royal nomination being opposed by the House. A letter of Montrose to the king was spoken of, Murray saying that his Majesty would be loth to interrupt peaceful negotiations by noticing it. No names of Hamilton or others were mentioned in Montrose's letter (though historians are apt to say that Hamilton was named). Murray denied all knowledge of the plan that he should lure Hamilton and Argyll into a room where they should be arrested. He could not be expected to confess to that.

On October 25 Murray said that he had visited Montrose "casually" in the castle, and that the earl had wished to see the king. He had "high" matters to reveal. Murray offered to carry a note; next day a letter came from Montrose to the king, who thought the matter "neither so home, nor so high" as Murray had led him to expect. This letter, and another, the king regarded as deserving of neglect, for a man in Montrose's position "would say very much to have the liberty to come to his Majesty's presence." Murray sent information to this effect to Montrose on Saturday (October 9). About four o'clock P.M. on Monday, October 11, a third letter came from Montrose, which both the king and Murray thought worthy of consideration. Next morning Charles said that he thought of communicating the letter to Loudoun, Lennox, Argyll, Roxburgh,

Morton, and Leslie, with whom he would confront Montrose. But by that time (Tuesday the 12th) the nobles had fled.

This is the sum of the depositions: the document ends with a tabular arrangement of the contradictions in the evidence.<sup>39</sup> The papers, published in 1874, were found among the MSS. of the House of Lords. The attention of the Estates was henceforth turned to The Incident. Charles said that he would not tell what he knew of Hamilton; why Argyll had fled he could not say; of Lanark he knew nothing but good. He could not tell what Cochrane had communicated to him in his bedroom, without Cochrane's permission. The king constantly demanded a public inquiry, even with tears in his eyes. "What would they grant him if not this, where his honour was concerned?" Mary Stuart had as vainly appealed for a public hearing. They who refuse it, as the House did refuse it, confess, if not their guilt, their apprehensions. They chose, as Charles said, anticipating Bunyan, "a private way to Hell." The "private way," the secret inquiry, of which we have given the results, led to a blank wall, as we have seen in the depositions. Montrose's letter of the 11th to the king was read; therein he had spoken of "a business which did concern the standing and falling of his crown." Montrose, examined, refused to be explicit. He would not wrong any particular person. This was not deemed satisfactory.<sup>40</sup>

In the end (November 15), Montrose, his friends, Sir Robert Spottiswoode and Sir John Hay (incendiaries), were released "under caution"; Montrose, after seven months' imprisonment, had no trial.

The Incident remains as dark as ever it was. It is needless to discuss Clarendon's absurd statement that Montrose, in an interview with the king, offered to assassinate Hamilton and Argyll. Mr Gardiner has scouted this piece of gossip.<sup>41</sup> William Murray, the groom of the bedchamber, had ever been suspected of treachery to the king. Crawford was a hot-headed soldier, who, if he meant a plot for the night of the 11th, did not even recruit leaders till the morning of that day, when a crowd of Dalgettys dined with him.

The peculiarity of the whole affair is that there seem to have been several threads of enterprise, which no one hand held. Montrose, like Stewart of Blackhall, knew, or, with the hopefulness of a prisoner, thought that he knew, enough to ruin perhaps Hamilton and perhaps Argyll. Had the plot succeeded, whether in

Almond's more or less legal sense, or in Crawford's throat-cutting style, and had Charles listened to the prayers of Montrose, by the 12th of October Hamilton and Argyll would, if alive, have been prisoners, and Montrose would have been free to bring his charges in Parliament. The king's pathetic requests for an open trial prove that nothing, in his opinion, could come out against his own honour. The usual stupidity of conspirators declared itself in the senseless conduct of Crawford, if the evidence against him be accepted. It seems not inconceivable that Murray arranged the whole affair, behind Charles's back, to give Hamilton an opportunity for discrediting, by the conspiracy, both his opponents and the king. Murray was suspected, we know, of picking Charles's pockets of letters, in the Covenanting interest. Clarendon accuses him of betraying the king's raid on the Five Members (in 1642), and perhaps the theory that he was the root of The Incident, though difficult, is not the most difficult explanation. Nothing, to our knowledge, was even hinted against Montrose, at the time; the charge against him is due merely to the blunder of Clarendon. Against this conjecture a point must be noted. Murray, just after The Incident, rose in the king's favour. On November 11 Wiseman wrote to Penington, "Old William Murray, a friend told me, was this day sworn from a groom to be gentleman of the king's bedchamber; if true, such a mark of trust has not been known to be given to men of his quality."<sup>42</sup> Murray had been with Montrose, with the king, with Cochrane, with all concerned, whether as *agent provocateur*, or as manager of a plot, differently viewed by different men engaged. But he increased in favour.

Another question is, What could Montrose know against Hamilton, now allied with Argyll? Judging from the charges brought against the marquis on a later day, Montrose knew no more than that he had ever been a treacherous double-dealer. Before the Assembly of 1638, he had privately, as a kindly Scotsman, advised the Covenanting leaders to go on with courage and resolution; "if you faint and give ground in the least, you are undone." Montrose was Guthry's authority for this statement, having been present, and heard Hamilton's words. In 1643 the second charge against Hamilton was that he had said, "If they awed the king, he was such a coward, they might have of him what they would." This clearly refers to the story of his private advice, to the same effect, to the Covenanting leaders in 1638. Guthry reports the tale of

1638, first on the evidence of Andrew Cant, given to him and others on the day after Hamilton spoke the words, and of Montrose, who "drew him to a window," at supper, and told him all, on the same day as Cant spoke to him.\* There was no time for hallucination of memory on the part of Cant and Montrose. Montrose, then, knew this treachery of Hamilton's, and would have revealed it to Charles, in October 1641. Probably he had no better evidence against Hamilton. In any case, the king continued to trust the marquis, while, on January 27, 1642, he sent to Montrose a verbal message by Mungo Murray, thanking him for his sufferings in his cause, and expressing reliance on his generosity, in a letter.<sup>43</sup> The result of The Incident was to make the king hated and suspected, most unjustly.

While the inquiry into The Incident was at its height (October 28), Charles announced the news of the Irish Rebellion. Tradition, in Wodrow, says that the news was brought to him while he was playing a match at golf, and that he finished his game. Into the question whether the king had himself lit the flame of the Irish outbreak, we have not to go. The news excited England, then seething with remonstrances, tumults, the three-cornered duel of Puritans, Episcopalians, and Sectaries, and with terror caused by The Incident, and the usual dread of a massacre of 100,000 persons by the Papists. The Irish Rebellion in many ways resembled the Indian Mutiny, and, of course, increased jealousy of the king. Charles hurriedly abandoned everything to Argyll and the Estates, tossed about honours, making Argyll a Marquis,<sup>44</sup> Leslie Earl of Leven, Waristoun a Knight, and so, on November 18, hurried back to England.†

Here it may be well to mark the effect of the Irish risings on political events. The precise number of English and Scots massacred, tortured, or left to die of cold and hunger, is matter of dispute. Mr Gardiner's remarks (x. pp. 64-69) are cautious,

\* Guthry, pp. 40, 41. Burnet, 'Mem. Ham.,' pp. 254, 255. Sir James Turner gives Guthry the lie, because, he says, this charge was not urged in 1643. But it was. Turner, 'Memoirs,' pp. 234, 235.

† An odd reason is given by Patrick Gordon of Ruthven, for Argyll's acceptance of the new title. The Argylls have usually been quite Celtic enough to lean to the second sight. "A cuss in ane old prophecie," says Gordon, declared that "the red-haired and squint-eyed Earl of Argyll should be the last Earl of Argyll," and the "cuss" was to be outflanked and turned by the new title. Argyll's son was earl, and the prophecy was false all round. 'Britane's Distemper,' p. 57.



yet 20,000 dead seems to be about his estimate. Mr Livingstone of Ancrum, a famous Covenanting preacher, says that some Scots in Ulster found the Scottish Covenanter army of revenge and relief more burdensome than the rebels had been. But what occurred was less important than what was believed. Horrible cruelties and outrages were attributed to the Irish, and it was taken for granted that every Irish or Scoto-Irish soldier or woman who came to aid the royal cause in England or Scotland, or to accompany her husband, had been engaged in the massacres. At all events each man, woman, and camp-follower was Papist and Celtic: in Scotland the men receive the worst character for lust and cruelty, from a Royalist writer, Patrick Gordon; and though these Irish troops were brave and well drilled, the Covenanters massacred them and their women, both in hot blood and in cold blood. They were looked on as Sepoys would have been, had Sepoys been brought from India, after the Mutiny, to take part in a British civil war.

To return to home affairs. A Commission of fifty-six members of the Estates was left in Scotland, as "Conservators of the Peace" (the details of the Army Treaty with England), and they governed the country. In London, Charles tried to win popularity with the city, and was countered by the passing of the Remonstrance, by the demand of Parliament for control over the militia, and over appointments to State offices, by riots near the palace, and the rising fury of the country on religious questions. All parties except the Sectaries were resolute against the toleration of any religion except their own, in each case. Parliament grasped at the executive. The queen's feeble plottings were known: the outcry of a popish conspiracy to murder everybody was raised: Parliament demanded a trained-band guard: the Commons clamoured for the blood of priests: in brief, the wound of the sting which the discarded Church had left in England was festering and inflamed. Civil war was at the gates. The Scottish Commissioners in London, allies of the English Parliament, were concerned about Ireland, and about religion. The English lords "preferred that Ireland should remain in rebellion, rather than that it should be conquered by Presbyterian Scotland. The Commons preferred that it should remain in rebellion rather than that the king should have an army at his disposal which he might employ against the liberties of England." <sup>45</sup>

In the matter of religion the Scottish Commissioners irritated the king by printing a discourse in favour of Presbyterianism (January 15, 1642). They had complained of English interference with the Kirk, why must they meddle with the Church? Whatever might have been the case in Scotland, Episcopacy was by law established in England. Charles did not acknowledge that in England he was but a Baal-worshipper. He sent Mungo Murray to Scotland with a letter to Loudoun, the chancellor, on this matter: he also, as we saw, sent comforting words to Montrose.<sup>46</sup> Motions towards uniformity of religion between the two countries Charles let pass. In April 1642, Scottish forces under Leven (Leslie) passed into Ireland. Charles himself wished to venture thither: this, of course, was not permitted, for Charles might clear his character as a Protestant, or he might win over the army. In any case the affair of the five members (January 1642), and of the attempt by the king on Hull, and his retiral to York, with the queen's to the Continent, had indicated that peace between him and his Parliament was a forlorn hope. Scotland refused to aid her prince. Baillie expresses the idea of the Covenanters. Prelacy must fall, for if Charles conquered in England, he would withdraw all that he had granted to Scotland.<sup>47</sup> Hamilton was sent to Scotland to do what he could, which was to do as he had ever done, and to engage his daughter to wed Argyll's eldest son, Lord Lorne.<sup>48</sup>

The General Assembly met at St Andrews (July 27, 1642), with Dunfermline as Royal Commissioner. The heads of the Assembly were full of politics. In May the Scottish Privy Council had met, to do what they could for the royal cause, and the "Banders" (Montrose's party of the Cumbernauld band) had flocked into Edinburgh "with great backs"—that is, with armed retainers. Greater "backs" came to oppose the Council from Fife, the focus of Presbyterianism, and a petition of the banders, against giving armed aid to the English Parliament (May 25), was rejected, nor did the Council dare to "assay any accommodation."<sup>49</sup>

Here it may be noted that, though Fife was the focus of Presbyterianism, and St Andrews its sacred town, yet "we found there," says Baillie, "in the people much profanity in ignorance, swearing, drunkenness, and the faults of the worst burghs." The records of the St Andrews kirk-sessions justify this description. "Notorious vices abound in the land," said the committee of this Assembly, and presbyteries are to give up to justice the names

of "the adulterers, incestuous, witches, and sorcerers."<sup>50</sup> Drink was also abounding. We later shall find all this corroborated by a letter from an English soldier in Scotland.

Now it is the way of the best historians, as of Mr Gardiner, to applaud the "never resting, ever abiding power" of the preachers, which "pried into men's lives and called them to account for their deeds as no lay government, however arbitrary, could venture to do." Though England, having already a virtuous middle class, did not need, and finally rejected Presbyterian inquisition, still in Scotland, thought Mr Gardiner, it had abated the excesses of "the fierce ruffians who, in the sixteenth century, had reddened the country with the feuds of noble houses," and of "the rude peasants who wallowed in impurity." The moral saviours of Scotland were, on this theory, the preachers. With all respect for the clergy, who meant well, it appears that neither the cessation of feuds nor of "wallowing in impurity" was due to their exertions. King James's mounted police and forty years of intercourse with civilised England gradually diminished the feuds, which now took the form of Argyll's burnings and plunderings, of the fire of Frendraght, and the Huntly-Forbes feud, and of Montrose's later retaliations. As for "impurity," people "wallowed" in it just as much as ever: public penances had no better effect on the morals of lads and lasses than on those of Robert Burns, while "the abundance and increase of the sin of witchcraft in this time of Reformation is to be taken to heart by this reverend Assembly (1643)."<sup>51</sup> Batches of witches were burned. Yet witches did not decrease in number any more than incest, adultery, simple fornication, and drunkenness decreased. Major Weir was a pearl of devoutness, but not incapable of "impurity" and witchcraft. A people cannot be persecuted into propriety; and the Presbyterian discipline was not only intolerable, but a failure. It is not by *espionnage* that religion works for righteousness.

The Assembly of 1642 began by taking severe measures against Papists and other non-communicants. They supplicated the king to labour for "blessed Unity in Religion, and Uniformity in Church Government," that is, of course, for the establishment of Presbyterianism in England. If he consented, the tumults of resistance would be but "as the voice of a great thunder before the voice of harpers harping with their harps, which shall fill the whole island with melody and mirth." The difficulty was that the king, and

a great party, did not want Presbyterian mirth, which was equally undesired by the Sectaries, or Independents, of all colours.<sup>52</sup>

The question of Patronage, which in the nineteenth century helped to split the Kirk into two, came up, and Argyll offered popular election, if "intrants would accept modified stipends." Lauderdale opposed, Baillie was not satisfied, and the matter dropped.<sup>53</sup> The English Parliament sent to the Assembly their petition to the king for peace: rendered impossible by bishops, Papists, "the corrupt and dissolute clergy," and, generally, by Malignants. Many bishops had been impeached and imprisoned, and Malignants resented it.

Cet animal est très méchant  
Si l'on l'attaque il se defend.

The Assembly replied that, for anything they knew to the contrary, the Lord had a controversy with England for not being Presbyterian, and the controversy might not cease "till the government of his House be settled according to His own will," which is Presbyterian. On December 25, 1566, the Assembly had written a letter to England "against the Surplice, Tippet, Corner-cap," and other stones of stumbling, which they appear to have regarded as especially odious to the Supreme Being. They had on other occasions interfered with the English Church in this friendly way, and "were heartened to renew the proposition" for making Presbyterianism universal and compulsory: "the Prelatical Hierarchy being put out of the way," and deposited elsewhere. The Reformed Churches, the preachers argued, held their organisations to be *jure divino*, whereas most of the bishops, even, recognised that *their* system was "introduced by human reason." Therefore "no man's conscience" could possibly be aggrieved by the desirable reformation! The Kirk would be happy to "agree upon a common confession of faith, catechism, and directory for worship."<sup>54</sup>

The gentlewomen in Galloway had been rioting in church "with clubs and staves," against certain proceedings of the Kirk herself. As Prelacy was not the victim of their clubs, their conduct was reckoned unbecoming.<sup>55</sup>

Lord Maitland (later Lauderdale) carried the Kirk's letter to the English Parliament, and brought back their reply to the Commission and the General Assembly, a body which, says Baillie, "was of so high a strain, that to some it is terrible already." In a few years it came to be regarded as tyrannical even by Mr

Spang, Baillie's cousin and correspondent. The English "granted all our desire, in abolishing of bishops," and required the attendance of some of the brethren at their synod, the Assembly of Divines at Westminster. Henderson, Douglas, the emotional Rutherford, Gillespie, and Baillie were chosen to go, for the preachers: Cassilis, the pious Maitland, and Waristoun, for the laity. The early fights of the great rebellion had taken place: the Court was at Oxford, and what Hamilton did for his king in Scotland was to "keep down the malcontents" (Montrose's party) in union with Argyll. So Baillie tells us.<sup>56</sup> Things going ill with the Parliament, they appealed in a letter to Scotland for aid: Charles replied, on his side, and Hamilton persuaded the Council to print the royal declaration (December 20, 1642). Argyll was for publishing the Parliament's note as well as the king's, or neither; and, against the Council's desire to publish the king's alone, the usual agitation was organised (January 1643). A petition in favour of this course was put in by the Covenanters, and a counter-petition was drawn up by Traquair and Hamilton. This "was flown upon by the Commissioners" (of the Assembly) "and Conservators of the Peace" (the standing committee of the Estates), says Baillie. The Traquair document merely expressed a hope that nothing would be done to weaken Scottish loyalty to their king.<sup>57</sup> A petition could not be more temperate, courteous, and conciliatory. But it was "flown upon."

The right of petition was denied by the Kirk party to their fellow-citizens, who were threatened with citation before the General Assembly, which probably meant excommunication and outlawry. By "the new liberty" a mere political move was to be judged of by the preachers! The petitioners declared that (as bound by the Covenant) they would defend the king's authority and person. They objected to "imposing rules or laws of reformation to our neighbour kingdom," and probably that was their chief offence. In reply the Kirk party "took a very good and necessary, but a most peremptory and extraordinary course," says Baillie.<sup>58</sup> They published "A Necessary Warning" to be read in all pulpits, bidding the presbyteries to take measures against all who tried to procure signatures to Traquair's petition. We may imagine what historians would say had Charles tried to stop, by the agency of the bishops, the signing of the "supplications" of 1638-1640.

The governing faction of Scotland found in the Kirk a useful instrument of political tyranny. They sent Loudoun, Henderson, a Mr Barclay, and Waristoun, to the king as mediators for peace on the basis of Presbyterian uniformity in England, and to ask for an Assembly and a Parliament. Meanwhile (February 1643) Ogilvy and Aboyne went to Charles at Oxford, while Montrose met the queen on her return from abroad. Her Majesty had landed in Burlington Bay, where Vice-Admiral Batten, for the Parliament, fired into her bedroom, and drove her into the fields.<sup>59</sup>

Montrose advised the queen, at York, to strike the first blow in Scotland, otherwise the Covenanters would assuredly send an army to help the Parliament.<sup>60</sup> But Montrose was not heard till too late. Hamilton and Traquair hurried to York with the opposite advice; from the first, in spite of every failure, the marquis believed in his own powers of intrigue as more potent than the sword,

Charles had secured the "cessation" of war in Ireland: trafficking with idolaters for an armistice, he could now release his army in Ireland to defend Episcopacy in England. It is vain to say that he might have made "concessions to Puritanism in London." No party of his subjects would be satisfied to let other parties be religious in their own way. Abolition of bishops "out of the way" (into the next world, probably) was the only concession that would satisfy the preciser sort. Charles could not meet them here, but he now rejected the idea of Montrose—to strike the first blow in Scotland,—the only practical idea, and he had cause, as usual, to repent having listened to Hamilton. Montrose, to be sure, would have enlisted Catholics, but they had as good a right to their creed as Baillie or Argyll—a point apt to be overlooked. Yet if the Argyll of 1685 might recruit murderers, like Balfour called Burley, and Fleming, it would appear that a king might use the arms of his Catholic and guiltless subjects.

The Scottish Commissioners were "uncomfortable" at Oxford, Baillie says: Charles would not let them go to meet the Parliament in London; and, when they persisted, the Earl of Crawford told them that their throats would be cut on the way. Crawford had this very practical idea.<sup>61</sup> The Commissioners therefore returned to Scotland, and, on May 10, resolved to summon a Convention of Estates for June 22. Meanwhile the Kirk party of politicians knew that Montrose was on bad terms with Hamilton, and they approached him with offers of promotion by their faction. Probably nothing

was said or done by them that could not be disclaimed ; but enough passed to cause a rumour that Montrose “ had struck up an alliance with certain persons ”—so the queen wrote to him from York (May 31).<sup>62</sup> Guthry tells that Argyll’s faction, through Sir James Rollock and Sir Mungo Campbell, offered to pay Montrose’s debts, and make him Lieutenant-General, under Leven, if he would join them. Montrose, to drive time, gave an indecisive answer, and expressed a wish to consult the preacher, Henderson, on the return of the Commissioners from Oxford. After summoning, by their own authority, the Convention for June 22, the Covenanters sent Henderson to meet Montrose at Stirling Bridge.<sup>63</sup> Wishart, who was deep in Montrose’s confidence, tells a similar tale, and adds that the earl hoped to fish out from Henderson the Kirk party’s secrets. Henderson replied to Montrose that his party meant to aid the English Parliament with as strong an army as possible, and hoped for the earl’s help. Not knowing how to answer without either a dishonourable promise or a blunt refusal, Montrose asked Rollock whether Henderson had a commission to make his offers? Sir James thought that he had ; Henderson denied it, but expected that the Convention would make good his promises. All this was vague ; and indeed, without consulting Henderson, Montrose could easily guess the designs of his party.<sup>64</sup>

Charles, before the Convention of June met, had issued a declaration to the Scots, proclaiming his own wrongs at the hands of Parliament. He assured the Presbyterians that the fomenters of the war were not of their faith, and never would be—they were Sectaries of all kinds. It would have been well for the Scots had they believed the king ; but the glorious prospect of spreading Presbyterianism dazzled them. The king added that he was maliciously accused of having an army of Papists, who were regarded by the godly much as Basuto and Zulu troops are regarded by the white races of South Africa. No one could wonder, Charles said, if he received assistance from any of his subjects, whatever their creed (Captain Smith, a Catholic, had rescued the royal standard at Edgehill) ; but in fact he had forbidden Papists to repair to him. Meanwhile Papists were fighting for the Parliament—his men had captured twenty or thirty of them. He solemnly protested his loyalty to the Acts of the late Scottish Parliament.<sup>65</sup>

For his part, Hamilton advised the king to allow the Scottish Estates to meet in June, provided they did nothing towards raising

forces for the use of his enemies. The Estates did meet, and voted themselves in possession of all sorts of powers. Hamilton had not the courage to protest, formally, but he feebly demurred. For a long series of such services he had lately been created a duke. Burnet explains that Charles was resolved, as in the first bishops' war, not to be the first to strike a blow, which was not wise in a military sense, and, politically, was futile. Hamilton was a veteran in the art of not striking blows; though, as Montrose said in a copy of verses, he had just "fleshed his maiden sword," at York,—in a dog!<sup>66</sup>

Meanwhile, in early July, the incompetent Scoto-Irish Royalist, the Earl of Antrim, a Macdonnell, was caught near Knockfergus, with letters from Nithsdale, Aboyne, and others in his pockets. He had, or was said to have, a commission to treat with the Irish rebels: Monroe, the Scottish Covenanting commander, was to be bribed to carry Charles's Irish army to England—if he declined, the Scots of Ulster were to be massacred; Charles's forces were to sail to the Solway, Nithsdale with the Maxwells was to join them; the Macdonalds, under young Colkitto ("left handed" or "ambidextrous" Col, of the Islay family), and Clan Gilzean were to assail the Campbells; Huntly, Aboyne, Montrose, and Marischal were to raise the North. "Great probability for all this, albeit no certain evidence can be had for some parts of it," says Baillie.<sup>67</sup> He adds that Huntly had marred all by refusing to aid—very like Huntly; and hints that this refusal drove Montrose to his conference with Henderson. As it was also said that Hamilton was to rise in arms—the very thing which he had prevented Montrose from doing,—we may deem it probable that the discovery of this large Royalist scheme was exaggerated, though Montrose, Aboyne, Huntly, and others had certainly been together at Aberdeen, in the early June.<sup>68</sup> But this was *after* the queen heard that Montrose "had struck up an alliance" with the Kirk party (May 31). About July 9 the Royalist scheme was announced, and when the Convention met, they sent the papers seized on Antrim to the English Parliament. They had now a good certain Popish plot such as their souls loved. The Papists were resolved "utterly to extirpate the true Protestant religion in England, Scotland, and Ireland"—D'Ewes recorded this terrible fact in his diary.<sup>69</sup> Such were the habitual tremors of the truly pious, who found in them a fearful joy, as children do in ghost stories. Parliament had decided to send emissaries into Scotland, not to ask for an army—a brotherly Scottish army was expensive,—but to



demand the services of a contingent of divines for the Assembly at Westminster. But two Royalist victories now made men-at-arms fully as desirable as preachers, and (July 19) four members of the English House were despatched to ask for a Covenanted army. The deputation was dilatory; the Scottish Convention, puzzled by its delay, prosecuted some "incendiaries," and waited for the meeting of the General Assembly (August 2). After this the ecclesiastical and lay politicians worked hand-in-hand.

The chief business of the Estates, the Assembly, and the English Commissioners was the compilation of THE SOLEMN LEAGUE AND COVENANT between Presbyterian Scotland and Presbyterian England. The religion of the Kirk was to be preserved, that of England and Ireland was to be reformed, "according to the Word of God, and the example of the best Reformed Churches." Prelacy in England was to be abolished; what was to take its place? The exact phrasing, "according to the Word of God," is attributed to the younger Vane; the Scots can scarcely have failed to see the wide loophole for the evasion of Presbyterianism, but they accepted the article as amended. With the brazen and habitual hypocrisy of all concerned, they vowed "to preserve and defend the King's Majesty's person and authority, in the preservation and defence of the true religion, and liberties of the kingdoms."<sup>70</sup> One opinion was that the Scots should only enter England as armed mediators or "redders." But Waristoun knew the proverbial danger of "the redder's stroke," the thrust that slew *Mercutio*.<sup>71</sup>

The Solemn League and Covenant proved fatal in its consequence to the liberties of Scotland. From her struggle for the League she emerged a conquered people; the foot of Cromwell on her neck; her towns and pulpits occupied by Sectarian soldiers; her General Assembly put to the doors. This might not have occurred had the Scots simply broken their pact with the king, and sent their army to fight against his, lest he, if victorious over his Parliament, should break his pact with them. Had the Scots merely done this, the defeat and death of Charles would have left them tranquil. England would not have meddled with their beloved religion. But, by the Solemn League and Covenant, they deemed themselves sworn to thrust the Kirk on England, and to make war on her unpresbyterian "bloody and blasphemous sectaries." \* They reaped as they had sown: at Dunbar, Worcester, and in the massacre of Dundee.

\* "Bloody" was ever the favourite epithet in the mouths of the Covenanters.

The Covenant was accepted on August 17, taxation was imposed, and financial terms were arranged with the English rebels. Proclamations for levies were issued, and Leven was appointed general. "It is true he passed many promises to the king that he would no more fight in his contrary," says Baillie, but he saved his war-worn conscience with some words about "religion and country's rights" being in danger.<sup>72</sup> This apprehension was justified, in general opinion, by the "cessation," or truce, with the Irish rebels.<sup>73</sup> Mr. Henderson did not think that the divines at Westminster would pronounce for Presbyterianism till the Scots were over the Border. This was a good reason for haste; but English delays in sending money did not permit the Scots to cross Tweed till January 1644. The English Parliament accepted the Solemn League and Covenant in the meantime, and Baillie, with Gillespie (a very precious youth), Henderson, and other theologians, joined the Westminster Synod, where they found the Independents, "the bloody and blasphemous sectaries," active in obstruction. The Scots had difficulties in getting "ruling elders" accepted: there was hair-splitting over texts of the Greek Testament: Baillie foresaw the democratic anarchy of "particular congregations," but one thing was fortunately directed: "Both Houses did profane that holy day" (Christmas Day) "by sitting on it."<sup>74</sup>

The king, says Baillie, "was made ever to believe" that the Scots would not join his armed enemies. This was by the fault of Hamilton. Already Montrose, with Ogilvy, had set out, and carried far other news to the queen at Oxford. She would not believe Montrose, and wrote (August 28) to Hamilton expressing her confidence in him.<sup>75</sup> Montrose rode to Gloucester, which Charles was besieging, and implored him to strike a blow in Scotland before the Scottish could join the English rebels.<sup>76</sup> But "worthless courtiers" persuaded the king of Montrose's youth, rashness, and ambition. Montrose was completely baffled. Presently the Scots were mustering on the Border, and the letters of the Hamiltons announced their despair. Charles now listened to Montrose, who showed him that his change of mind came too late. The cavalier himself was ready to venture his life, and advised fight. Irish soldiers should be landed on the west of Scotland; the Marquis of Newcastle, commanding in the north, should lend a party of cavalry; German and Danish troops should be hired, and arms obtained from abroad. If it is unpatriotic to

use foreign forces, then the Hanoverian Government sinned when, in 1745, they brought over Dutch and Hessian troops to oppose the king's great-grandson. Antrim, who had escaped from his captors, was at Oxford, and promised 2000 men, probably Macdonalds settled in Ireland, whose lands in Kintyre the Campbells had eaten up.<sup>77</sup>

These things occurred in December 1643, and in the same month Hamilton and Lanark came to Oxford from Scotland. If they had been warned, as Baillie says, that their "pye" was cooked in England, they took the risk. They were arrested and imprisoned, Hamilton on charges of treason. The accusations, with his replies, are printed by Burnet. The allegations prove, what scarcely needed proof, that Hamilton was wavering, incompetent, a Mr Facing-Bothways. His behaviour before the Assembly of 1638, his encouragement to the leaders to persevere, if correctly reported, might certainly merit disgrace, if not death. That he aimed at the crown for himself no man can believe. Montrose, says Wishart, told the king that, if Hamilton and Lanark were to be in favour, he must ask leave to seek employment abroad; "not that he desired any severity towards them, but entreated his Majesty to beware of further harm from them."<sup>78</sup> Lanark escaped, disguised as a groom, and joined the Covenanters. Hamilton was sent to Pendennis Castle, and later to St Michael's in Cornwall, whence he was released by the Parliamentary forces in 1646. Both of the brothers became more or less actively and fatally loyal too late, changing when the majority of their countrymen changed. The Oxford Parliament proclaimed the king's enemies traitors. Traquair and the dubious gentleman of the bedchamber, William Murray, were reluctant to sign a similar "band" of Montrose's, says Wishart: Murray was now created Earl of Dysart, his daughter later became the ill-famed second wife of the godly Lord Maitland, when that hero, as Duke of Lauderdale, was misgoverning Scotland for Charles II.

Montrose had many enemies at Court; in Scotland, among the nobles, he had scarcely three faithful friends. What he did was his own work; and though he received the title of marquis, and the commission of lieutenant-general under Prince Maurice, he was probably none the better for these honours. They "caused the incapable, impracticable Huntly, for ever lurking in the caves of Strathnaver, to hug and mumble the old bone of his lieutenancy benorth of the Granbean," says Mr Napier in his picturesque way.

It is probable that Huntly, who, like his father, had fled to the wilds of the Naver, resented Montrose's elevation more than his own perhaps collusive capture by the Covenanters at the beginning of the troubles. Crawford of the practical ideas about throat-cutting was not conciliated; Douglasses, Carnegies, Kers, Maxwells "in different degrees, refused to minister to the glory of Montrose, and left the king to ruin."<sup>79</sup> Scottish jealousy of a great man fermented in the minds of the Royalist nobles. It was not till March 1644 that Montrose rode north from Oxford with Aboyne, Ogilvy, Crawford, Nithsdale, Reay, and the Colonel Cochrane of The Incident. At York (March 13) he communicated with the Marquis of Newcastle, who, in his elegant way, was undertaking the defence of his title-giving town against Leven and some twenty-two thousand Scots. From Newcastle, as Montrose wrote to Spottiswoode, there was scant promise of help, but he hoped to see some fighting; and Argyll had returned to Scotland, whither Montrose intended to follow him.

Leven was now confronting the Marquis of Newcastle. He had crossed Tweed at last on January 19, 1644, with twenty regiments of foot, three or four thousand horse, and 120 guns of various calibre, including light field-pieces invented by "dear Sandie," as Alexander Hamilton, brother of Tam o' the Cowgate, "auld Melrose," the first Earl of Haddington, was affectionately styled. Second in command was Baillie (not the letter-writer); and Leven's nephew, David Leslie, was with the army, a better soldier than the uncle. Tweeddale marched under the Earl of Buccleuch, who had borne no conspicuous part in the troubles. The town records of Selkirk show that the preachers, to stimulate recruits, told them that the English were being oppressed—by Papists! Loudoun, Dunfermline, Lindsay, Cassilis, Marischal, Livingstone, and Maitland were among the noble leaders of the Scottish rebels, and the fugitive Lanark tampered with the loyalty of the Mayor of Carlisle, while Sir Alexander Hamilton commanded the soldiers of his name. A Douglas led Nithsdale and Annandale, the Galloway Whigs followed Colonel William Stewart, and a Hepburn of Humble was commissary-general. On how many fields had these old family flags been raised against king and queen!

The advance was slow; the siege guns for battering Newcastle had been sent to Blyth by sea, and arrived late. Morpeth was taken and garrisoned by Leven on January 26; on February 3 he was before Newcastle; but the Marquis of Newcastle had entered

the town in force, though he held it without energy. Leven had been joined by that charming writer of memoirs and honourable soldado, Sir James Turner, a kind of Dugald Dalgetty. Turner had come back from the Scottish army in Ireland, where he had saved many women from massacre and drowning.<sup>80</sup> The Scots forces were wasting from hunger and disease in Ireland, at Newcastle he found Leven's force lusty, well provisioned, but raw, untrained and undisciplined, with inefficient officers. Had Newcastle beat up the quarters of any of their bodies, Turner thought that they would have run. The Scots tried one night to bridge the Tyne with boats, and might have been cut to pieces in the manœuvre, so Turner suggested a diversion to alarm the garrison. It was a bright moonlight night, and old Leven, whom Turner despised, said that the matches of the Scots matchlocks would thus be too visible to the Royalists on the walls. Turner pointed out first that the moonlight would eclipse the match light; next, that for the purposes of an alarm, the more the matches were seen the better. In fact, they frightened "certain great people" on the Scottish side, who fled in panic from their own men, and, a neap tide flowing (which Argyll, a skilled sailor, should have observed, says Turner), the attempt was abandoned. Turner was much amused by this amateur soldiering; but it was better than the imbecility of Newcastle.<sup>81</sup>

Newcastle found himself between the armies of Leven in the north and of Fairfax in Yorkshire. On February 22 Leven left forces to watch Newcastle, crossed Tyne near Corbridge on the 28th, and entered Sunderland on March 4. Newcastle had been reinforced; but, after making a show of fight, retired, suffering considerable losses from want of supplies, and heavy storms of snow. Leven also, after moving on Durham, withdrew, and (March 17) stormed a fort at South Shields.<sup>82</sup>

Now Montrose joined the Marquis of Newcastle. Under that commander, and under a black banner, with a naked man hanging from a gibbet—motto, *I dare*,—fought a Miss Pierson, captain of a troop of Lord Carnwath's horse! Carnwath himself, like other Scottish Royalist nobles, was disgusted at the promotion of Montrose, and threw down a commission of lieutenancy of Clydesdale brought to him by the marquis from the king.\* On March 23

\* This Carnwath seized the king's bridle at Naseby, and turned him from charging with the Guards. Charles ought to have pistolled him; but when did king ever resent this affront?

Newcastle faced Leven. But Newcastle, said Montrose, "was slow," and two days of irresolute skirmishing preluded to a retreat. Had the Graham been commander, there would be another tale to tell.\* Montrose, with a very ragged regiment and broken-down horses, now crossed the Border, and had reached the Annan Water when his English levies deserted him (April 13).† Nevertheless, Montrose pushed on to Dumfries, where the provost, Sir James Maxwell, received him well: for this crime he was executed by the Covenanters.‡ Of Antrim and his Irish no news came, and Callendar (Montrose's old ally as Lord Almond) was bringing a force against him. At this time, as Turner says, Huntly "was making some bustling in the North," and the Estates sent regiments to Stirling and Perth; one of these was Lord Sinclair's. Now Turner took counsel with his conscience, having been hitherto of Dalgetty's mind as to serving any side which paid him well, and came to the opinion that Covenanting was treason. With Lord Sinclair himself, he determined to carry his regiment over from the Covenant to Montrose, a course which the civil conscience must condemn. With Napier, the Master of Napier, and Stirling of Keir, they sent messengers to invite Montrose to Stirling, whence he could raise the clans. But Montrose, understanding that Callendar had turned traitor and had a large force to intercept him, withdrew into the north-east of England, "and thus, by Montrose's negligence and Callendar's perfidy, was lost the fairest occasion that could be wished to do the king service."§ More light is thrown on Montrose's failure at Dumfries by a letter of instruction for Lord Ogilvy from the hero. This was intercepted when Ogilvy was later taken prisoner. He was to tell the king that the Earl of Hartfell (Johnstone of Johnstone), Morton, Roxburgh, Annandale, and Traquair had (like Carnwath) refused the royal commissions, "crossed the business, and went about to abuse us who had undertaken it."<sup>83</sup> Moreover, Montrose was neglected by Newcastle, disappointed by Antrim, and all but betrayed by Hartfell.

\* Napier, ii. pp. 393-395. From Montrose papers, depositions before the Committee of Estates, in 1644, 1645; cf. Sanford Terry, pp. 207-212.

† Wishart, pp. 43, 44. Wishart glances at "the envy of some," which caused Montrose to be so ill provided; probably Carnwath is intended.

‡ So Spalding, ii. p. 391. The editors of Wishart (p. 45, note) find, in M'Dowall's 'History of Dumfries,' the name of John Corsane as provost.

§ So writes Turner. Wishart says nothing of the invitation to Stirling.

Here we must desert Montrose on the eve of a gallant exploit in England, and return to the fortunes of the cause of Presbyterianism at Westminster. The Scottish visitors had gleams of happiness, for organs and carven wood-work of churches, and old church windows, and "many fine pictures of Christ and the Saints," were being burned and broken.<sup>84</sup> Devout Hollanders sent sympathetic messages, but the English divines did not seem anxious for the advice of the Dutch.<sup>85</sup> Baillie preached before Parliament, "wherein I was graciously assisted"; but the Independents obstructed business over the question of many congregations under one Presbytery—they preferred each congregation to stand on its own feet. The ideal of the Independents was rather like that of the Scottish candidate for the House of Commons, who, in answer to a question about his religion, said that he "was a member of his own private chapel." They averred that the Synod of Divines at Westminster "was but an Antichristian meeting, which would erect a Presbyterie worse than bishops," a blasphemy recorded by Baillie.<sup>86</sup> Baillie wrote thus at the time when he heard of the skirmishes between Leven and Newcastle, at which Montrose was present. Meanwhile books were published which pleaded openly for toleration and freedom of conscience—the climax of wickedness; and every kind of wild heresy prospered in the army, especially under the *illuminé* Cromwell. Already, it may be, he held the Scots in a slight aversion, which heaven was pleased to increase on better acquaintance.

Before returning to Montrose's deeds in Northumberland, we should advert to the "bustling," or rather fumbling, of Huntly in the north. It is recorded by Patrick Gordon, who makes out the best case possible for his chief. Argyll, he says, had engaged his nephew, Huntly's son, Lord Gordon, for the Covenant on the old plan of insurance—the father on one side, the son on the other. Lord Gordon was to bring out his "name" for the Covenant, Huntly sitting still; just as Argyll later sat still under Cromwell, while his son, Lorne, was out for Charles II. But Huntly's kin, the young lairds of Drum, Haddo, and Gight, would not let him sit still; they rode into Aberdeen, and took the Covenanting officials prisoners about the time of Montrose's march to Dumfries. Huntly now mustered men at Aboyne; was dissatisfied with his forces; heard at Aberdeen of Montrose's retreat to the English border, and also that Argyll was approaching in force. Drum and

Nathaniel Gordon, scouting south, plundered the Covenanting town of Montrose; but Huntly fled, as usual, to Strathnaver, and Argyll took Haddo and Gight in their castles, and sent them to Edinburgh, where Haddo was imprisoned in Haddo's Hole and executed: the Covenanters now resorting to that short way with Cavaliers. Argyll then garrisoned Aberdeen, leaving Lord Gordon in command, with a committee.<sup>87</sup> This was the result of Huntly's "bustling,"—this, and his increased jealousy of Montrose's commission.

While Argyll (March 30, 1644) was leaving Aberdeen for Edinburgh, Montrose was advancing through Northumberland to attack the Covenanting garrison which Leven had thrown into Morpeth. Not troubled by the neighbourhood of the armies of Leven and the recreant Callendar, he joined Clavering, and, accompanied by the Earl of Crawford, tried to take Morpeth by assault without guns. Montrose "did not know the word impossible," but this task was beyond him. His first effort failed at daybreak; under cloud of night he threw up earthworks close to the fort, he brought six guns from Newcastle, and made a practicable breach. If one of the defenders, Captain MacCulloch, who then parleyed with Montrose, tells truth, the marquis gave him a romantic, discouraging, and perfectly false account of a great disaster to the main Scots army at York, of the success of the force at Huntly, and other matters. So the citadel of Morpeth surrendered and was destroyed, and Montrose had a similar success against a fortress at the mouth of the Tyne. He scoured the country far and wide, but was summoned by Rupert to his aid, and arrived the day after Rupert and Newcastle, by confidence and carelessness, lost the fatal field of Marston Moor (July 2). In that strangely amateur but bloody contest, Cromwell fought like an expert, Leven fled from victory to Leeds, the regiment of Buccleuch rushed wildly from the field, and David Leslie got no gratitude from the English for his share in the Parliamentary victory. He and his Scots helped to massacre the men who keep the honours of the day—Newcastle's White Coats, who, refusing quarter, died in their ranks, like the Spartans of old. So many Scots fled that a bitter feeling broke out between the two countries, the Covenanters claiming for David Leslie the merit due to Cromwell, and even averring that Cromwell showed cowardice after receiving a slight wound.<sup>88</sup>

Montrose came a day too late for Marston Moor; Newcastle had fled by sea, Rupert deprived Montrose of all his men, and the great



marquis was left to undertake, single-handed, the most romantic adventure in our chronicles—the greatest enterprise in the history of Scotland since Bruce was a solitary fugitive. Bruce triumphed; Montrose failed because, by no fault of his own, his effort was made too late. But only they who measure merit by success can sneer, as modern historians have actually done, at the unfaltering heroism, unquenchable loyalty, and resourceful genius of the great Montrose.\*

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NOTES TO CHAPTER IV.

- <sup>1</sup> Terry, 'Life of Alexander Leslie,' p. 128.  
<sup>2</sup> Cal. State Papers, 1640, p. 649; 1640-41, p. 9.  
<sup>3</sup> Baillie, i. p. 262.  
<sup>4</sup> Wishart, 'Deeds of Montrose,' p. 15, and note. Murdoch and Morland Simpson: Longmans, 1893. Napier, i. pp. 271, 272.  
<sup>5</sup> Baillie, i. p. 306. <sup>6</sup> Gardiner, ix. p. 285, note.  
<sup>7</sup> Cal. State Papers, 1641-43, p. v.  
<sup>8</sup> Cal. State Papers, 1641-43, pp. 81, 104; Gardiner, ix. pp. 409-412.  
<sup>9</sup> Giustiniani, Gardiner, ix. p. 417, note 2.  
<sup>10</sup> Cal. State Papers, 1641-43, p. 105.  
<sup>11</sup> Bere to Pennington, Aug. 28; Cal. State Papers, 1641-43, pp. 106, 107.  
<sup>12</sup> See Rothes' 'Relation,' Appendix, pp. 225, 226. His letter to Waristoun.  
<sup>13</sup> Baillie, i. pp. 367, 368. <sup>14</sup> Guthry, pp. 78-82, 1748.  
<sup>15</sup> Baillie, i. pp. 361, 362-372.  
<sup>16</sup> Guthry, p. 90. <sup>17</sup> Napier, i. pp. 280-292.  
<sup>18</sup> Guthry, pp. 89-94. Letter of Thomas Hope of Kerse to Waristoun, June 7, 1641. Napier, i. pp. 308, 309. <sup>19</sup> Napier, i. pp. 321-323.  
<sup>20</sup> Napier, i. pp. 317, 318. Advocates' Library MSS.  
<sup>21</sup> Cal. State Papers, 1641-43, p. 20.  
<sup>22</sup> Baillie, i. pp. 381, 382. <sup>23</sup> Gordon, iii. p. 250.  
<sup>24</sup> Balfour, iii. p. 60. Act. Parl. Scot. v. p. 351.  
<sup>25</sup> Balfour, iii. pp. 69, 70. <sup>26</sup> Balfour, iii. pp. 71-73.  
<sup>27</sup> Balfour, iii. p. 86. <sup>28</sup> Balfour, iii. p. 79.  
<sup>29</sup> Napier, i. pp. 353-355. Balfour, iii. p. 55.  
<sup>30</sup> Carte, Ormonde Papers, i. p. 5.  
<sup>31</sup> Gardiner, x. p. 19. Citing Webb to Nicholas, Sept. 5. Nicholas MSS.  
<sup>32</sup> Balfour, iii. p. 90. <sup>33</sup> Balfour, iii. pp. 94, 95.  
<sup>34</sup> Balfour, iii. p. 95; Cal. State Papers, 1641-43, p. 138.  
<sup>35</sup> Nicholas's Notes. Cal. State Papers, 1641-43, p. 138 (October 14, 1641).  
<sup>36</sup> Hardwicke Papers, ii. pp. 299-303.  
<sup>37</sup> Hamilton Papers, Camden Society, pp. 103-105.

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\* Many years ago the author was fishing in the Beaulie, attended by an old Highland gillie, whom he met for the first time. "My name is Campbell," said the gillie, "but my heart is with the great Montrose."

- <sup>38</sup> Balfour, iii. p. 90.  
<sup>39</sup> Hist. MSS. Commission, iv. pp. 163-170.  
<sup>40</sup> Balfour, iii. pp. 96-134.  
<sup>42</sup> Cal. State Papers, 1641-43, p. 163, cf. p. 179.  
<sup>43</sup> Napier, i. p. 366.  
<sup>45</sup> Gardiner, x. p. 101.  
<sup>46</sup> Burnet, 'Mem. Ham.,' pp. 188, 189.  
<sup>47</sup> Baillie, ii. p. 34.  
<sup>49</sup> Baillie, ii. pp. 43, 44. Napier, ii. p. 373.  
<sup>50</sup> Peterkin, i. p. 327.  
<sup>52</sup> Peterkin, i. p. 323.  
<sup>54</sup> Peterkin, i. pp. 325, 326.  
<sup>56</sup> Baillie, ii. p. 58.  
<sup>57</sup> Burnet, 'Mem. Ham.,' pp. 206-209.  
<sup>58</sup> Baillie, ii. pp. 59, 60, Feb. 18, 1643.  
<sup>59</sup> Napier, ii. p. 375.  
<sup>61</sup> Burnet, 'Mem. Ham.,' pp. 216, 217.  
<sup>62</sup> Napier, ii. p. 380.  
<sup>64</sup> Wishart, pp. 31-33, 1893; cf. Baillie, ii. p. 74.  
<sup>65</sup> Burnet, 'Mem. Ham.,' pp. 221-224.  
<sup>66</sup> Napier, ii. p. 377.  
<sup>67</sup> Baillie, ii. p. 74.  
<sup>69</sup> Gardiner, 'Great Civil War,' i. p. 178 (1893).  
<sup>70</sup> Burnet, 'Mem. Ham.,' pp. 238-240; Gardiner, i. pp. 229, 230.  
<sup>71</sup> Baillie, ii. p. 90.  
<sup>73</sup> Baillie, ii. p. 104.  
<sup>75</sup> Burnet, 'Mem. Ham.,' p. 241.  
<sup>77</sup> Wishart, p. 38, note 4.  
<sup>79</sup> Napier, ii. pp. 388, 389.  
<sup>81</sup> Turner, pp. 31-33.  
<sup>82</sup> Sanford Terry, 'Life of Alexander Leslie,' pp. 176-207.  
<sup>83</sup> Napier, ii. p. 407.  
<sup>85</sup> Baillie, ii. p. 144.  
<sup>87</sup> 'Britane's Distemper,' pp. 55, 56.  
<sup>88</sup> Sanford Terry, p. 259. Note on David Buchanan's pamphlet.
- <sup>41</sup> Gardiner, x. p. 26, note 2.  
<sup>44</sup> Balfour, iii. pp. 164, 165.  
<sup>48</sup> Napier, ii. p. 374.  
<sup>51</sup> Peterkin, i. p. 354.  
<sup>53</sup> Baillie, ii. pp. 47, 48.  
<sup>55</sup> Baillie, ii. p. 53.  
<sup>60</sup> Wishart, p. 26.  
<sup>63</sup> Guthry, pp. 129, 130.  
<sup>68</sup> Spalding, ii. p. 253.  
<sup>72</sup> Baillie, ii. p. 100.  
<sup>74</sup> Baillie, ii. pp. 115, 120.  
<sup>76</sup> Wishart, p. 35.  
<sup>78</sup> Wishart, p. 39.  
<sup>80</sup> Turner, pp. 20, 21.  
<sup>84</sup> Baillie, ii. p. 134.  
<sup>86</sup> Baillie, ii. p. 145.

## CHAPTER V.

THE YEAR OF MONTROSE.

1644-1645.

THE time was apt for prodigies. Two airy armies, near Banff, were seen to fight upon a hill, clash of arms and sound of guns were heard; the neighbouring people concealed their property. The minister and other persons of Ellon, in Buchan, saw, at midnight, the sun shine clear as at mid-day, the sun of Montrose! At Rethine, in church about the time of morning prayer, was heard for several days together music of organs and other instruments, which numbers resorted to hear "with unspeakable transport and never-wearied delight." It was long since the Kirk had silenced church music. When the preacher and people entered the church "the music ceased with a long note," like the last wail of the last oracle from Delphi. As, on the day when Prince Charles landed in Moidart, a gun-shot was heard all over the north, so "a heavy mounted piece of ordnance" rang in the ears of the kingdom when young Colkitto landed in the west, bringing home again the Macdonalds driven to Ireland by Argyll a generation ago,—unluckily, with their wives and children. So writes Patrick Gordon.<sup>1</sup>

Montrose, after Marston Moor, had returned to Carlisle, sending Ogilvy, who was captured, as we saw, with despatches to the king. Then the great marquis vanished from the eyes of men. Disguised as a groom of Colonel Sibbald, he rode alone with that gentleman and with Sir William Rollock across the guarded Border. He was recognised, and loyally saluted, by a Scot who had been in Newcastle's army. The man kept the secret. Riding hard for four days, Montrose reached Tullybelton, a house of his cousin, Patrick Graham of Inchbrakie, near the Tay, between Perth and Dunkeld. "It may be thought that God Almighty sent his Angel to lead the way, for

he went as if a cloud had invironed him through all his enemies," says Patrick Gordon. Sibbald and Rollock he despatched to Napier and the rest of his near kin. They returned "corby messengers," with tidings of the triumph of Argyll, and the flight of Huntly, "without a stroke stricken"; evil news for the solitary leader lurking in cots and among the forests. "As he was one day in Methven wood" (where Bruce suffered his first defeat), "he became transported with sadness," and besought the Divine Majesty to make him an instrument in the cause of the king. "Lifting up his eyes he beheld a man coming the way to St Johnstoun with a fiery cross in his hand, and hastily stepping towards him, asked him what the matter meant?"

It meant that Alastair Macdonald, son of left-handed, or ambidexter, Col, and called Young Colkitto,\* was marching into Atholl from the north, and that the Covenant was raising the country to encounter him. Colkitto was a man of great courage; indeed the Macdonalds attribute to him the triumphs of Montrose. Sir James Turner says that "though stout enough, he was no soldier," and that he was addicted to strong waters. He was of gigantic strength, and, in Ireland, had so impressed Leven that he sent the chief over to be reconciled to Argyll, who held his father and two brothers in prison, and had seized their lands. Argyll slighted Colkitto, who returned to Ireland bent on revenge, and received from his kinsman, Antrim, the command of 1500, called "Irishes," but probably exiled Macdonalds, M'Leans, and other victims of the Campbells. With letters from the king to Seaforth, chief of the Mackenzies, and to the heads of his own clan, Colkitto then sailed for Argyll, capturing two Covenanting provision ships on the way. He wasted Argyll's country far and wide, mastered two castles, Mingarie and another, and appealed to the M'Leods, M'Neils, and M'Leans, in vain—the fear of Argyll was on them. Meanwhile Colkitto's ships were taken and burned by English vessels of war; his retreat was cut off; he marched through the trackless mountains into Lochaber, and hoped to join hands with Huntly.

Finding that Huntly had fled, he marched on to Seaforth, but the Mackenzies had gone over to the Covenant, and only free passage and victuals were given to Colkitto. Gathering recruits, he set off for the Gordon country, but was faced by the Grants, and the forces of Murray and Ross. With Seaforth behind him, and Argyll

\* See vol. ii. p. 533, for Old Colkitto. They were of the lively House of Dunyveg in Islay.

gathering on his rear; with the Covenanters of the north-east in front of him, Colkitto was driven to descend the hills into Atholl and the valley of Tay. But there were mustering all Covenanters—Fife, Perthshire, and Angus—at Perth, and never was leader so hard beset as Colkitto: however, encouraged by a letter from Montrose, purposely misdated from Carlisle, he seized the castle of Blair Atholl, which Montrose held all through his year of victory.

A force of Atholl men, Stewarts, and Robertsons, and Murrays, was now watching Colkitto; the two armies were drawn up on two neighbouring hills, and some Badenoch men went to and fro between them, in the interests of peace. Colkitto himself “in a deep contemplation and profound silence, lifts up his eyes to heaven with a short mental prayer.” As he ended his appeal, two men in plaid and kilt approached him; the first was Montrose! \* In a moment the hostile Atholl men, arrayed on their hill, saw the air dark with the bonnets that the Macdonalds tossed up, and heard a salute of a thousand muskets. They expected an assault; but the news coming to them that Montrose with the royal commission was here, the thousand of Atholl rushed into the embraces of Colkitto’s twelve hundred, and the marquis raised the standard of the king. It floated over a strange array, many armed with muskets, more with bows and arrows, clubs, rusty skians, and whatever they could pick up: of ammunition there was but one round for each musket. In this all but incredible manner did Montrose find the nucleus of forces which, if they did the king’s cause little good (they came too late), wrought endless scathe to the Covenant.<sup>2</sup>

Surrounded as they were by hostile forces, Colkitto and Montrose aimed first at the Covenanting army in Perth. Avoiding the road down Tay and through Killiecrankie, to be rendered famous by a later Graham, they crossed the hills to Loch Tummel, broke through the opposition of the Menzies clan, forded Tay on August 31, and advanced on Glen Almond. Their Atholl contingent were in touch with a force of reluctant Covenanters, under Lord Kilpont, son of the Earl of Menteith who, as of “too red blood,” had been obliged by Charles to take the title of Airth. Kilpont and Drummond, son of the Earl of Perth, joined Montrose, on sight of his royal commission, with about 500 men. He had now some 3000, Macdonalds, Stewarts, Robertsons, Murrays, Kilpont’s Lowlanders, and broken

\* Wishart says Montrose was in Highland dress; he may have worn the trews. The separate philabeg had probably not come into use.

men of Huntly's out of Badenoch. In Perth, Lord Elcho (eldest son of Lord Wemyss) had 7000 foot and from 700 to 1000 horse, with nine guns, a weapon strange and terrible to Highlanders. Kilpont commanded the artillery of Montrose—bowmen; the marquis led his followers on foot, in Highland costume, with targe, and Dalgetty's "darling weapon," the pike.\* He took a strange step, asking Elcho to put off the battle in honour of Sunday, September 1, 1644. "Their answer was, they had made choice of the Lord's day for doing the Lord's work." The preachers had promised success—the Rev. Frederick Carmichael, of Markinch in Fife, is reported to have said, "If ever God spoke certain truth out of my mouth, in His name I promise you to-day a certain victory."<sup>3</sup> It seemed safe inspiration, Montrose being outnumbered by three to one, and having no guns or cavalry; while, if the Covenanters agreed to a Sunday truce, he might retreat in the night.

The scene was Tippermuir, a wide plain, three miles from Perth. Elcho held the right wing of the Covenant, Sir James Scott the left, Tullibardine the centre; the cavalry, all gentlemen, were on the wings. To avoid being outflanked, Montrose extended his thin and ragged line only three deep. They had orders not to fire till they came to close quarters, and after a volley to charge with swords and the butt: bayonets were not in use. Colkitto held the Royalist centre, Montrose the right, Kilpont the left, for the Macdonalds lacked swords and pikes; with the butt they were to play. The Master of Maderty, sent in by Montrose as an envoy, was taken prisoner—such respect the Covenanters ever showed to the royal commission. Montrose drove in the enemy's skirmishers; in retiring they confused the first Covenanting line, and then, with a yell, the whole force of the Royalists charged, fired into the beards of the foe, seized the guns that did little scathe; met the advance of the Covenanters with swords, pikes, and stones picked up on the field, and drove the untried levies in wild flight. Montrose's men racing against Scott's for a hill, took the position, charged down with the claymore, and cut up their opponents. The Covenanting cavalry made a vain attempt to rally, and though Montrose forbade his men to turn the captured guns on the fugitives, "men might have walked upon the dead corpses to the town," writes the Irish officer, so active was the pursuit. Guns, ammunition, and supplies

\* Carte's 'Original Letters,' i. p. 73, 1739. The account is "by an Irish officer in Alexander Colkitto's forces," perhaps the brave MacGahan.

were the reward of the victors. Some 2000 men are said to have been slain, many were taken prisoners: of the burghers ten "burst with running." The deposition of the provost of Perth (January 31, 1645) puts the prisoners at only three or four hundred. Montrose set guards in the town: the suburbs are said to have been plundered; but he caused to be written "a general protection" for the inhabitants of Perth. The Rev. George Halyburton, minister of Perth, said grace before the dinner of the Malignants.<sup>4</sup>

The country gentlemen near Perth did not crowd to the royal standard: excommunication and the loss of their estates and lives, if captured, were too obvious dangers. Argyll was following cautiously in Montrose's wake, who (September 4) moved north-east, heading for his own country, and encamped at Collace. Here, on the 6th or 7th, Lord Kilpont was stabbed by one of the gentlemen whom he had led to join Montrose, Stewart of Ardvoirlich near Loch Earn. The murderer escaped, was welcomed by the Covenanters, and became an officer of Argyll. The cause of the crime is uncertain. Wishart says (as matter of report) that Ardvoirlich tried to inveigle Kilpont to assassinate Montrose, and slew him when he refused. A member of the Ardvoirlich family gave Scott the family tradition, that a private quarrel arose, and that the deed was unpremeditated. The official Covenanting version runs that Ardvoirlich was an unwilling recruit; that he spoke to Kilpont of deserting with several of his name; that Kilpont resisting him, was slain, and that the act was "good service."<sup>5</sup> Mr Gardiner says "the favourable reception given by Argyll to the supposed murderer was a sign that all who joined in a Highland Rising might be assassinated with impunity, as far as the Covenanting authorities were concerned."<sup>6</sup> As a further proof, and as additional cause of the ferocity of the war, on September 12 the Committee of Estates put a reward of over £1500 sterling on Montrose's head.<sup>7</sup> We do not hear that Montrose offered any price for the head of Argyll.

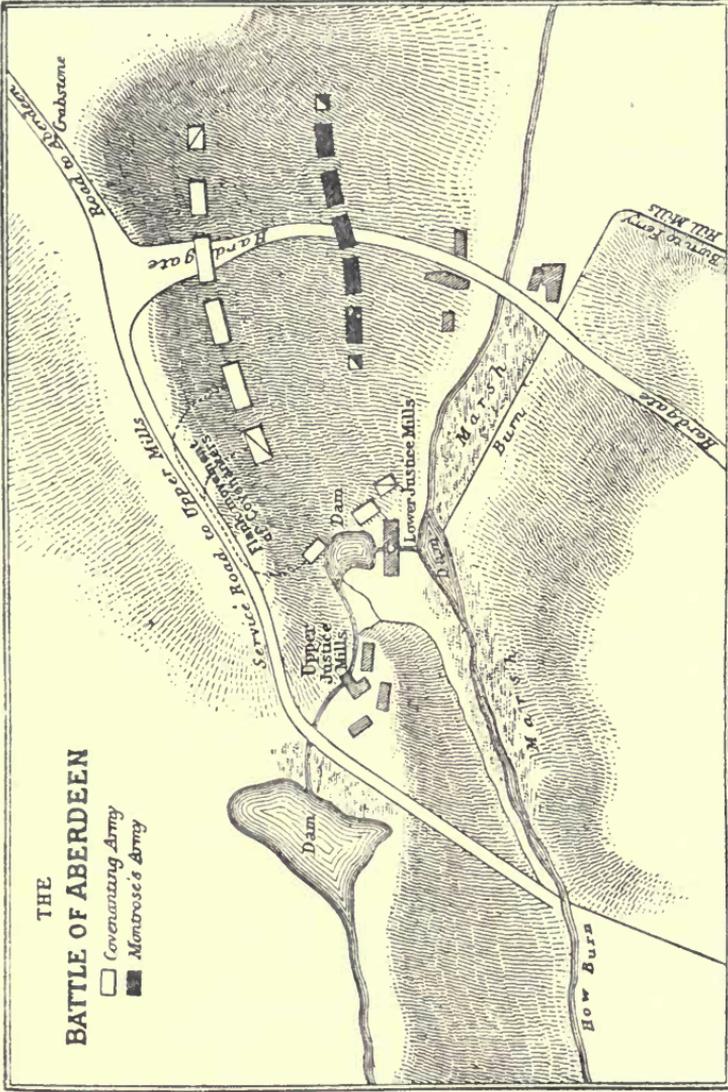
As Montrose, moving north, neared Dundee Law, Lord Airlie, with two of his sons, came in; Lord Ogilvy, the eldest, lay in the Tolbooth prison in Edinburgh: his kindred were truly loyal. They and Nathaniel Gordon brought a handful of forty or fifty mounted gentlemen, but many Highlanders had, as usual, gone home with their loot; and most of Kilpont's force had deserted. The Gordons practically stood neutral in their own country; Huntly was skulking; Lord Gordon was with the Covenanters. The enemy had 2000 foot





THE  
**BATTLE OF ABERDEEN**

- Covering Army
- Monrose's Army



Edw. Waller

and 500 horse ; Montrose had, it is said, but 44 horse and 1500 foot. On Friday, September 13, Montrose, still marching north, summoned Aberdeen to yield : "Otherwise, that all old persons, women, and children, do come out and retire themselves ; and that those who stay expect no quarter." A gentleman and a drummer were sent into the town with this message. The provost and baillies, in reply, summed up Montrose's offer thus : that they were invited to surrender, "otherwise no quarter except to old persons, women, and children," which was not exactly in accordance with Montrose's threat.

Why did he, usually humane, threaten at all ? Partly to terrify ; partly, perhaps, by promise of a sack of the town, to encourage his army, much outnumbered by the Covenanters, who were under Burleigh. The murder of Kilpont may also have exasperated him. The magistrates of the good town, behaving like gentlemen, had given Montrose's poor little drummer boy a coin valued at £6 Scots. But as the lad with the flag of truce passed the Covenanted heroes of Fife, one of them shot the little fellow, whether in an excess of piety, or for the sake of the coin, is unknown. This cruelty may have enraged Montrose, whose bearer of a flag of truce at Tippermuir had been captured, and, if unreleased, would probably have shared the fate of Haddo.<sup>8</sup> The Aberdeen magistrates did not send out the women and children, as desired ; confiding, perhaps, in the strength of their position and their superior numbers.

Montrose drew up his little force, and placed his handful of horse on the wings, intermixed with his musketeers for their protection ; for the Covenanters had 500 horse, and 2000 foot to his 1500. The battle, fought on ground now covered by houses and the railway line, cannot be easily understood. Lord Gordon, on the Covenanting side, was not present—the Forbeses and the Crichtons refused to serve under him,—but Lord Lewis Gordon had eighteen horsemen of his own. The Irish of Montrose drove the Covenanters out of some gardens and houses, and repelled a charge of lancers. Mr Gardiner says that Lord Lewis now charged the Royalists on their right wing, with his eighteen horsemen, who did not come to the shock, but fired pistols and retired ; and this does appear to be the meaning of Patrick Gordon. But his discourse is so obscure that we know little except that the Covenanters made a well-conceived turning movement on Montrose's left flank ; then failed to charge, and were routed when Montrose brought two dozen cavaliers with a party of Colkitto's force across from his right to his left ; whereon

Nathaniel Gordon charged at their head and cut to pieces the enemy, who had the tactical superiority. On the right, Montrose's Irish being charged by Sir William Forbes of Craigievar's horse, opened their ranks, and enfiladed their assailants as they galloped through. The Royalist infantry then broke the Covenanting foot, and pursuers and pursued swept into the town in a mass.<sup>9</sup> "The Royalists lost but seven men, the Covenant men a thousand," says Patrick Gordon, —a monstrous exaggeration.

Would that the tale could pause here, but, as was inevitable, the flight being through the town, many were slain in the streets. This could not be prevented, but Spalding, here a good authority, tells us that Montrose at once returned to "the body of his army," while the Irish (who, of course, *were* "the body of his army,"—Spalding may mean "to his camp") cut down the flying townsmen, and would strip a man before slaying him, "syne kill the man." "Sum women they preissit to defloir" (to "press" to do a thing is to make an attempt in that direction), "and uther sum thay took away perforce to serve thaim in the camp." Thus the women later massacred by the Covenanters at Philiphaugh may have, in part, been Aberdeen lassies, if Spalding speaks true. Women were slain if they were heard to mourn their men, he says, a thing not easily credible.

In spite of all this, Spalding can muster but 115 named, and three anonymous men slain, in the battle, the pursuit, the sack, in the streets, and in the adjacent country; nor does he, when he comes to details, mention a single woman. The Burgh Records are entirely silent as to any cruelties to women, unless they be included in "old and young" slain in the streets. Baillie, then in London, was apt to hear exaggerated reports, but merely says "the town was well plundered."\* I find no mention of slain women beyond Spalding's, except in the Diary (really Reminiscences) of Alexander Jaffray, later one of the commissioners to Charles II. at Breda (1650). Jaffray was in the battle, but, like other mounted men, rode away as fast as his horse would carry him. He says, "about seven or eight score men, besides women and children, were killed,"<sup>10</sup> a higher estimate than Spalding's 118, which is minute and probably correct. The contrast between the long and cruel story of Spalding, and the quiet chronicle of the Burgh Records, makes it

\* Cf. Baillie, ii. pp. 234-262.

hard to ascertain the full truth. But as far as the evidence of Spalding goes (and he was a Royalist), Montrose made no attempt to check Colkitto's men, yet Farquharson, one of his officers, befriended the town, says Patrick Gordon. This affair, if Spalding tells truth, must be reckoned the deepest blot on Montrose's character, whether as a soldier or a man; whatever blame may fall on the Covenanting magistrates for not withdrawing women, children, and the aged, and on the Fife man who shot the drummer.

Aberdeen was a town notoriously attached to the Royalist cause, though at this time under Covenanting magistrates. Montrose, then, in leaving his Irish loose for four days within its walls, did what he himself could not expect his most earnest advocate to palliate, much less to defend. Yet the matter is not commented on at the moment, as far as I can discover, by any writer, which is curious,\* and leaves a doubt as to the slaughter of women. Why does Spalding mention none in his list of victims?

After the battle of Aberdeen, Montrose sent Sir William Rollock to Charles at Oxford. Captured on his homeward way, Rollock was released by Argyll on his promise to murder Montrose, says Wishart (cf. Napier, ii. p. 459). Argyll and Lothian, with some 2500 foot and 1200 or 1500 horse, were now pursuing Montrose, and his main object was "to lead them a dance." The Gordons, far from aiding him, were in arms against him, with Lord Gordon and Lord Lewis. The skulker, Huntly, was aggrieved, it seems, by not receiving his royal commission from Montrose.<sup>11</sup> Burying his guns, Montrose moved on the Spey, where he was faced by an overwhelming force of the Grants, Frasers, and other Covenanting clans, while Argyll from Strathbogie ravaged the Huntly country. Montrose worked round to the head of Spey, into Badenoch, where he had a severe illness; thence he moved into Atholl, then through Angus, whence he crossed the Grampians northwards, and again reached Huntly's country, galling Argyll by night onsets. On October 24 he left Strathbogie and seized Fyvie Castle. Argyll had usually been a considerable distance behind his heels, destroying

\* Mr Gardiner cites (ii. p. 148), for the atrocities, not only Spalding, but 'Patrick Gordon, 80.' There is not a word about the slaying of women in 'Patrick Gordon, 80,' if his 'Britane's Distemper' be intended; though on p. 161 he gives the Irish a bad character for callous cruelty, lust, and plundering. This is just after he has described (p. 160) the massacre of 300 Irish women, many of them about to be mothers, by the Covenanted troops of Leslie at Philiphaugh. The tender mercies of Monk at Dundee, later, were on a large scale.

such lands as Montrose had spared. At Fyvie, however, he came, unlooked for, within two miles of Montrose, whose weakened force was destitute of lead for bullets. Here such mounted men as he had recruited among the Gordons deserted, leaving him with but fifty horse. He occupied a hill above Fyvie Castle, but the enclosures on the lower slopes were seized by Argyll's musketeers. An Irish officer, O'Gahan (the name is variously written), scattered these assailants by a charge, and captured their gunpowder.\* For bullets Montrose melted down all the pewter plates and vessels in the castle, and after more skirmishing, Argyll withdrew, missing his opportunity: he was not very keen to come to handstrokes.

Montrose, finding that the Campbell was trying to bribe his men, and that Sibbald and Rollock, the only companions of his first adventure, were treacherous, and had deserted, deceived Argyll by a ruse, and gained the Fiddish at Balveny.† Except the Ogilvies, most of his gentlemen and many of his men now deserted Montrose. He did not despair, but from Badenoch, by a march across the snowy mountains, came down on Atholl. So Argyll retired from Dunkeld to Perth, and threw up his commission, as did Lothian, while Argyll went home to Inveraray. They were succeeded by a professional soldier, General Baillie, released for home service by the recent capture of Newcastle—a great blow to the Royalists in England. We know, from South African experience, the difficulty of dealing with such a man as Montrose. But in Africa our gallant adversaries were well-mounted men; Montrose's levies did their twenty-four miles of mountain march on foot. The Boers had abundant ammunition; Montrose had to use melted pewter pots. Yet he had driven the army of the Covenant out of the country, and Argyll to Inveraray. There Argyll deemed himself safe; the passes into his country were difficult, little known, and obscured by snow. Moreover, he had the sea at his castle door, and galleys ready for flight. Montrose, though he had lost his Lowlanders, was now reinforced by Clanranald, brought in by Colkitto; the Macdonalds had their old grudge against the Campbells, and Montrose determined to winter in the Campbell country.

\* Patrick Gordon, however, gives the credit to Donald Farquharson, and his description of the ground, and the failures of Argyll's cavalry charges, seems more authentic than the narrative of Wishart ('Britane's Distemper,' p. 91).

† The evidence as to Rollock is hazardous (Wishart, p. 77).

To Argyll at Inveraray came flying his shepherds from the hills south of Loch Awe, and about its head. Montrose, with Colkitto and all the western clans, had devastated the Menzies, and the Breadalbane Campbells; and while Argyll fled, he ruined the country of that potentate \* (December 13, 1644; January 28, 1645).<sup>12</sup> Two hundred men, Montrose said, could have stopped him in a pass, but the Campbells had no leader. Of this pass, Patrick Gordon tells us that it skirted a loch, and was commanded by a castle on an island within pistol shot: the invaders having to march by a path cut in the rock between the castle and the overhanging precipice. Happily, the Macnabs were the local clan, dominated by, and hating the Campbells. At dawn a party of them hailed the castle, asking for a boat, as they carried letters from Argyll. They were ferried across to the castle, mastered it, most of the garrison being in bed, and so gave the command of the pass to Montrose.†

Argyll, meanwhile, cannot have been happy. General Baillie, having his commission as commander-in-chief, would not be at Argyll's orders. "If he lived he should remember it," was an expression of the marquis, as Baillie was informed, "wherein his lordship," quoth Baillie, "indeed hath superabundantly been as good as his word."<sup>13</sup>

Baillie, on January 1645, had to march to Roseneath and leave with Argyll 1100 of the Scots army that had fought in England. These were meant to stiffen the Campbells; quite contrary was the result. From Roseneath Baillie took the rest of his command to Perth.

On Saturday, January 18, 1645, the Estates, then in session, heard from Argyll that "he had got a fall and disjointed his shoulder, but would be well; that the rebels" (Montrose's army) "had fled to Lochaber," and were in Glen Urquhart.‡ Montrose, in fact, was moving from Inveraray north through the countries of friendly Macleans, Appin Stewarts, Camerons, and Campbells,

\* Montrose had now 3000 men ('Britane's Distemper,' pp. 95, 96).

† 'Britane's Distemper,' pp. 96, 97. The loch was Loch Dochart; the Macnab country ran westward from Killin, at the head of Loch Tay. Inspection of the scene and little island tower does not seem to corroborate Gordon's description.

‡ Balfour, iii. p. 256. This date proves that Wishart's date for the departure of Montrose from Argyll is erroneous. He must have decamped about January 14. Argyll's hurt did not occur on the march to Inverlochry, as Scott says in the 'Legend of Montrose.'



towards the Seaforth region. Behind him followed slowly Argyll, with the Campbells and the Lowland force from England. Baillie, with our old friend Hurry of The Incident, lay in Perth; Aberdeen and Inverness were strongly held for the Covenanters, the Grants and others guarded the Spey. Wherever Montrose met and fought a hostile force, he would have Argyll on his back. He encamped on the site of what is now Fort-Augustus, equidistant almost between the armies of Seaforth and Argyll. Here he held a council, and of the forces hemming him in, "resolved to discuss Argyll's army first," says Patrick Gordon. After the chiefs—Montrose and his young son, Lord Graham, and the rest, with Airlie—had signed a band at Killiewhemen (January 29, 30) they turned on their tracks, and made a two days' march southward, with dramach (oatmeal and water) for their best cheer, and, scaling the central mountains of Lochaber, beheld the northern sides of Ben Nevis.\*

It was a march as unexpected as unprecedented, yet Montrose contrived to bring through a handful of horse. But Argyll, little as he expected Montrose to debouch from the skirts of Glen Nevis, was not taken by surprise. Lying at the old castle of Inverlochy, where the Lochy reaches the sea after flowing through a marshy plain, he heard, before he slept, that his outposts had been in touch with Highland patrols. It appears that at once, and in the moonlight, Argyll sought the shelter of his galley (the lymphad of his shield), whence he despatched orders to Sir Duncan Campbell of Auchencbreck, an accomplished and brave soldier who had fought in Ireland, but, says Baillie, "a vicious man."<sup>14</sup> Argyll had now "overtaken the rogues at Inverlochy," as Baillie says, or rather they had come to look for him there. It was about three weeks since Argyll had dislocated his shoulder; but, whether by reason of that accident, or because his chieftains with a preacher, an Edinburgh bailie, and other friends, dissuaded him from rushing into the fray, or because a second-sighted man, Allan M'Coll dubh, had prophesied defeat, Argyll at once placed himself in safety on board ship. † Both

\* They marched up the Tarff to the pass of Corrieairack, down the sources of the Spey, crossed into Glen Roy, and so by Roy Bridge and Keppoch to the Spean, and then along the shoulder of Ben Nevis: "the ordinary route would have been down the great valley now traversed by the Caledonian Canal." Wishart, p. 83, note 13.

† Patrick Gordon, p. 100, mentions the second-sighted seer's warning. The author has known a second-sighted M'Coll in Glencoe, a most interesting person. Cf. Guthry, pp. 178, 179; Baillie, ii. p. 263.



armies stood to their arms through the moonlight night.<sup>15</sup> From his galley on the morning of Sunday, February 2, Argyll heard the trumpets of Montrose salute the royal standard in the dawn. The pibroch of the Camerons (who had deserted Argyll) sent out its cry to wolf and eagle, "Come to me and I will give you flesh."

Auchenbreck placed the battalions given by General Baillie to Argyll on the right and left wings; the centre consisted of Campbells and other clans, with two guns, and a strong reserve. In Montrose's force, Colkitto took the place of the Macdonalds since Bannockburn—on the right; O'Gahan commanded the left; the Stewarts of Appin, the MacIans of Glencoe, the Atholl men and Camerons were in the centre; Clanranald and Glengarry led the second line, and the reserve was of "Irishes and other Highlanders." Colkitto and O'Gahan led the Royalist wings, which charged with fury, not firing till they poured their shot "into the beards" of the enemy. The Campbell centre, unsupported, broke, and confused the second line; all the Covenanters fled, and Sir Thomas Ogilvy, with his little squadron, drove the fugitives into the sea, himself receiving a mortal wound. Auchenbreck and fourteen lairds of the name of Campbell were slain, and twenty-two were taken prisoners. Hundreds perished in the flight, others in Inverlochy Castle surrendered. Of these the Lowlanders were spared, the Macdonalds butchered the Campbells with clannish ferocity. The ground being level, offered no chance of resistance after "the break of the battle."<sup>16</sup> Montrose says that he did his best to save life: a few lines in the extant copy of his letter were deleted, "for the honour of some families." Concerning Argyll the letter, as it stands, says nothing.\*

\* Cf. Napier, ii. pp. 485-488, note. It does not well become civilians to censure the personal courage of men of the sword, as clergymen, like Baillie, Swift, and Burnet, have cast doubt on the valour of Montrose and Marlborough. Possibly the Campbells might have stood at Inverlochy had their chief been among them. But stand they did not, according to what Baillie heard. "All our people overtaken with a panic fear, without any necessity, turned backs and fled," save the gentlemen of the name, who died bravely (Baillie, ii. p. 263). Wishart (pp. 84, 85) gives the same account. Gordon says that the Campbell centre, the wings being broken, fell back on their second line, "who, instead of opening their ranks to receive them, and give the enemies a new charge . . . breaks their order and flies confusedly" ('Britane's Distemper,' p. 101). The Covenanters "drew up in line with alacrity," at first, says Wishart, "for as the prisoners afterwards admitted, they thought that Montrose was not present," till

In his despatch Montrose held out the fairest hopes for the summer, and deprecated concessions (the attempted Treaty of Uxbridge). "I have too much reason to know that they will not rest satisfied with less than making your Majesty a king of straw." He trusted soon to lay an obedient Scotland at the king's feet: "Come thou thyself, lest this country be called by my name." Among the many charming qualities which make Montrose the most sympathetic character in the history of Scotland, his undying youth of nature is not the least amiable. His "whimsies," the Blue Ribbon; the wisps of oats in the bonnets of his men; the trumpets that among the mountains salute the standard of the king, are marks of the high boyish spirit that does great things gallantly, and with an air. As boyish was his hope of recovering Scotland, that "dour" country, whose historians, to this day, drop their disparagements on Montrose as the sullen drippings from a cottage thatch, in time of thaw, descend and stain the whiteness of the snow.

Montrose was victorious; the great Whig clan was put out of action; but Newcastle was lost to the king, his diplomacy had failed, his finances were ruined, the new model of the Army of the Saints had arisen, and was not to spare nor to dally, but to strike at the king, and strike hard. The star of Cromwell was in the ascendant; and here Montrose was prophesying a royal triumph! He should have known better the fickle futility of the Seaforths, Huntly, the Homes, Roxburghs, and Traquairs—these were not Ogilvies or Napiers. And yet there were elements of hope in the situation, though it was hope deferred. Briefly, the campaign of Montrose, by calling Leven with his army to the Cumberland border, for the purpose of preventing the king from joining the marquis in Scotland, increased the growing hatred between Scots and English; for the English Parliament desired the services of Leven's army in the

they heard his trumpets, "a sound of terror." They also knew that, while Montrose was present, *their* chief was absent—had retired on the previous night. This knowledge cannot have been reassuring. It was Argyll's presence, not his good sword (which his accident prevented him from wielding), that was needed. Patrick Gordon, disdaining to suspect Argyll's honour, tells his story of the prophecy, of the pressure put on Argyll to retire, and "he, it is to be thought, with great difficulty yielded to their request." This is the view taken by Scott. When every one combines to assure a man that a life so valuable as his ought not to be risked, above all when he is incapable of self-defence, he is apt to be persuaded.

south and west. In religion and in politics, the interests of the brethren south and north of Tweed were dividing, and a war—of Scotland for the king, and England against him—was inevitably approaching. The beginnings of religious and political discord between the two countries went hand in hand. The Scottish aid to England had been of the nature of a religious crusade against what the Estates, met in July 1644, called “the popish and malignant party.”<sup>17</sup> Some enthusiasts, like Lord Maitland (later Lauderdale), hoped to establish the sacred standard of Presbyterianism not only in England but on the Continent.

Things did not take that course. On January 23, 1645, the General Assembly at Edinburgh welcomed the Rev. Mr Baillie, bringing a letter from Loudoun, Maitland, Henderson, and Samuel Rutherford at Westminster. They regretted that their country had been invaded by “the basest of the children of men,” the Irish Macdonalds. But they sent “the Directory of Public Worship, concluded,” at last, and Presbyterian, “in both Houses of Parliament, and the principal Propositions of Church Government passed in the Assembly, all of them according to the Solemn League and Covenant.” They begged that there might be no quarrelling over slight divergencies in absolute uniformity,<sup>18</sup> The English divines sent a similar letter. The Assembly presently petitioned the Estates to punish such allies of Montrose and the king as might be come at; among whom were in prison the Earl of Crawford, Lord Ogilvy, and Wishart, the historian of Montrose. Others were Nathaniel Gordon, Sir Robert Spottiswoode, and Will Murray.<sup>19</sup> The nobles were forfeited; Montrose lay under excommunication; Carnwath was to be murdered if an assassin could be found,—“whosoever shall kill him is declared to have done good service to his country.”<sup>20</sup> It was not so easy to execute Crawford and Ogilvy, as Montrose might retaliate,<sup>21</sup> and even the Estates found “some harsh expressions” in a manifesto of the preachers, and “entreated the Assembly to amend the same.”<sup>22</sup>

“The Humble Petition of the General Assembly” may, perhaps, be defended as a mere request that men like Ogilvy, Spottiswoode, and Wishart should not be kept untried in prison,—and such a prison, where rats gnawed Wishart, and left indelible marks of their teeth. But the words of the clerical petitioners are, “May it therefore please your Lordships, in the zeal of the Lord, to proceed with some speedy course of justice against such persons as are known to

have joined themselves either actually in arms, or by their counsels, supplies, encouragements, have strengthened the hands of the" (usual adjective) "enemies, whereby a cause of the controversy shall be removed, the land cleansed of the blood that is shed therein," and so forth. It does not appear that any chance of acquittal and release is contemplated; blood is to be "cleansed" by the blood of prisoners: "the zeal of the Lord" means zeal even unto slaying: the "controversy" is between the Eternal and his people, who have been sparing the Amalekites, unlike Samuel. In short, it does not seem as if any quibbling could clear the ministers from the charge of blood-thirst.

So far (except that the prisoners were not then slain) Kirk and State (the State of the Covenanters) had worked together without friction, but the ancient feud between the prophets and the secular rulers, Covenanted as they now were, was but sleeping. The Assembly sent a stiff exposure of his crimes to the king. He had permitted the mass in his own family (his wife being a Catholic), and had authorised The Book of Sports, enjoining the public to play games after church, on Sundays. In consequence of such sins, the Kirk would hold herself guiltless of "the sad consequences which may follow."<sup>23</sup> During this Parliament, Lauderdale died—Lord Maitland is henceforth Lauderdale; Lanark took part in the proceedings against his king, and Traquair was heavily fined. Argyll, who arrived ten days after Inverlochy, with his arm still in a sling, "as if he had been at bones-breaking" says Guthry, was thanked for his military conduct, and "intreated to continue in so laudable a course." He continued. Balmerino actually announced that Argyll had lost but thirty men at Inverlochy! "The contrary being certainly known, many thought strange that he, who was a nobleman, could speak so in a public audience."<sup>24</sup>

In England, the new model army of Cromwell and his fighting sectaries, who hated the Scots and their religion, or rather its imposition on England, was constituted (February 15, 1645). In March, Leven, now at Carlisle, would not move south to help the English, the danger at home was too pressing, and probably Charles then really thought of attempting a junction with Montrose.\* Leven had been weakened, as we know, by detaching forces, under Hurry and Baillie, against Montrose; matters grew hot between

\* So Guthry, p. 186. Small, a messenger to Montrose from the king, with letters, was caught, disguised as a beggar, and hanged, May 1, 1645.

him and the English in the end of May, and, at Carlisle, which he was fortifying, Leven told his English colonel that, if he would not yield to him a fort at Carlisle, "I desire no better occasion to cut you all in pieces."<sup>25</sup> Leven was to have another and much better "occasion," but he was no Montrose,—rather, according to Turner, was now verging on the imbecile. However, on June 14, the crushing defeat of Charles by Cromwell at Naseby relieved Leven from all anxiety about the king's junction in Scotland with Montrose.

We left the great marquis at Inverlochy, on February 2. By February 14, thanks to the unparalleled mobility of his infantry, he had occupied Elgin. He was presently joined by Lord Gordon and Lord Lewis Gordon, who broke loose from Argyll, and by the shifty Seaforth. But, though Lord Gordon brought in a few horsemen, the Gordons at large did not yet rise, and the county people were all Covenanters. Now died Montrose's eldest son, Lord Graham, outworn by war; and at Aberdeen the gallant Farquharson, who fought so well at Fyvie, and "had been a great friend to the town at the late battle foughten there," was murdered by Hurry's Covenanters in the street.<sup>26</sup> Hurry, too, who was in the ranks of the Covenant, descending on the town of Montrose, seized the marquis's second son, James, now Lord Graham, and the boy, aged fourteen, was imprisoned in Edinburgh Castle. Eight hundred foot were at this juncture detached by Montrose to convey old Lord Airlie, in bad health, to Strathbogie. Montrose wasted the lands of the Earl Marischal, and of others who refused to come in to the king's standard. He held Hurry and Baillie at bay by a series of rapid marches, though Hurry had 700 horse to his 300. Baillie, after refusing battle, retired towards Fife. Montrose's own army was outworn; many went home, Lord Lewis Gordon gave perpetual trouble, and, his force melting away, Montrose could not move from Dunkeld on the Lowlands.\*

Montrose, badly or treacherously informed by his scouts, now supposed that the enemy had crossed Tay, and were watching the fords of Forth. Sending part of his shrunken army to Brechin, he, with Lord Gordon, perhaps with Lord Lewis, and with 600 men and 200 horse, made a swoop on Dundee, which Baillie learned from

\* Wishart makes Lord Lewis the very soul of mischief, and the cause of the desertion of the Gordons. Patrick Gordon defends him (Wishart, p. 91; 'Britane's Distemper,' pp. 115, 116; Gardiner, ii. p. 218).

his spies, and so followed at speed. The town had raised volunteers for defence, which provoked an armed mutiny among the "maltmen," on whom the burden of their quartering fell. Repairs to the walls and ditch were also in progress. Montrose arrived, and summoned the town by a messenger, who was caught, and later was hanged. Such injudicious measures were usually taken against the holder of the royal commission, and were apt, as the town of Dundee now learned, to lead to unpleasantness. The town was then a parallelogram; two streets from the east and two from the west converged on the church and market-place. Within the walls, at the north-west corner, was Corbie Hill or Windmill Brae, with its guns. From this eminence, not from Dundee Law, Montrose must have watched events after breaking in at the unrepaired part of the wall, and seizing the artillery, which commanded the West Gait and Nether Gait "ports."\* "A great part of the buildings of the town and much corn and moveables were burned," so the burghers reported.†

Now came scouts to Montrose with warning of Baillie's approach, with 3000 men, and of Hurry's, with 800 horse. Montrose's men had more or less been drinking, after a march of twenty miles. Some advised Montrose to fly, and seek his own safety, a reward being set on his head. Others desired to fight and die with honour. Montrose did neither. He called off the spoilers, "a feat beyond the power of any other commander in Europe," says Mr Gardiner; he used his 150 horse as a rearguard, accompanied by his best marksmen, and sent the rest of his force ahead. They cannot have been drunk, for they marched all night, while Baillie's pursuing cavalry were driven back by musketry fire. Montrose's natural course was to take to the Grampian hills, but he knew Baillie too well to suppose that he would leave the passes unguarded; so, calling a brief halt near Arbroath at midnight, he doubled back to the south-west. Baillie failed to drive him to the sea, he slipped past the Covenanters under cloud of night, and, in the dawn of April 5, reached Careston Castle on the South Esk. Baillie came up when but three miles severed the Royalists from the unguarded hills, but Montrose's men were so outwearied after sixty miles' march, a fight, and a feast, that they could scarcely be roused

\* Wishart, p. 92, note. Maxwell's 'Old Dundee,' ii. pp. 491-495.

† Act. Parl. Scot., vi., i. p. 519. Mr Lamb's "Dundee" (1895) is a portentous tome, paged in the wildest manner, and it baffles scrutiny.



from sleep by the sword points of their officers. Roused they were, however, and reached ground where Hurry's horse could not follow them.<sup>27</sup> Says Wishart, "I have often heard officers of experience and distinction, not in Britain only but in France and Germany, prefer this march of Montrose to his most famous victories." As we hear of no carnage or outrages on women in Dundee, historians are obliged to lament the lack of a chronicler like Spalding,<sup>28</sup> who, in fact, merely mentions the burning of some houses.

It is usual for modern Scottish historians to write as if Montrose encountered no regular troops, "had not been face to face with any commander who was a trained soldier," says Mr Hill Burton, who persistently belittles the great marquis. Mr Hill Burton, admitting that Baillie was "a trained commander," says nothing about Montrose's extraordinary retreat, admired by continental experts and duly appreciated by Mr Gardiner. The "trained commander," and the "thousand trained soldiers belonging to the army of the Covenant" (Mr Hill Burton admits their presence), found no grace at Montrose's face. But Presbyterian hatred bequeathed by tradition still influences Scottish historians, even as regards the military qualities of the marquis. Baillie had four regiments of infantry, and two of horse, with Loudoun's and Lothian's regiments of foot, "besides other great forces coming, as 1500 red coats out of Ireland, and some other regiments, yet were but 600 red coats."<sup>29</sup> Meanwhile, what the black coats could do against Montrose, they did. Easter day in Aberdeen was kept as a fast "to his intention." "No meat durst be made ready: searchers sought the town's houses and kitchens for the same."<sup>30</sup>

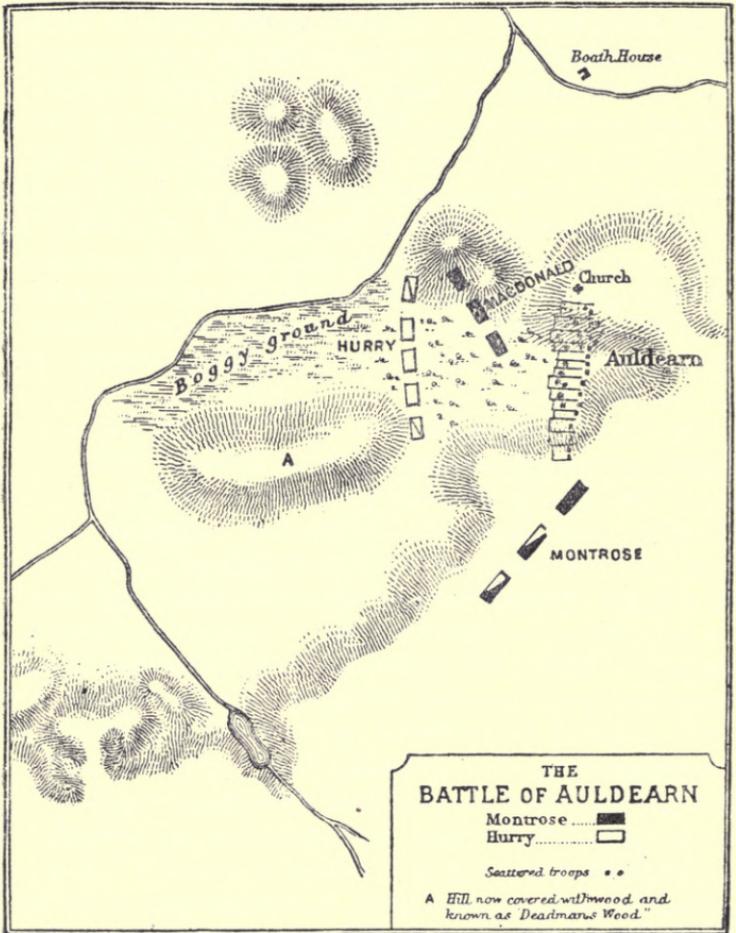
The next manoeuvre in the attempt to surround Montrose was a combination of Hurry, with 1200 foot and 160 horse, and the Covenanting levies of Seaforth, with Marischal, Sutherland, the Forbeses and Frasers. While Lord Gordon was raising his clan, and equipping 200 gentlemen of his name as cavalry, Colkitto and Inchbrakie recruited in the Macdonald, Cameron, and Stewart glens, and in Atholl. Hurry moved to watch Lord Gordon, Montrose, with about 600 men, visited Baillie's neighbourhood near Perth. He drew Baillie out, in four times his own numbers, covered his men's retreat with half a squadron of horse, moved up the Earn to Lochearnhead, and probably did no good to the lands of Ardvoirlich, murderer of Lord Kilpont. Marching from Lochearnhead to the braes of Balquidder, he picked up some recruits of



the nameless clan, and met Lord Aboyne. This heroic youth worthy of the name of Gordon, had been fighting in England. Besieged in Carlisle, he cut his way through the Covenanting lines at night, with sixteen horse, dislocated his shoulder and injured his collar-bone by a fall, rode some sixty miles through hostile country before his hurt was attended to, and proved to Argyll that a dislocated shoulder need not incapacitate a resolute man.<sup>31</sup> At Loch Katrine Montrose heard of Hurry's march against Lord Gordon: he was occupying Aberdeen, where Lothian's regiment mutinied for clothes and pay. These, with Lady Hurry, arrived in a ship, and, on April 19, Hurry marched out of Aberdeen, having vainly tried to raise dragoons in the country.<sup>32</sup> Reaching the Dee on his northward march, Montrose was joined, at Aboyne, by Lord Gordon and his friends, the Master of Napier, and young Stirling of Keir, Colkitto also effecting his junction. Gordon had 1000 foot and 200 horse; Montrose had never been in such strength, and he went to discuss Hurry.

That able commander lured him on by Elgin and Forres, fighting rearguard actions, and drawing Montrose through a hostile country, towards the mass of the Covenanters under Sutherland, Seaforth, and others, near Inverness. Destitute of intelligence, Montrose halted nine miles from Inverness at Auldearn.\* The night was very wet, and Montrose's patrols sought shelter (as the preachers' sons and other amateur officers did on the eve of Dunbar), not knowing that Hurry was rapidly marching back against them, with the whole army of northern Covenanters (May 8). Patrick Gordon blames Montrose for inefficient scouting, and indeed this great master of surprises, when in hostile country, with men outworn by scarcely credible marches, was himself apt to be surprised. Wishart, however, says that Montrose, hearing of the approach of Baillie from the south, "was now very anxious to retire." Wishart omits Gordon's story, that Hurry's army, in their morning march back to surprise the marquis, discharged their pieces, damped by the rain, and so gave Montrose the alarm, the sound being carried away from the sea by a providential shifting of the wind. Again Wishart makes Montrose deliberately choose an excellent position; while, according to Gordon, he had to make his dispositions hurriedly, his troops being half asleep when Hurry came into touch with them.

\* Really Altdearn, which must surely mean "Burn of Dearn," not "High Dearn," as the editors of Wishart say, p. 98, note 2.



Following the plan of Mr Gardiner, who carefully examined the ground, we see the village street of Auldearn running due south from the church; Hurry advances by a road at right angles to the street. On the north (and right wing of Montrose), Colkitto's men were drawn up on hilly and broken ground, at a slant from north-east to south-west, covering the church, and the upper part of the village street, and protected, on their right, by the hill and bushy cover; on their left, by the walls of the gardens behind the houses of the villagers. Then came a gap: Montrose had no centre, but a few musketeers, as *tirailleurs*, were placed where his centre should have been, between Hurry's left and the cottages of the lower part of the street. South of the street, Montrose's left wing, with Gordon's horse, stretched from north-east to south-west, the horse outflanking those on Hurry's right wing. Behind Hurry's line was a hill now called the Dead Man's Wood. To Colkitto's wing Montrose entrusted the royal standard; this naturally was Hurry's point of attack; here the head of Montrose, and the price set upon it, might be won, for he would be with the standard of the king. Meanwhile Montrose's own command, the left, was hidden by the southward slope of a hill from the advancing Covenanters, their "trained commander" not suspecting its existence. It appears that Patrick Gordon is wrong when he places Lord Gordon's horse on the right of Colkitto, Aboyne's on the left of Montrose: all the horse were on Montrose's own left. On Colkitto's right, it is clear that the steep hill and broken and enclosed ground would have made the use of cavalry impracticable.<sup>33</sup> Montrose's dispositions, with no horse on his right, with no centre, but with the gap masked, and with his left concealed, like the Duke's infantry at Waterloo, by a dip of the ground, were as successful as they were unusual.

The brunt of the battle fell on Colkitto, who was charged by relays of foot and cavalry, the latter probably firing their pistols in the old style, and not pressing home, which the ground did not permit. Colkitto was driven back to the walls of the village gardens, where he delivered a hot fire, and attempted a charge, but the boggy ground threw his line into confusion. Now he was charged again by two regiments of foot and one of horse, whose supports came up and seconded them. His men gave ground, but not in disarray, while he, in the front, took several pikes in his targe, and cut them through with one sweep of his claymore. The enemy dared not come within the swing of his weapon, nor could the cavalry reach him;

but his force was almost surrounded. "Let us die bravely," he whispered to those near him. A galloper brought the news of Colkitto's plight to Montrose, who called on the gay Gordons to mount the slope which hid them and charge. They topped the slope, they swept through Hurry's horse on his left, taking several colours, and slaying as they drove the Covenanters. "Now," said Colkitto, "those are indeed the valiant Gordons, and worthy of that name which Fame hath carried abroad of them." They fought as they fought at Glenrinn's fight; and Hurry's horse fled as had fled the footmen of Argyll. Montrose now led his infantry against the flank of Hurry's foot soldiers, confronted as they were by Colkitto, and in broken ground. Aboyne also charged with his horse; Colkitto again advanced; the Royalists, with yells of "Remember Donald Farquharson and James of Rynie!" (murdered by the Covenanters) broke clean through the Lowland ranks, and the murder was grim and great. Sutherland, Seaforth, and young Innes, being well mounted, easily escaped; Hurry did not attempt a charge with the two hundred horse of his reserve, a match in numbers for all Montrose's cavalry, but fled with them to Inverness.

"Montrose had shown himself master of cavalry tactics. . . . In whatever form the enemy attacked him, whatever might be the varying components of his own army, he was always ready to take advantage of the weakness of the one, and of the strength of the other," says Mr Gardiner. With the thousand horse which Rupert would not spare, what might not Montrose have done!

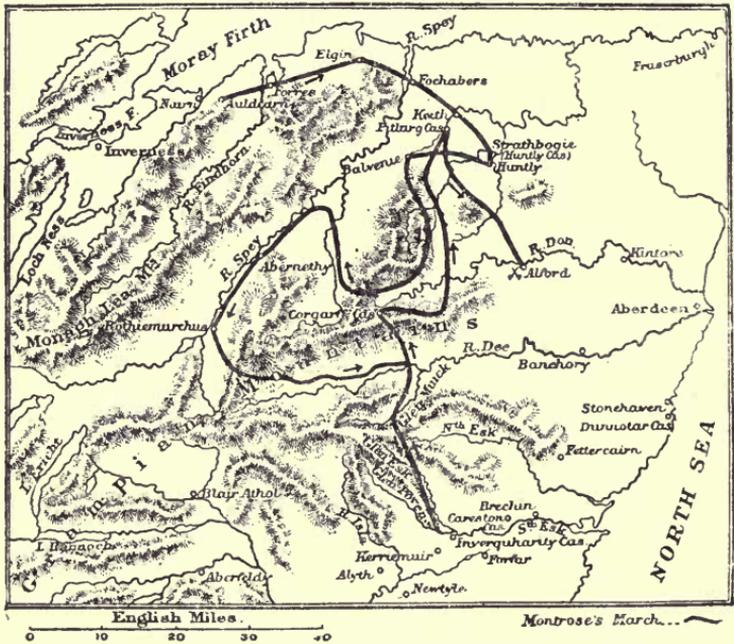
*Si Pergama dextra!*

But all was in vain. The successes of Montrose, we have seen, drew Leven back to the English border; this withdrawal bred bad feeling between England and Scotland; Leven's men received scorn instead of pay, and plundered for their living. Montrose had driven the wedge into the Anglo-Scottish Covenanting alliance, whence were to follow great results, but not now. For Montrose could not be everywhere, and, on June 14, the rashness of Rupert, the irresolution of Charles, with the superior skill and superior numbers of Cromwell, dealt to the royal cause the deadly blow at Naseby. Cromwell then, to the letter-writing Baillie's horror, "desired the House of Commons to come out expressly with their much-desired freedom of conscience." Never now would the Blue Banner of State Presbyterianism be set up south of Tweed. That cause was lost. Toleration was in, and Presbytery was out. But, says Baillie, "If

we settle affairs here, *Montrose will melt like a snail.*"<sup>34</sup> So it must inevitably be when affairs were settled in England. Montrose's army, thanks to the jealousy of Huntly and the habits of the Highlanders, did "melt like a snail" after every victory, and the marquis had again to bring together a new army. After Auldearn he did not occupy Inverness, where he would have found supplies, and caused a great loss of such a source to the Covenant. He halted at Elgin, where his wounded were cared for, and made arrangements for his invalids and prisoners at his central base, the castle of Blair Atholl.

His Napier friends—even the old Lord, a man of seventy, even the ladies of the family, and Napier's brother John—were being fined, imprisoned, and examined. But at Blair, Montrose held the brother of Campbell of Crinan, and hinted that if John Napier were executed "in a seeming legal way," the Campbells might expect reprisals. Montrose, none the less, never made reprisals on his prisoners, though urged so to do. At present he secured an exchange of prisoners with Argyll; at the same time he bade his lieutenant at Blair punish the excesses of Irish deserters.<sup>35</sup> He hoped, vainly, for good news from the English border, and intended to come down on his old college friend, Lord Lindsay, who, having usurped the title of Crawford, was now taking command in the south. (We continue to call him Lindsay.) General Baillie, with Lindsay's, Cassilis's, and Lauderdale's regiments, joined by Hurry with the remnant of his horse that fled at Auldearn, now marched towards Strathbogie, but found that Montrose, having left Elgin, was there before them. The armies faced each other all day; through the night Montrose moved to Balveny. Baillie followed; again he was outmarched and outmanœuvred; he found the foe in a strong position fortified by a river and rocks, and drawing supplies from Ruthven in Badenoch. Here his "red coats" and two other seasoned regiments let Baillie know that they regarded Montrose's commission and cause as at least as good as that of the Covenant; so Patrick Gordon says. His narrative is closely parallel here to Baillie's own vindication of his conduct, but Baillie avers that he now decamped to Inverness in search of supplies, not on account of a mutiny. The truth probably is that his hungry men were also angry men and spoke their minds.\*

\* 'Britane's Distemper,' p. 128; Baillie, ii. p. 418. It is possible that Gordon and Baillie do not refer to the same occasion.



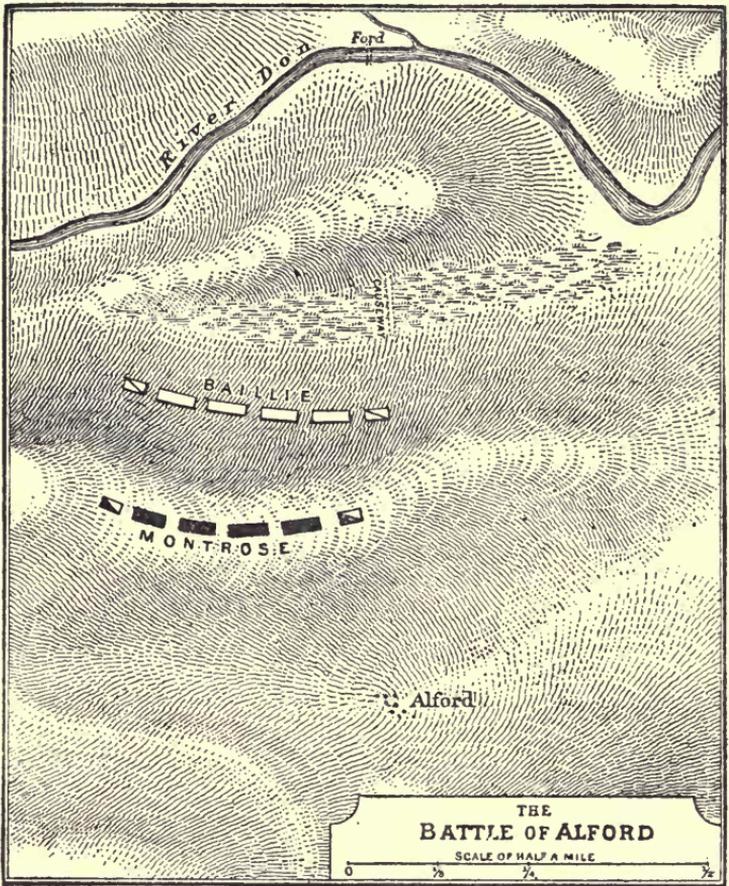
CAMPAIGN OF ALFORD

Montrose now marched south to deal with Lindsay, whom he would have caught at Newtyle, in Angus, but for some reason most of the Gordons went home, and Montrose had to wait—Aboyne being absent on sick leave—till the trusty eldest son of Huntly, Lord Gordon, could again call in his retainers. Throughout Huntly was obscurely making mischief; Lewis Gordon was a mere freakish featherhead, Aboyne was inconstant, only Lord Gordon was as true as steel; and Montrose often could not muster, in all, the full strength of a regiment. He had to leave Lindsay, who would have been a mere mouthful to him if in force, and to follow Nathaniel and Lord Gordon north, in search of the clan. They concentrated at the head of Strathdon, but Colkitto went west to bring in the Celts.

At this juncture Baillie was thwarted by the War Office of the period, the amateur strategists of the Committee of Estates. Censured for slackness, he wished to send in his papers. He met Lindsay and Marischal at Drum, on the Dee, and learned that Argyll was to take command and "pursue the rebels." Argyll would take over Hume's regiment, from Ireland (the Red Coats?) a force of 1200, with Crawford's and Lauderdale's, and a hundred of Balcarres's horse, raising also his own clan. In exchange Baillie was only to receive Cassilis's 400 infantry, and was reduced, he says, to 1300 foot and 260 horse. But "The Marquess of Argyll refused the employment; his reasons I know not," says honest Baillie. Taking the forces which Argyll declined to lead, Lindsay merely wasted Atholl, which Baillie had already done.<sup>36</sup> Montrose now marched south, crossed the Don, and paused at Alford. Baillie must fight or leave the low country open to the marquis. Colkitto was still absent in the west, recruiting, and probably the forces on either side were about equal in numbers. It also seems possible that Lindsay had gone into Atholl to watch Colkitto, otherwise his movement thither, which he certainly made, was sheer folly; Blair Castle he could not hope to take. At Keith, Montrose challenged Baillie to fight in the open, but the old campaigner was not James IV. At Alford, concealing part of his force as at Auldearn, he lured Baillie across the Don.

"In front was a steep hill which concealed him from the enemy, so that they could hardly see his front ranks." \* Gordon's and Aboyne's handfuls of horse, on the right and left wings, were

\* Wishart, pp. 108, 109, cf. note 18, where there seems to be some confusion.





protected by Irish musketeers, as at Aberdeen. The Master of Napier commanded the reserve, which was quite out of view, the centre was composed of Farquharsons and Badenoch men. Two squadrons of Balcarres's horse and Lord Gordon's horse on Montrose's right, charged each other with resolute fury; Gordon and Balcarres fought with splendid courage, but Balcarres's third squadron refused to support him. The fight was equal, till Nathaniel Gordon bade the musketeers throw down their useless pieces, draw swords, and hamstring the enemy's horses. In a moment the Covenanting cavalry broke; Montrose's infantry, says Baillie, arrayed six deep, charged his line, which was only three deep. The Master of Napier now came on with Montrose's reserve; Baillie's infantry was taken in flank by Aboyne; the rest was slaughter. The boys among Montrose's camp followers mounted the sumpter horses, and charged into the mellay. But Lord Gordon was shot, Napier says, in the act of seizing Baillie by the sword belt. Baillie does not mention this: "our foot stood with myself, and behaved as became them," till the Master of Napier came on. The Covenant lost some 1600; Montrose not a dozen, but Lord Gordon's death meant a yet more wavering support from Huntly's clan. As for Baillie, he complains of the jealousy of Hurry, and of the weakening of his forces. He was exonerated by Parliament, which, driven from Edinburgh by plague, was to meet at Perth.<sup>37</sup> Though Montrose had won another fight, he had lost by Lord Gordon's death more than he had gained. None but Lord Gordon could have led into the southern Lowlands the great clan whose name stands as high as ever for chivalrous courage: as was seen at Dargai and Elandslaagte, as at Harlaw, Glenrinnis, Alford, Auldearn,—and Khartoum.

The essential condition of success for Montrose's enterprise had ever been that the king should join hands with him from England. But even the efforts of the queen to procure supplies from abroad for her champion had failed.\* There had been promises of a regiment of horse from Charles—promises never fulfilled; there had also been an attempt by the Covenanting Lords with Leven's army to come to terms with the king. One of these lords was Callendar, no Covenanter in his heart,—indeed only a strong sense of his own interest probably prevented him from carrying his levies over to the royal side before Montrose's disappointment at Dumfries, in 1644.<sup>38</sup>

\* Cal. State Papers Scot., 1645. Montrose is scarcely mentioned in this volume of the State Papers, except on these occasions.

Callendar's force contained many officers, especially in Sinclair's regiment, who now, with Lord Sinclair himself, probably desired nothing better than to serve the king. But Charles would not promise to establish Presbyterianism in England (July 21; August 5): all negotiations were shattered on that reef.<sup>39</sup> He would rather (July 28) march north and join Montrose. Even Rupert dissuaded him from so perilous an enterprise; better were peace at almost any price: "I believe it a more prudent way to retain something than to lose all."<sup>40</sup> Desperate, indeed, was the cause when Rupert waxed prudent! Charles replied, "I confess that, speaking as a mere soldier or statesman, I must say there is no probability but of my ruin." He had the alternatives of entire submission—which meant infliction, by him, of Presbyterianism on England, and the desertion of faith and friends; or of fighting on "without expectation of good success more than *this*, to end my days with honour and a good conscience" (August 3).<sup>41</sup>

No Stuart save Mary ever spoke braver and more constant words: and in this faith Charles chose to live and die. But he could not join hands with Montrose though he made an effort. He reached Doncaster (August 18), but found himself between the army of Poyntz, and the overwhelming cavalry of David Leslie, 4000 horse marching north from Hereford to ruin Montrose. Ere Leslie could arrive Montrose had snatched his final victory.

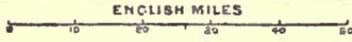
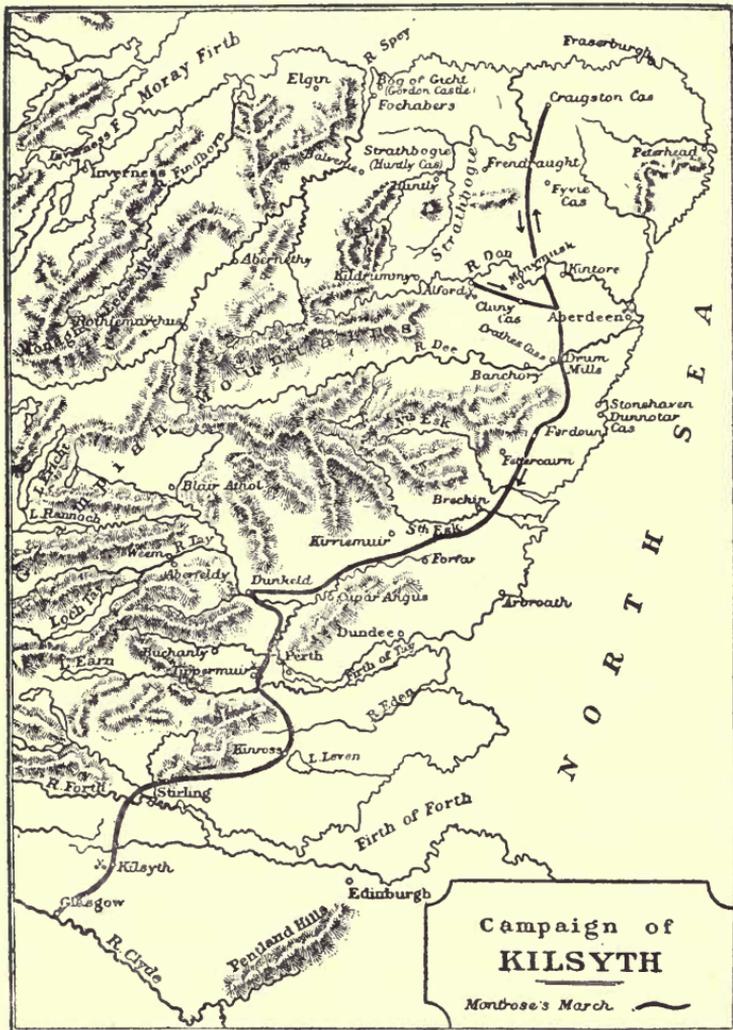
After Alford fight Montrose moved to the Dee: his Highlanders had dispersed as usual, and Aboyne was sent to recruit Huntly's men. Montrose waited at Craigton on Dee,<sup>42</sup> seven miles from Aberdeen. Aboyne was dilatory, and Montrose went south to Fordounkirk, the birthplace of Fordun, the old chronicler. Aboyne, when he came, brought few recruits, and was sent back for more, while the fighting clans—the Atholl men, Colkitto with Clan Gilzean, Clanranald, the Macgregors and the Macnabs (who took Loch Dochart Castle), the Farquharsons, and young Glengarry (Æneas Macdonnell), with Glencoe and Glen Nevis (Macsorlies calling themselves Camerons) were gathered to the standard. The Estates, driven out of Stirling by the plague, met at Perth (July 24). From Stirling they had issued summonses to levy 10,000 foot and 500 horse. They retained Baillie, as a semi-official general, under, or with, a committee of noble but helpless amateurs, such as Argyll.

Though still destitute of cavalry save for a hundred horse, Montrose, not waiting for Aboyne and the old Earl of Airlie

(then recruiting among the Ogilvies), descended the Almond, and encamped in the wood of Methven, near Perth. The forces of the Covenant had their headquarters at the Bridge of Earn, where Baillie awaited the regiments summoned from Fife. That focus of godliness, then curiously unfortunate in its military children, sent 3000 men. Montrose alarmed the Estates by approaching Perth with musketeers mounted on baggage horses, to resemble cavalry.<sup>43</sup> The Estates sent out all their forces; they now had good intelligence, and hoped to fight Montrose without Aboyne and Airlie. By an ingenious ruse Montrose retreated safely to the passes, leaving twenty Highland marksmen under cover who emptied the saddles of the foremost Covenanters. The army of the Estates retired to the wood of Methven, and butchered, says Wishart, "the wives of the Irish and Highlanders, who followed the camp for love of their husbands."<sup>44</sup> We must ever remember that some modern Presbyterian writers disbelieve that the women were "wives,"—which makes a great difference. Meanwhile, at Little Dunkeld, south of Tay, Montrose welcomed Aboyne with 400, and Airlie with 60 horse, gentlemen as a rule. Patrick Gordon dwells on the superiority of Montrose's material to that of the Lowland levies; the southern peasantry being "by continual custom, born slaves and bondmen, their ordinary food pease and beans"; "pease-bannocks," indeed, were a staple on the Border even in the nineteenth century. The Highlanders lived on oats and barley, fish and game.<sup>45</sup> Sir James Turner, however, speaks very highly of the west Lowland fighting material, hardy soldier-like men, whom, as their prisoner, he observed in the Pentland Rising of 1666.

Having now the strongest force that he ever led, Montrose wished to attack before the Fife levies could join the Estates from the east, and the Hamiltons, under Lanark, arrive from the west. He marched to Kinross, burning Castle Campbell, as Argyll had just burned the House of Menstrie, the seat of the late poet secretary, the Earl of Stirling.\*

\* Guthry, p. 193. Argyll denied this act at his trial, in 1661 (State Trials, v. 1395), but he also denied burning the House of Forthar, which was done by his own order, as a letter of his, already cited, proves. Moreover, General Baillie says, as to the military committee of which Argyll was a member, "Did they not, in that capacity . . . sometimes such acts of hostility as I, without a special warrant from the Estates (though I had been in charge by commission), could not now have answered but at the rate of my head. . . ." (Baillie, ii. p. 424). Both parties were wasting and burning as usual.



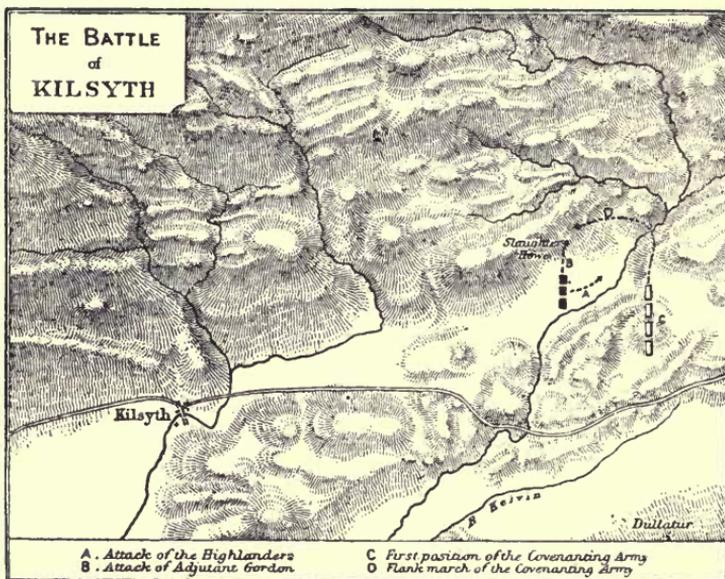
In some perilous scouting, by Nathaniel Gordon, prisoners were taken, and it was learned that "the kail-eaters of Fife" had almost mutinied, declining to cross Forth, but were still lured on by their preachers, "who told them jolly tales" of the approach of Lanark's contingent.<sup>46</sup> Montrose crossed Forth by a ford four miles above Stirling, and encamped at Kilsyth, half-way to Glasgow. The enemy next day crossed Forth by Stirling Bridge, the castle being held for the Covenant. They camped (after the interview between Baillie and the committee presently to be described), within three miles from Kilsyth, while Lanark, with 2000 foot and 500 horse, and Cassilis, Eglintoun, and Glencairn from Ayrshire were moving to join them. Montrose had the disadvantage in numbers, and, if defeated, Forth cut him off from the hills. But his men were in high heart; a great body of the hostile force, the soldiers of Fife, were shaking in their shoes; and the Committee of Argyll were certain to paralyse the skill of Baillie.

We have that general's account of Kilsyth fight, and what preceded it, and though he writes as a man on his defence, he may be trusted.

When the legions of Fife had arrived, Argyll, Lindsay, Burleigh (the fugitive of Aberdeen fight), Tullibardine, Elcho (the defeated of Tippermuir), and Balcarres, the Rupert of the Covenant, met Baillie, and Argyll asked, "What was to be done?" Baillie said that he would take the orders of the Marquis and the Committee. "Why so?" asked Argyll. Baillie stated his grievances. Without his knowledge prisoners were exchanged (by Argyll), without his orders houses were burned (by Argyll). "While I was present, others did sometimes undertake the command of the army." So they, in this happy temper, advanced within three miles of Montrose, and there slept.

Next day, Argyll was hot for an advance. The road, Baillie answered, was difficult; Argyll therefore proposed to go across country, through the corn. Baillie obeyed, and broke up his position which he had deemed impregnable (August 15). The Covenanters held the heights; below, Montrose was drawn up on a plain. He was out of range of musketry fire, nor could he be attacked, as Baillie's position was so steep and rocky in front that an orderly advance down hill was impossible. Montrose's men threw off their plaids, and stood to arms in their saffron shirts, a kind of *fustanella*, knotted, and leaving the legs bare. The Committee caused Baillie

**THE BATTLE  
of  
KILSYTH**



**A.** Attack of the Highlanders  
**B.** Attack of Adjutant Gordon

**C.** First position of the Covenanter Army  
**O.** Flank march of the Covenanter Army

SCALE OF MILES

Edw. Waller

to make a flanking march along the front of Montrose, to cross a brook that ran through a steep cloven glen, and to gain a hill on the Royalist left, whence they could descend with ease on Montrose's left flank: they had reconnoitred the ground, and thought that all this was feasible. Baillie "liked not the notion: there was all to be lost, little or nothing to be gained." The Committee voted, and all but Balcarres,—a soldier,—agreed with Argyll. Baillie, against his will, sent a force to occupy an enclosure on the desired heights, with the horse of Balcarres.

This movement seems to have been made behind a sheltering slope; on approaching its summit Baillie saw the Highland skirmishers climbing the steep cloven glen towards the cover of some low wooded ground. Returning to Argyll, he beheld Haldane attacking, without his orders, some cottages held by Maclean of Treshnish; the Clan Gilzean and Clanranald, as supports, were looking on. Baillie sent two gallopers to bid Haldane retire from his attack on this Hougoumont: Haldane refused, but was beaten back by Maclean, and then Macleans and Macdonalds, acting on impulse, and without order, charged straight up the difficult glen, racing for first place, leaped a stone dyke, and plunged into the centre of the Covenanting line, taking it in flank.\* They thus cut through the army of the brethren as it marched across the head of the glen to its chosen hill; but they themselves were now "in the air," without flanking force or supports. On their left, Hume, Argyll's men, and three other regiments, had reached the desired hill on Montrose's left, where Adjutant Gordon charged their cavalry with his horse, and drove them back on their infantry, but was surrounded and enfiladed. Aboyne had been placed by Montrose in the rear, the Marquis deeming his a valuable life. Now, beholding the Gordons in jeopardy, Aboyne with his tiny guard wheeled on the flank of the red-coat Covenanting infantry, broke through, and joined the Gordons who were struggling against footmen and cavalry. The Gordons took heart, and held their own, till, after a message sent by Aboyne to Montrose, Airlie charged at the head of the Ogilvies; Nathaniel Gordon led on the rest of his clan, and from the desirable mountain of the strategical Committee, the Covenanted horse and foot fled pell-mell.

At the same time the Macdonalds and Macleans, isolated as they were, rushed, crouching behind their targets, into the infantry whom

\* Mr Hill Burton makes the Highlanders charge "down the brae," vi. p. 373.

they had attacked ; Baillie galloped to call up the reserves of Fife, but they were running with the claymores at their backs, and many a St Andrews burghess "burst without stroke" says Baillie (the Rev. Mr). Their officers vainly tried to rally them : few escaped from that field out of 6000 men, except the mounted officers. Argyll galloped to the Firth, took boat, as usual, and made for Newcastle to seek reinforcements from England. These were already riding north under David Leslie, 4000 strong ; they picked up infantry at Newcastle. The other Covenanting nobles fled from Kilsyth, some to Berwick, some to Ireland ; Montrose had cleared the country.

Few and gloomy words may tell what followed. Montrose marched to Glasgow, which he saved from plunder. This cost him the desertion of 3000 Highlanders, and of Colkitto, who went to sate his vengeance against Argyll in Kintyre. From August 20 to September 4, Montrose lay at Bothwell, where Aboyne and the Gordons left him, upon some pique about a pamphlet, in which their merits were not recognised ; or because Crawford, released with the other captives from prison, held the king's commission to command the horse. Indeed Wishart and Patrick Gordon give totally different accounts of the Gordons' conduct at Kilsyth. Montrose gladly received his friends, Crawford, the Napiers, the Stirlings of Keir, Wishart, and others, emancipated by the trembling officials from their prison in Edinburgh. Home and Roxburgh invited Montrose's coming to the Border, where they deserted him (Montrose to Ogilvy, Bothwell, August 28, 1645).<sup>47</sup>

Some raw levies were raised for Montrose in Annandale and Nithsdale ; the Catholic Marquis of Douglas added more from his estates ; and the marquis, fatally trusting to broken reeds like Roxburgh, Home, and Traquair, moved to Kelso, in hopes of being joined by English Royalists. Hence (Sept. 10) old Sir Robert Spottiswoode wrote to Digby, in England, a letter which was never posted. You have let David Leslie loose on us (he says) and sent no force to follow him. Montrose, here, has only "seeming friends." Roxburgh and Home, who called him to come, have yielded their houses to Leslie, when Montrose "was within a dozen miles of them," and have gone not unwilling prisoners to Berwick. Traquair "has promised more than he hath yet performed,"—or meant to perform. Montrose, undismayed, "with his small force is ready to pursue David Lesley," of whose strength he must have been misinformed.<sup>48</sup>



Counselled, it is said, by Traquair, and having secured Home and Roxburgh, willing prisoners as was deemed, Leslie marched not to Edinburgh, but suddenly down Gala, towards Tweed. Montrose, finding that he had been vainly lured to Tweed by the treachery or cowardice of Roxburgh and Home, had retired to the banks of Ettrick, opposite Selkirk. Leslie now lay in the deep valley of Tweed, and on the long haugh at the meeting of Tweed and Ettrick at Sunderland Hall. Montrose's force, "a few raw, undisciplined horse," Border lairds perhaps, and 500 Irish, with Airlie's little squadron of cavalry, occupied the haugh on the left of Ettrick and the present cricket-ground of Selkirk, and had partly fortified the steep bank above the existing Yarrow Road. A news-letter (official) describes the works as strong and well placed. The scouts of Ogilvy of Pourie, serving with Montrose, declared that there were no enemies within ten miles, but Charteris of Hemsfield (Amisfield) brought in news that Leslie was at Sunderland Hall, three miles away; he himself had lost several men in a skirmish with them. Montrose, with a strange lack of care, passed the night in Selkirk; it seems doubtful whether Hemsfield's report was ever brought to him. Patrick Gordon says that Hemsfield and his men "were esteemed to have brawled among themselves in a drunken fray"; so their report seems to have been distrusted and not sent in to the general.

As Montrose breakfasted next day at Selkirk, Blackadder came with tidings that Leslie was at hand. Montrose galloped downhill, crossed the Ettrick, and found his camp in confusion. The mounted gentry of the Border held off in parties, large or small, and did not venture their persons: so Patrick Gordon says. He adds that they numbered 1200—a thing incredible, the Border lairds of that time having no love of fighting. They did not fight. A news-letter of September 16 from Haddington speaks of a charge of 200 of Montrose's musketeers who were driven in, after which, despite Leslie's overwhelming numbers, there was an hour of hard fighting; "our horse endeavouring to break through, and the enemy with great resolution maintaining their ground." Leslie himself charged with his regiment, and penetrated the ranks. Airlie's horse, "wanting their foot, were not able to make great opposition." Patrick Gordon says that they made successful charges, but, surrounded by 2000 cavalry, cut through them and escaped. Ogilvy and Nathaniel Gordon were taken by

the peasantry. Of 300 Irish, 250 fell; the rest, says Patrick Gordon, surrendered "upon promise of safe quarter, but it was not kept."<sup>49</sup>

Quarter, in fact, by a vile equivocation, had been granted to Stuart, the adjutant, but not to his men, says Mr Gardiner.<sup>50</sup> Wishart and Guthry (p. 203) are the authorities, with Patrick Gordon, for breach of promise of quarter. Whether this was so or not, some gentlemen, averring that they had received quarter, and yielding themselves prisoners, were later doomed by the Estates.<sup>51</sup> At their trial it was alleged that Leslie had forbidden quarter to be given to any Irish, which, if true, settles the question about them.\* Sir George Mackenzie, Lord Advocate under Charles II., writes that, of the camp followers, "fourscore women and children were drowned, being all in one day thrown over the bridge at Linlithgow by the Covenanters, and six more at Elgin, by the same faction. . . ." (Napier, ii. 584-596). Sir James Turner witnessed a similar scene of Covenanted mercies and drowning of women in Ireland; he was fortunately able to stop the massacre. Guthry attributes the slaughter of the surrendered Irishmen to the advice of the preachers with Leslie. Patrick Gordon describes in very realistic terms the

\* It is impossible to ascertain the truth about Philiphaugh fight. Tradition speaks of a heavy fog and a surprise; Leslie's approach, concealed by the Linglee hill, not being discovered till he was within striking distance. Wishart agrees: was he present? According to his editors, Messrs Murdoch and Morland Simpson, he was. The Covenanting news-letter of September 16 from Haddington ('A More Perfect and Particular Relation,' Published by Authority. Robert Bostock. London, September 25, 1645), seems to have escaped Mr Gardiner's notice. It makes both parties "continue all night in arms," alleges that Montrose was well entrenched, the battle began at 10 A.M., and the heat of the contest raged from 11 to noon. The Cavaliers rally, and lose Ogilvy and Nathaniel Gordon in their last stand. "It is conceived there is between two and three thousand killed," which must be mere rumour. "A hundred Irish were all *since*" (when?) "shot at a post." On this showing, there was no surprise and there was a stout resistance, the horsemen fighting on after the capture of the infantry. The tract is cited in Mr Craig Brown's 'History of Selkirkshire.' Mr Steel of Philiphaugh kindly lent me the brochure, which is rare. As against this news-letter, we have David Leslie's own statement that the fight was very easily won: apparently by a surprise; cf. p. 237 *infra*.

Guthry attributes the massacre of the women to the preachers' exhortations. Argyll and Lanark and Buccleuch, and other nobles, returned in Leslie's train, were present, though, as they say that part of Leslie's force was at a distance, we do not know what share they took in the fighting, they may have been with the distant division. See their letters in Mitchell, 'Commission of the General Assembly Records,' Introduction to volume i. Another in Willcock, 'The Great Marquess,' appendix vii. p. 387.

slaughter of 300 women, "married wives of the Irish." Wishart also tells of the murder of women and "cook boys," and the later drowning of stragglers, women, and children. Montrose, Crawford, the Napiers, and some forty horse reached the hills above Yarrow, and after repelling an attempt to take them, arrived at Traquair. The earl, with his son, Lord Linton, who had deserted before Philiphaugh, "was not at home." Traquair died a street beggar.

Montrose, escaping north, had lost, indeed, no part of his victorious forces except the 500 Irish. But he never could collect his men. Colkitto would not come in; Lord Lewis Gordon behaved like the wretch he was; for one reason or another Aboyne first wavered, then deserted; and Huntly, though he sacked Aberdeen, thwarted every plan of the great marquis.

Such was the end of the success of the unparalleled adventure by which, in a year's time, he who began as a solitary and disguised fugitive, drove the leaders of the Covenant out of Scotland and shattered their armies. Montrose had not understood that the once warlike Border was now a land of pacific pease-fed peasants, and of lords who had no following and neither head nor heart. Fifty years earlier he would have been backed by the spears of Home and Hepburn, Maxwell, Ker, and Scott. Nor did Montrose understand that his politics were ideal, not practical, nor appreciate the hatred which he had incurred as a leader of Catholic Celts, whose outrages are attested by the Royalist contemporary, Patrick Gordon.

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#### NOTES TO CHAPTER V.

- <sup>1</sup> 'Britane's Distemper,' pp. 62, 63.
- <sup>2</sup> 'Britane's Distemper,' pp. 63, 71-73; Wishart, pp. 51-57.
- <sup>3</sup> Wishart, p. 59.
- <sup>4</sup> Napier, ii. pp. 433-443. For the battle, Wishart, Patrick Gordon, and Carte's 'Original Letters,' *ut supra*.
- <sup>5</sup> Wishart, p. 64; Act. Parl. Scot., vi., i. pp. 359, 360.
- <sup>6</sup> Gardiner, ii. p. 142.
- <sup>7</sup> Napier, 'Memorials,' ii. p. 163.
- <sup>8</sup> Spalding, ii. pp. 406, 407; Napier, ii. pp. 452, 453.
- <sup>9</sup> Gardiner, ii. pp. 147-148; 'Britane's Distemper,' pp. 80, 81; Wishart, pp. 66-69.
- <sup>10</sup> 'Diary of Alexander Jaffray,' p. 50. Aberdeen, 1856.
- <sup>11</sup> 'Britane's Distemper,' p. 89.
- <sup>12</sup> Wishart, p. 81.
- <sup>13</sup> Baillie, ii. p. 421, *ibis*.

- <sup>14</sup> Report of an Irish officer with Montrose. Carte's 'Original Letters,' i. p. 76.
- <sup>15</sup> Montrose to the king, February 3, 1645. Napier, ii. p. 485.
- <sup>16</sup> 'Britane's Distemper,' pp. 101, 102; Wishart, pp. 84-86; Carte's 'Original Letters,' i. p. 76; Montrose to Charles, Napier, ii. pp. 485-488, note; Guthry, pp. 178, 179; Baillie, ii. p. 263.
- <sup>17</sup> Balfour, iii. p. 230.
- <sup>18</sup> Peterkin, pp. 416, 417.
- <sup>19</sup> Peterkin, pp. 420, 421.
- <sup>20</sup> Balfour, iii. pp. 254, 255, 282.
- <sup>21</sup> Guthry, p. 181.
- <sup>22</sup> Balfour, iii. p. 273.
- <sup>23</sup> Peterkin, pp. 429, 430.
- <sup>24</sup> Guthry, p. 180; Balfour, iii. pp. 272, 273.
- <sup>25</sup> Cal. State Papers, pp. 558, 559, 1644-45; Terry's 'Leslie,' p. 361.
- <sup>26</sup> 'Britane's Distemper,' pp. 111, 112; Spalding, ii. p. 455.
- <sup>27</sup> Wishart, pp. 92-95; 'Britane's Distemper,' pp. 116, 117; Napier, ii. pp. 495-497; Gardiner, ii. pp. 218-220.
- <sup>28</sup> Maxwell, 'Old Dundee,' p. 495; Burton, vi. pp. 370, 371.
- <sup>29</sup> Spalding, ii. p. 461.
- <sup>30</sup> Spalding, ii. p. 464.
- <sup>31</sup> 'Britane's Distemper,' pp. 117-120; Wishart, pp. 96, 97.
- <sup>32</sup> Spalding, ii. pp. 467-469.
- <sup>33</sup> Gardiner, ii. pp. 224, 225, note 2.
- <sup>34</sup> Baillie, ii. p. 280.
- <sup>35</sup> Napier, ii. pp. 515, 516.
- <sup>36</sup> Baillie, ii. pp. 418, 419.
- <sup>37</sup> Wishart, pp. 109-112; 'Britane's Distemper,' pp. 128-134; Baillie, ii. pp. 417-419.
- <sup>38</sup> Turner, pp. 37-38.
- <sup>39</sup> Gardiner, ii. pp. 285, 286.
- <sup>40</sup> Gardiner, ii. p. 287; Warburton, iii. p. 149.
- <sup>41</sup> Rushworth, vi. p. 132.
- <sup>42</sup> Wishart, p. 113, note 3.
- <sup>43</sup> 'Britane's Distemper,' p. 136; Wishart, p. 116.
- <sup>44</sup> Wishart, p. 117.
- <sup>45</sup> 'Britane's Distemper,' p. 138.
- <sup>46</sup> Guthry, p. 193; Wishart, p. 121.
- <sup>47</sup> 'Memorials of Montrose,' ii. p. 229.
- <sup>48</sup> 'Memorials of Montrose,' ii. p. 233, 234.
- <sup>49</sup> 'Britane's Distemper,' p. 160.
- <sup>50</sup> Gardiner, ii. p. 356.
- <sup>51</sup> Act. Parl. Scot., vi., i. p. 506.

## CHAPTER VI.

## THE REVENGE OF THE COVENANTERS.

1645.

MONTROSE, who never lost heart, passed the winter in marching and countermarching from Atholl to Huntly's country, and even threatened Glasgow in October, but was deserted, much against their will, by Huntly's clansmen, obedient to their jealous chief. The wife of the great marquis died; his old and dear friend, Lord Napier, died, outworn in Atholl.\* A force of Campbells, quartered by Argyll on Lord Napier's lands in Menteith, were routed by the local band of Royalists. But "the Dagon of the Covenant" was being worshipped with bloody rites: ten prisoners, with Sir William Rollock, Sir Philip Nisbet, and Ogilvy of Inverquharity, "a lovely young youth" of eighteen, were beheaded at Glasgow in October.<sup>1</sup> "The English Parliament," says a modern writer, "by the execution of Strafford and Laud, had set the example how to deal with political adversaries, and the Scots were energetically emulating it."<sup>2</sup> This was not exactly Baillie's view of the matter. He writes (October 17, 1645), "It's thought Johnstone, Ogilbie (Lord Ogilvy), Sir John Hay, Sir Robert Spottiswoode, and divers others of the prisoners will, at that meeting" (of the Estates at St. Andrews, December 1645, January 1646), "lose their heads, . . . albeit to this day no man in England has been executed for bearing arms against the Parliament."<sup>3</sup>

The preachers were "rowing like ravens" for blood. The standing commission of the General Assembly, also several presby-

\* The late Lord Napier and Ettrick informed the author that, in Atholl, he met a very old man, who pointed out a tree under which the internal parts of Montrose's friend were buried: a curious proof of the tenacity of tradition, for Lord Napier knew that this, in fact, was done.

teries, with individual preachers, and Waristoun addressing the Estates, were not to be denied. Waristoun's argument was in a tone of ferocious superstition. Their previous delay to shed the blood of men bearing the king's commission (a delay probably caused by dread of reprisals which Montrose never took) "had provoked God's two great servants against them, the sword and plague of pestilence." More blood must be shed to propitiate the Deity. This is the theology of Anahuac or of Ashanti; an insatiate god calls for human victims; thus the fanatics read the Gospel. With regard to the massacre of prisoners and women on the field of Philiphaugh, and to the later slayings in cold blood, it is not necessary to agree with Mr Hume Brown that "Montrose himself was primarily responsible." He never gave orders to slay prisoners;—to be sure his Highlanders and Irish took very few, and certainly the Macdonalds massacred Campbell prisoners after Inverlochy. Again, *before* Montrose's war, all Irish and Catholics born in Ireland, taken in arms, were ordered to be massacred by the English Parliament. But reprisals by Rupert, and anxiety for English prisoners in Ireland, caused a relaxation of this rule, after some Irish prisoners had been drowned at sea. Finally, the executions ordered by the Estates were designed to please the Deity as conceived of by the preachers and Waristoun; no one can accuse Montrose of that blasphemous folly.<sup>4</sup>

To the plea of those who had yielded on receiving quarter (and that in a war in which prisoners had already been exchanged), it was replied that "if quarter be sustained, the whole nation, and especially the Estates of Parliament, *will violate the oath of the Covenant.*"<sup>5</sup> Need more be said against these men's view of their contract with the Creator than they here assert? Leslie, at Philiphaugh, had only forbidden to give quarter to the Irish; Sir Robert Spottiswoode was, for example, not Irish; his quarter ought to hold good. But, it was replied, the Estates must "judge before God, and avert his wrath"—by slaying Malignant prisoners. How far his wrath was averted by human gore, Scotland had yet to learn. Waristoun noted that even Parliament, like Noah's Ark, "contained both foul and clean creatures." The foul creatures, a large majority, condemned Sir Robert Spottiswoode (a non-combatant), William Murray, brother of Tullibardine, Nathaniel Gordon, Lord Ogilvy, and others. They died like gentlemen (Ogilvy escaped), but were much vexed by the preachers in their last hours.<sup>6</sup> A Roman

brother, Tullibardine did not desert the slayers of his kinsman. Ogilvy was of kin to Hamilton and to Lindsay. By the old ruse, he escaped disguised as his sister, who had been allowed to visit him in prison. The lady was protected against Argyll by Lindsay, Hamilton, and Lanark; and it is probable that, as usual, the escape was connived at.<sup>7</sup>

"The House ordains the Irish prisoners taken at and after Philiphaugh, in all the prisons of the kingdom, especially in the prisons of Selkirk, Jedburgh, Glasgow, Dumbarton, and Perth, to be executed without any assize or process, conform to the treaty between the two kingdoms, passed in act."<sup>8</sup> A bad example, too closely followed. Under Charles II., Cameronians were "executed without any assize," of which we hear many complaints. Of the Covenanting precedent much less is said. Not only the men, but six poor Irish women, prisoners at Selkirk, were ordered by the Estates to be put to death in cold blood, if they had been on the field, or in the "rebellion."\* The cruelty of the Estates and of their preachers thus far outdid that of soldiers who, at Naseby and Philiphaugh, while still hot from battle, butchered women. Yet "the two servants of God," profanely invoked by Waristoun, Plague and Sword, did not cease from their labours in Scotland.

The time was approaching in which the Scots were to follow the star of the Covenant into the deepest national disgrace. The excuses made for their handing over the king to the English in return for a portion of their arrears of pay, are to some extent valid; they had, in fact, no alternative, save—not to take their wages. But it was the blindness of mind which made them slaves to the preachers and interpreters of the Covenant, who put so strange and sanguinary a sense upon the contract, that brought them into a situation not to be escaped from with safety and honour. It was their desire to force upon unwilling people their Presbytery by Right Divine, and their bargain with Omnipotence (the fevered dream of theologians), that led Scotland through shame and disaster, till she and her Kirk lay under the heel of the English conqueror.

The position of the unhappy king, after Philiphaugh, was not unlike that of his grandmother, Queen Mary, in her English prisons. He was not yet a captive, but, as we have seen, he had abandoned hope of success in the war, and was prepared to die rather than to

\* Craig Brown, 'History of Selkirkshire,' i. p. 193. Act. Parl. Scot., vi., i. p. 492. Five of the Irish had died in Selkirk gaol.

impose Presbyterianism and the Covenant on his subjects. But he still hoped to make the best possible bargain, now with the Parliament, now with the Independents and their section of the army, and again with the Scots. As Mary had been told, he "had too many irons in the fire." The Scots had long been on ill terms with their English paymasters, who did not pay them, so that they made themselves unpopular by plundering the country; while their interests of self-defence, during Montrose's victories, caused Alexander Leslie, as we saw, to cling to the Border, in place of falling in with the strategy of the English generals. The English were longing to see them evacuate Carlisle, Newcastle, and other towns, and the military jealousy as between Cromwell and David Leslie has been noticed.

In September 1645 Loudoun not only spoke very freely to the English Parliament, being as freely answered, but candidly communicated to Montreuil, the French ambassador, his private opinion of his English allies.\* An arrangement for peace through French mediation, between the Scottish Commissioners in England, the English Presbyterian party, and the queen, then in France, was thought feasible. Lord Holland, in talk with Montreuil, said that Charles might introduce a kind of Presbyterianism in England, without the name but with some shadow (*quelque image*) of bishops (as under the Restoration in Scotland), return to London, and meet Parliament. The former step could not be contrary to his conscience, as he knew that the safety of his soul would not be endangered, nor the second to his honour. (August 14/24.<sup>9</sup>) But a door must be open or shut! Charles would never definitely promise to force Presbyterianism on England.

The news of Kilsyth only made the Scots more dependent on the English. On September 18/28 Montreuil spoke of submitting certain terms, mainly arranged by Balmerino and Holland, to the queen, and to Mazarin. If all went well, the united parties might be too strong for the Independents. France, if the plan succeeded, "would separate Scotland from England." But the defeat at Philiphaugh was now known, and, as Montreuil wrote, came Rupert, with news of a treaty to be negotiated between the king and the Independents. The Scottish Commissioners, therefore, dreading the sectaries, looked to France. Balmerino (September 25/October 5) still was unwilling to break the Solemn

\* Montreuil seems the right spelling, but it is Montereul in the published edition of his despatches.



League and Covenant. To France, however, Sir Robert Murray was to be sent. Montereul (October 16/26) pressed on the Scottish Commissioners the idea that the state of their country was nearly as perilous as that of the king (which proved true), and also expressed his natural surprise about their zeal for thrusting an unwelcome religion on England, "a matter which did not concern them, but their neighbours." They replied: first, that they had consciences; next, that the Covenant was sacred; thirdly, that they could not be safe unless England was Presbyterian. That the English also had consciences does not seem to have occurred to them. Montereul made the obvious replies: he also told Mazarin that, since England would never accept Presbytery as *de jure divino*, Charles might do away, in a later Parliament, what he might establish in this. The institution of Presbyterianism, if introduced, would confessedly be of human origin,—the king, it would seem, having the Tudor power of changing his subjects' religion if he changed it to Presbytery—that is, with aid of the Presbyterian Parliament. But Charles could never accept the Covenant thus: he would be perjuring himself if he did so,—thus he would reason; and it was the Covenant and Solemn League that fatally severed the king from the Scots.

Already there had been a plan for the king to commit himself to the Scottish army, approved of by Balmerino.<sup>10</sup> Charles was now trying to come to terms with Leven (Alexander Leslie), who wisely confined himself to his military duties. On October 17/27, the Scottish Commissioners accredited to the English Parliament sent a note in cypher to Montereul. They conceived that the Scots and the "well disposed" (that is, Presbyterian) English would act together "if the king will condescend to establish ecclesiastical affairs as it may be resolved in the Parliaments and Assemblies of the two kingdoms, and according to what is established in the other reformed churches." If so, Charles would be met half way on most points. If the king accepted, and proposed peace on these lines, and if the English refused, the Scots would employ the best means compatible with the safety of the king to obtain peace.<sup>11</sup> Of course, the Scottish Estates could disavow the Commissioners if they chose.

Sir Robert Murray was sent to Mazarin with these terms, but the capture of Digby's papers at Sherburne, and the discoveries thereby made as to Charles's foreign dealings, infuriated the English Parliament. Meanwhile, the Scottish Commissioners at once feared that

the queen would not come into their proposals, and dreaded a new negotiation between Charles and the Independents.<sup>12</sup> But Charles now rejected, from the Independents, terms much better than he ever again had a chance of obtaining, and Montereul says, on the authority of the Countess of Devonshire, that Dorset, Southampton, Hertford, and Lindsay plotted to give him up to the Parliament!<sup>13</sup> The king reeled from plan to plan and from plot to plot—to one thing constant never, except to a generous enthusiasm for Montrose. “From henceforth,” he told Montereul in January, “I place Montrose amongst my children, and mean to live with him as a friend, not as a king.” “Balmerino and the Scots believe that the king ought to throw himself into their army, and that I ought to incline him to do so,” wrote Montereul, on January 4/14, 1646. In the opinion of the French ambassador both ideas were wrong.

Early in January Montereul obtained permission to visit Charles at Oxford, where he remained for six days.\*

The long despatch of Montereul to Mazarin, concerning the attitude of Charles, is most instructive. The young French diplomatist, a canon, whether he was a sincere Catholic, or whether he was of the faith of Aramis, Abbé d’Herblay, stood as much detached from the consciences, religious scruples, and religious ambitions of Scottish and English Presbyterians, of the Independents, and of the king, as if he had been a native of another planet, or a child of the twentieth century. Nothing to him were Anglican bishops, nothing to him were lay elders, prophets, presbyteries, and assemblies. He wished to secure the safety of the king, to whom came daily Job’s messengers of surrender, and he wished to do so through the Scots, the queen, and France: for the weakening of England by separation from Scotland. While Charles dallied with the alternative of throwing himself on Parliament or on the Independents, Montereul was able to tell Mazarin that, as was reported, the chief room in the Tower was being furnished for the king’s prison.<sup>14</sup> Such were the tender mercies of the Independents. As soon as Montereul, in his conversation with Charles, approached the point of religion, he saw that there was no hope. The Scottish Commissioners would be content with nothing less than the king’s consent to the imposition of the Kirk upon England. “Misfortune

\* The dates here are confusing, because, where Mr Gardiner heads a letter of Montereul “January 5, 1646,” Mr Fotheringham, in his edition of the letters, heads the same epistle, January 15/25, and so on.

dogs him, or destiny leads him to his doom," for this point Charles would never grant. "He would rather lose his crown than his soul." He had his own Covenant, his Coronation Oath, and if the Scots were bound to their band, so was he to his vow. He spoke of some compromise, by which the door might be both open and shut. Montereul suggested his acceptance of the three propositions of Uxbridge (1645), the first of which modestly demanded that the king should take the Covenant. At Uxbridge, Charles had told Nicholas that if he reminded the proposers of this idea that they would infallibly be damned "it might do good."<sup>15</sup> The king would see the Brethren damned before he would swallow their band. But he was ready enough to go to the Scottish army, as soon as he had assurance from the Commissioners that he would be well received. The question arises later, *Did he get this assurance or did he not?*

Afterwards Charles told Montereul what he thought of the Scots and of compromise. The Scots wanted Presbyterianism in England—first that they might get their arrears of pay ("*mes gages! mes gages*") out of the revenues of disendowed bishops; next, lest if bishops survived in England they might one day reappear in Scotland. He would provide the Scots' wages out of an Irish fund, and would promise never to alter the Kirk in Scotland. Montereul still urged submission. Charles, he said, could not save both Crown and Church. Though no casuist, Montereul thought that, the Church being as good as lost, the king might honestly save the Crown—and restore the Church later. Charles was firm, and next Montereul met Nicholas and Asburnham. They said that with the Scots, Presbytery was a mere matter of self-will, but the king was guided by conscience. No party ever dreamed that any other party could possess a conscience.

The king at last came to this, more, he declared, than the Scots "could reasonably expect": he would tolerate Presbytery in England. Montereul said that was of no avail—the Scots "had taken arms to put down every other form of worship"; they did not want to be tolerated, they wanted to be supremely intolerant. He advised Charles to try to purge his conscience of scruple by discussion with a Scottish theologian, which the unfortunate king did later. There was also trouble about Will Murray, whom Charles did not wish to receive, as he was on ill terms with Montrose, while he had a foot in the camp of the Scottish Commissioners. Montereul said that

it was useless to carry to them the king's memorandum of his new proposals; and returning to town, found that he was right. His one hope now was that the queen, from France, might put pressure on her husband to yield. Charles (January 17/27) wrote to ask what assurances for his safety and liberty the Commissioners would give, if he joined their army, and whether they would combine with Montrose—an excommunicated man with a price on his head! "You have my last word," he wrote to Montreuil. "I foresee their entire ruin, if they do not come to terms with me." His prophecy was fulfilled. The king's other proposals to the Parliament were at this time declined. That iron was out of the fire. His idea of joining the Scots got wind, and the Independents planned to depose him, and to crown the child Duke of Gloucester. The Prince of Wales would not lay down arms; the Duke of York was unlikely to accept their offers. The report<sup>16</sup> was probably incorrect.

The Scottish Commissioners now let Charles know that they could not answer for their army's reception of him "unless he performed, before leaving, all that had been promised here,"—toleration, and a national synod to decide about religion. Yet Montreuil thought that he had the Commissioners' *verbal* assurance, copied out, for the king's safety. No more, practically, was ever obtained in the way of assurance—the Commissioners would give none in writing; and the various subterfuges as to the royal safety were worthless. The somewhat disputable affair of Glamorgan's Treaty in Ireland was now discovered, and inflamed the suspicions of the English.<sup>17</sup> Moreover, the fact that Will Murray had been dealing in France with the queen, in the interests of the Scottish Commissioners, and on the chance that the queen would induce Charles to come to terms with the Scots, was revealed to the English Parliament.<sup>18</sup> "The Scots," says Mr Gardiner, "with unblushing effrontery publicly declared that the charges were absolutely false from beginning to end." Charles also repudiated Glamorgan; in this course he has found a modern defender.

On February 5 Will Murray, returning from France in disguise, was arrested at Canterbury. Montreuil, however, received his packet safe with the queen's letter to Charles, and Sir Robert Murray managed to have a few words with Will, his cousin, who said that the king must take the Covenant.<sup>19</sup> Will escaped later from being hanged as a spy, by the justice of the court which tried him. It had become plain that if the king did not

take the Covenant he was doomed, for Montereul, in the letter just cited, says, *Jay eu bien de la peine à tirer des Ecossais une image de seureté*, “a ghost of an assurance of Charles’s safety” (Feb. 19/March 1). A minute of it had just been drawn up.<sup>20</sup> But Charles, if he knew himself, never would sign the Covenant. He would not “leave those grounds which upon no consideration must I quit.” He adds, writing to the queen, “even in those things I shall go as near the wind as I can, according to that wit which God has given me” (Oxford, Jan. 22, 1646).<sup>21</sup> Now the intricate arrangements between the king and the Scottish Commissioners, as to assurance for his safety and liberty, were characterised by the fact that both sides throughout went “as near the wind” as they could; Charles playing for his life and crown, the Scots for the valuable guarantee of their wages which the custody of his person would give them. The wind into which Charles never would sail was the Covenant,—of that he assures the queen again and again (Feb. 1, 1646). He met all the queen’s arguments in favour of this final shame with conclusive replies. He would not promise what his conscience forbade, on the faint chance that “I shall not be put to it.” “I do not understand how the Independents’ wilfulness against Presbyterian Government can free me from my promise to the Scots” (Feb. 8).<sup>22</sup>

In March (no date) Sir Robert Murray wrote down a *verbal* assurance from the Scottish Commissioners, for honour, respect, and safety to Charles in their army, but only if Charles would accept the Uxbridge propositions and the Covenant, which the king was to announce in one letter to Parliament and the Commissioners, and in another to the Scottish Estates.<sup>23</sup> The king (March 2) had approached the Independents with an offer of general (Protestant) tolerance, but as they knew he was dealing with the Scots they supposed that he must be ready to accept the intolerance of Presbyterianism. He was not; but this the Independents could not understand, knowing that the Scots would accept nothing less.<sup>24</sup> Meanwhile Loudoun, the chancellor, arrived from Scotland, probably with leave from a quorum of the Estates, to treat with the king.\* Knowing that the king would never accept the Covenant, Montereul engaged the Scots Commissioners to sail as near the wind as this: Charles should allow ecclesiastical matters “to remain established as

\* See Gardiner, iii. p. 74, note 1. Montereul asserts that Loudoun had very ample powers from the Scottish Parliament” (i. pp. 170-173), so he “had learned.”

they had already been, and might be established in future by both Parliaments and by the assembly of the clergy of both kingdoms, while he should not sign, but simply approve the Covenant by letter.”<sup>25</sup> Montrose would be obliged, in this case, “to leave the country for a short time,” without other loss. The king, remembering Strafford, was absolutely firm about the safety of Montrose. Four days later (March 16/26) Montreuil wrote that Loudoun assured him that Leven and the army of Scotland “were fully informed of our design,” and that their chief cavalry general would meet the king.<sup>26</sup> And now Montreuil averred that the king need not even *approve* of the Covenant by letter, nearer the wind was that approval than Charles could go.<sup>27</sup>

This new assurance, satisfactory as regarded the Covenant, was only Murray’s attested written report of what the canny Scottish Commissioners had promised verbally.\* Men who refuse to set their hands to their promises, clearly are “already looking how they shall step over their word,” as Ranald of the Mist said to Argyll. But the Commissioners expected to carry with them the Presbyterians of the Parliament and of the city, with an army of 20,000 men.<sup>28</sup>

Things were going ill in Parliament for Presbyterian claims. “The pope and king were never more earnest for the headship of the Church than the plurality of this Parliament . . . yet almost all the ministry are zealous for the prerogative of Christ against them,” says Baillie (March 17).<sup>29</sup> The prerogative of Christ meant that of the Presbyteries. Just as James VI. was “Christ’s silly vassal,” according to Andrew Melville, so the Parliament were to be Christ’s silly vassals. Englishmen would not endure this tyranny of preachers and elders: Parliamentary Commissioners, they decided, in certain cases, were to oversee, and, if necessary,

\* Here Mr Fotheringham, editor of the Montreuil papers, makes, I think, a slip. He writes (i. p. 177, note 1), commenting on his translation of Montreuil’s letter of March 16/26, where Montreuil says that even the approval of the Covenant is dropped, “This is evidently an error, since the letter of security given by Sir Robert Murray (see p. 163) makes special mention in the last sentence, of the king having to sign the Covenant.” But that is an earlier document of March, —without date of day. In Murray’s assurance of March 16/26 (the day on which Montreuil is writing), there is no mention of the Covenant at all, the document is printed by Mr Gardiner, iii. p. 75, note 1, citing Ranke’s ‘Engl. Geschichte,’ viii. p. 174. Montreuil, as his letter of March 16/26 shows, sent a copy of this assurance to Mazarin (Montreuil, i. p. 175). The importance of Mr Fotheringham’s mistake is conspicuous.

quash Presbyterian excommunications.<sup>90</sup> The City petitioned in favour of Christ's prerogative: the City was snubbed. This drove the devout of the moneyed class into closer union with the Scots; but Charles would not accept the Scottish Commissioners' slippery assurance, even when, as now, the mention of the Covenant was dropped. The king already (Feb. 19) had written to the queen, "I assure thee, I put little or no difference between setting up the Presbyterian Government or submitting to the Church of Rome." This was not tactful, the queen being a Catholic. He spoke of his shame and grief about surrendering Strafford, . . . "yet I believe if thy personal safety had not been at stake I might have hazarded the rest," . . . the Church of England he would not surrender.\* "God hath favoured my hearty tho' weak repentance." In answer to the queen's prayers (for in what did one shade of heresy differ from another, to the queen? especially if the promise could later be broken), Charles, like Lovelace, said,—

*I could not love thee, dear, so much,  
Loved I not honour more!*

"Consider that, if I should quit my conscience, how unworthy I make myself of thy love." Thus strong on the point of his own conscience, Charles styled the conscience of the Scots as to their Covenant oath, "a pretence, really no more."

He was now ready to tolerate Catholics, in return for 5000 soldiers from France, hoping "to suppress the Presbyterian and Independent factions."<sup>81</sup> The good king believed that these factions must be damned for want of sacraments. None of the reformed churches except the Anglican and Lutheran "can justify the succession of their priests, which if this (Church) could not undoubtedly do, she should have one son less for me." Charles, being in this mind, was not likely to be converted by the Rev. Mr Henderson of Leuchars in the county of Fife. Henderson was, however, for the times, a reasonable man, though he preached against Amalekites.

On March 18 Montreuil was with the king; by the 23rd Charles's last army had surrendered. But would Charles accept the assurance even without the Covenant? Not Charles, he would not assent to the temporary banishment of Montrose, whom, of course, he could not consult. "Montrevil's juggling" he despised

\* 'Charles I. in 1646,' p. 19. The king does not mention Strafford by name, but his meaning is obvious.

(Oxford, March 22).<sup>32</sup> He now wished to return to London on no definite promises, which terrified the city with fear of a Cavalier rising, and united the men of trade and the Houses, but disgusted Baillie. Too obviously the prophets were now to be left in the lurch, and presbyteries to be hampered in their excommunications. Charles had now to use one of the too many irons always in the fire—the Scottish Commissioners. The result was that he promised, if he came to the Scottish army, “to be instructed concerning the Presbyterian Government,” and to satisfy them as far as his conscience would then permit. What did the Scots promise on this occasion? Charles, on April 4, from Oxford, writes to the queen, “Montrevil and I are agreed. He went yesterday” (April 3) “to the Scotch army, who are to send their horse to meet me at Harborough.” On April 6 he says that “I shall be received into the Scotch army as their natural sovereign, with freedom of my conscience and honour. . . .” He was sending a message to London, but it was not despatched till it could be dated May 18.<sup>33</sup> The king’s belief that he had assurance and would be met by the Scottish cavalry was disappointed.

He wrote to the queen while Montereul was riding to the Scots besieging Newark. (His letter is of April 11/21). There Montereul found that the Scottish Commissioners, now with their army, knew nothing about the matter of the king’s retreat to them, so pressingly urgent as it was. Balmerino, indeed, had been sent from town to inform them, but with the folly of fanaticism, had declined to “desecrate the Sabbath” by riding to Newark on that day! He tarried at a place thirteen miles distant. When Montereul rode to him there he merely drivelled so feebly (*il s’est comporté si faiblement*) that the Scottish Commissioners with the army would neither send cavalry to meet the king nor even permit Montereul to warn him not to leave Oxford. This first betrayal must have assured Charles of the worth of the slippery Scottish promises made to him through Robert Murray (March 16/26). Had he left Oxford when he had arranged to do so, he would probably have been taken; but he waited for news from Montereul, who wished still to believe in the good faith of Loudoun (a Campbell). But he augured ill for Charles; the Scots at Newark were utterly callous as to his probable capture and ruin.<sup>34</sup>

On April 16 Montereul wrote from Newark to Secretary Nicholas, who was at Oxford with Charles. He had met Loudoun



(the chancellor), Balcarres, and Dunfermline at Royston. They would send cavalry to meet the king at Burton, and have a larger force to join him at Bosworth. For what concerns the Presbyterian form of Church Government, they wish his Majesty to grant that to them as promptly as possible. They at first proposed "something more rude," in fact they had already "stepped over their words" given at London to Montreuil. The king, said Montreuil, should not come to the Scots if he could do any other thing: it was a last despairing resort.<sup>85</sup>

No wonder that, on April 21, Charles wrote to the queen, "The Scots are abominable relapsed rogues, for Montrevil himself is ashamed of them." And this was the second betrayal,—"*the relapsed perfidiousness of the Scots,*" said the king.<sup>86</sup> He had actually written (April 18) to bid Montrose join the Scots at Newark, if the marquis heard from Montreuil that all was happily arranged!<sup>87</sup> On April 22 the king thought of going to Lynn, or of trying to join Montrose by sea. Fairfax was marching from fallen Exeter on Oxford; Fairfax was the man to whom Charles might have turned with least danger. He was a gentleman; and the Independents might have made terms with their king even yet—they would not, at least, have sold him. Meanwhile in London, the Commons treated as breach of privilege a petition from the divines at Westminster, in which they averred that Presbyterianism was *jure divino*. They pursued the Brethren into their biblical entrenchments with a fire of annoying inquiries. It was more clear than ever that the Solemn League and Covenant would not be kept as the more enthusiastic devotees of presbyteries had expected it to be.

Charles had little better occasion to hope that the Scots would keep their shifty promises to him (the names of the givers of the promises being obscured), yet to them he must now fly. The questions are, were the Scots or Charles most deceitful, was Charles or were the Scots most deceived? It is for the purpose of discovering the answers to these questions that we have dwelt on the details. Nobody can clear Charles of "double dealing," when he was at once treating with the Presbyterians and treating for Catholic help to "crush the Presbyterian and Independent factions" themselves. But while he was thus offering himself at auction, with the reservation of his conscience, to the highest bidder, he meant to keep his terms with the highest bidder. His profession of readiness to "be instructed" by a Caledonian theologian was a mere attempt

to conciliate good will: the Catholic nobles under James VI., and Mary herself, had submitted to "be instructed," as the Scots knew, without edifying results. The Scots promised more. The details are obscure, at least "their disposition was all that the king could wish," and they were sending troops to Burton (April 20-26), and averring that Charles should be met at Harborough by David Leslie with 2000 horse. The letter (Montreuil to Nicholas, announcing this)<sup>38</sup> seems to have reached Oxford on April 26, and before the dawn of April 27, Charles, disguised, his long lock cut, his beard altered, rode over Magdalen bridge, with Ashburnham and Hudson, a sporting chaplain, and began his circuitous journey to the Scottish camp.

Hudson's account of the whole adventure is most interesting.<sup>39</sup> At Baldock, Charles sent him to Montreuil, "and desired him to make an absolute conclusion with the Scots"—if he got that in the terms he demanded, he would come among them. The terms (safety, honour, and conscience) were again verbally promised, and the promise was copied out (by Hudson), but was not signed by the Scots. Montreuil adds that the king was to be received *avec honneur*; but here a lacuna occurs in the despatch, followed by the word *auprès du Parlement d'Angleterre*. This clearly corresponds to Hudson's version, "That if the *Parliament* refused, after a message from the king, to restore the king to his rights and prerogatives, they (the Scots) should declare for the king, and take all the king's friends into their protection."<sup>40</sup> Montreuil assured Hudson of the serious purpose of the Scots, and wrote a note to beg the king to "accept such security as was offered." They deceived Montreuil.

Mr Gardiner thinks that the Scots "may very well have been somewhat unscrupulous in their dealings with the king," just as they had lied "with unblushing effrontery" to the English Parliament.<sup>41</sup> But what was the "message" which Charles was to send to the English Parliament. On *that*, and on its refusal by Parliament, depended the Scottish declaration for the king; but not on that, I conceive, hung his security from them for person, honour, and conscience. No conditional clause was attached to the promise of this security, as far as Hudson's scanty evidence shows. Again, if Montreuil's argument "always turns on the engagement made through Sir Robert Murray," why should Mr Gardiner take that to be the *earlier* engagement, which insisted that Charles shall take the Covenant? Why not the assurance of March 16/26, in which the

Covenant is not mentioned? \* Mr Gardiner decides that (if his own suggestion as to the Scottish promise turning on their expectation that the king would accept Presbyterianism, for England, be correct), Charles, "intending to deceive, became deceived." Deceived he was, but I do not see reason to suppose that he intended to deceive.

The king came to Montreuil, at Southwell, "and there," says Sir James Turner, who was on the spot, "did the Earl of Lothian, as President of the Committee, to his eternal reproach, imperiously require his Majesty (before he had either drunk, refreshed, or reposed himself) to command my Lord Bellasis to deliver up Newark to the Parliament's forces, to sign the Covenant," establish Presbytery in England and Ireland, "and to command James Graham (for so he called great Montrose), to lay down arms: all which the king stoutly refused, telling him that he who made him an earl had made James Graham a marquis. Barbarously used he was,—strong guards put upon him, and sentinels at all his windows." So says Sir James, who was present, pitied his king (Turner was ever hopelessly trying to save the lives of prisoners from Covenanting zeal), and even offered to try to arrange an escape.†

*Assez!* We see how these Scots kept their word. They need not have given it. They gave it, or half gave it, with circumstances of manifest and pettifogging treachery; they gained their end; they broke their word with brutality; and they took the king to Newcastle, to make their best bargain with the Parliament, to whom they falsely pretended that they had not expected the visit of his Majesty. Parliament, May 19, unanimously decided that "they had no further use of" the Scottish army. At Newcastle the Scots denied their assurance to Charles; "resorted to unblushing falsehood," says Mr Gardiner.<sup>42</sup> Charles had to pass his time in being enlightened by Henderson, who conducted himself like a gentleman of honour, now as always. He died before either party

\* Compare Gardiner, iii. pp. 101-102, and notes, with iii. pp. 73-75, notes.

† Lothian has apologists. Mr Hamilton, Cal. State Papers, 1645-47, p. xlvii., avers that he meant to intimate, in calling Montrose "James Graham," that no titles given since the war began were to be recognised. Then Montrose was an earl. He also meant that the Commissioners upheld the forfeiture of Montrose by the Estates. So much for the king's "authority," guaranteed by the Covenant. So much for Lothian's "honour," promised to Montreuil in such terms as he deemed sincere. These promises were but a day or two old. Dr Mitchell (Gen. Ass. Com. Records, i., xxv. note) backs Mr Hamilton.

had converted the other. Of course, Charles did his best to embroil all parties of his rebels; he met perfidy with its own weapons. To Montrose he wrote (May 19), "I am in such a condition as is much fitter for relation than writing"; the bearer would tell the tale. "You must disband your forces and go to France. . . . Your most assured, constant, real, faithful friend, Charles R."<sup>43</sup>

The great Montrose replied that he was the king's servant "as well by passion as by action"—prophetic words. He wished to know what conditions were to be granted to himself and his men, and, from Wishart's and Guthry's evidence, it seems that, by another messenger, he wrote that if the order to disband had been *extorted* from the king, he would fight on.<sup>44</sup> The king kept insisting in affectionate letters, but bade him delay as long as he might without breaking his word. Montrose met Middleton (who had fought under him at the Bridge of Dee) on July 22, and accepted "*safe* transport beyond sea."\* The transport, when it reached the harbour of Montrose Bay on the last appointed day, August 31, was manifestly not "*safe*." The Covenanting skipper refused to start on September 1, after which the Marquis would be at the uncovenanted mercies of Argyll and Waristoun. Montrose saw through the clumsy knavery, found a barque from Bergen at Stonehaven, put on board Sir John Hurry (who had changed sides long before), Wishart and other friends, and himself escaped disguised as Wishart's servant; so Wishart informs us.<sup>45</sup>

We need not linger over the sufferings of Charles: "I never knew what it was to be barbarously baited before." † He was not even to use his Prayer Book privately! Meanwhile the double-

\* This meeting with Middleton was arranged by the Duke of Hamilton, who, released from prison by the Parliamentarians, had made his peace with the Covenanters, and visited Charles at Newcastle in July. Both blushed on meeting; the king admitted that the duke had cause for resentment, and entreated him to aid Montrose, the cause of his disgrace. The duke behaved nobly, according to Burnet, his biographer; Montrose, if taken, would certainly have been hanged, but the duke, through Colonel Lockhart, arranged the meeting between Montrose and Middleton, and the offer of safe transport abroad (Burnet, 'Mem. Ham.,' pp. 279, 280). But Mr Napier (Memoirs, 1856, ii. p. 639) proves, we fear, that Middleton's terms for Montrose are alluded to by Charles (July 16) before Hamilton met the king (July 17).

† Mr Gardiner writes "treated," but "baited," in the text, is the word for the Presbyterian pressure, and the preachers' threats that the king should learn what Kirk censure meant. ('Charles I. in 1646,' p. 45; Gardiner, iii. p. 114.)

dyled shame of the Scots, their perfidy to their king, their treachery to their English brethren, was detected, and known of all men. They had promised, or half promised, to the king, and broken trust; they had dealt with him underhand, and denied it to Parliament. As concerns the king, they had broken the Covenant (doubtless they salved their consciences with their usual gloss). The Solemn League and Covenant they had broken to the Parliament.<sup>46</sup>

Now, in this mortifying crisis, Argyll came to the front. A group of preachers, Cant, Blair, James Guthrie (later hanged), were sent by the General Assembly to "bait" the king, but Argyll, Lindsay, Loudoun, and Balmerino also arrived at Newcastle and stiffened David Leslie against offers by Charles.<sup>47</sup> He, Argyll, left for London on June 15, "with great professions of doing me service there," says Charles to the queen; "his errand (as is pretended) is only to . . . moderate the demands which are coming to me thence" (June 16). "Argyll is very civil and cunning" (Baillie calls Argyll "cunning"), "but his journey to London will show whether he be altered or not; if he be, it must be for the better . . ." <sup>48</sup> Argyll did not alter, he merely developed, to the end. Charles may refer, in his letter to the queen, to a secret mission, entrusted by himself to Argyll, Loudoun, and Dunfermline (the secret they did not keep). They were to try to get leave for some of his servants to come to him, and to aver that the king would grant a temporary trial of Presbytery. He also wished, when the terms of Parliament came, to defer answering till September 16.\* So Burnet avers, informed by Lauderdale, who was with Argyll. Argyll himself, when tried in 1661, avers that he carried, as a Commissioner, "instructions for hastening the propositions," but adds that, by the king's desire he consulted Richmond (Lennox), and the Marquis of Hertford, as to the propriety of the Scottish army's declaring for the royal cause.<sup>49</sup> Argyll was a strange person to entrust with such an errand.

All that Argyll is known to have done in town was to make a speech to the Parliamentary Committees. He advocated at once uniformity and a kind of toleration; but he would not tolerate anything "contrary and destructive to our Covenant." This indicates no wide region in which freedom could expatiate; that region,

\* Burnet, 'Mem. Ham.,' p. 283.

however, would be occupied by "peaceable men, who cannot, through scruple of conscience, come up in all things to the common rule."<sup>50</sup>

Before examining the rest of Argyll's speech to the English, we may note that it is regarded as the high-water mark of his political career, and we may ask, What was his statesmanship worth? Mr Gardiner observes that "his timidity in the field was equalled by his timidity in the Council," which, if true, makes Argyll worthless as a statesman. "He was the type of the adroit party leader who is moved by his party, but never succeeds in guiding it." "The tail wagged the dog!" we know that sort of statesmanship. Yet, the historian goes on, "Argyll's statesmanship, so far as it can be distinguished from attempts at statesmanship forced upon him by others, proceeded in the right lines." But if he *never* guided his party, where is his statesmanship? Its merit appears to have lain in supporting the Scottish people, under the Kirk, in resistance to the feudal nobles. "If Argyll had done nothing else, he would have deserved credit for the Parliamentary reforms of 1640, when, after wresting power from the king and the nobility, he placed it in the hands of the lesser gentry and the burghers." But did he? In the Parliament of 1648, the power was in the hands of the nobles, backed by many of the burghs and lairds. Yet that power was nullified by the spiritual power of the Kirk. What Argyll really did was to increase and render dominant the force of a set of preachers, incapable, as even Baillie said, of statesmanship. What they and their flocks did unto Scotland, we have still to see. It resulted, says Mr Gardiner himself, in "an insane undertaking," though "it does not follow that those who supported it were themselves insane." Yet Argyll, himself, speaks of his policy ("whatever hath been said by me or others in this matter") as that of "a distracted man."<sup>51</sup>

The policy of the Solemn League and Covenant inevitably became that of men who, if not "insane," were blinded by the crazy belief that they, like Israel of old, were in direct national relations with Jehovah, relations denied to less favoured people. Argyll, as far as in him lay, handed Scotland over to this "strong delusion."

As for his speech to the English Parliament, he saw, and said,—what had been plain to all men of sense since Lethington,—that it were well for England and Scotland to be "altogether one." But with what manner of England was Scotland now to be one? With the army which made the Commonwealth? He also now proposed

(to conciliate the Independents) that a *via media* should be found "to avoid on the one hand lawless liberty in religion, and on the other persecution of peaceable men" (like Cromwell's army!) "who, through scruple of conscience, could not adapt themselves in all things to the common rule." An admirable ideal; but neither practical politics nor compatible with the Solemn League and Covenant, which Argyll and his party later thrust on the perjured Charles II., they well and duly knowing that he was perjuring himself. Argyll's words to the English, and his action later, are irreconcilably contradictory.

After 1648, says Mr Gardiner, Argyll "becomes the slave and, unless every indication we possess is to be distrusted, the unwilling slave of the Kirk, which formed the basis of his authority in Scotland." Yet Mr Gardiner had just exclaimed, "Who shall say after this" (after the mere words of the speech), "that Argyll was not as much Montrose's superior in statesmanship as he was his inferior in character?" Montrose's statesmanship was not that of "a slave and an unwilling slave." Yet Argyll's statesmanship had to be that of a slave and an unwilling slave, unless he either joined Montrose or joined Cromwell. Union with Cromwell, or union with Montrose, —either was an honest course. Argyll was incapable of either, and his fortunes went down, with those of Scotland, in his "unwilling" following of the Kirk to discomfiture and disgrace. If reluctant, "an unwilling slave," Argyll loses even the character of an honest fanatic; if unreluctant, he was a crazy fanatic; while to statesmanship he has no pretensions whatever.\*

Argyll, to return to his speech, would not deny that Scotland had "a natural affection to his Majesty." They "would rather see him reformed than ruined." To be "reformed" in Argyll's sense, that is, to be covenanted, and to force Presbyterianism on England, was, in Charles's view, to be dishonoured in this world, and damned in the next. Then the marquis accepted all the "Propositions" of Parliament, and to this extent he kept "his great professions of doing me service," as the king had written.

On June 24, Charles, who, except in the last stand of his conscience, was as slippery as the Scots, told the queen that he must merely drive time till his affectionate Scots and loyal English

\* I cite, for Mr Gardiner's opinion, "The Last Campaign of Montrose," 'Edinburgh Review,' January 1894, clearly by Mr Gardiner, as the chapter on the same events in his history demonstrates.

quarrelled among themselves. To go to London, if he safely could, "will be the best put off."<sup>52</sup> He must find "a handsome denying answer." If he stayed in Newcastle when the Scots departed home, he would be a prisoner; "as for going to Scotland, I can only do it, as I am ready to die, for the queen, but not otherwise" (July 1).

In place of saying "No!" heartily to the impossible propositions of Parliament, or of accepting till changed times enabled him to break his promise (the plan of the queen and Montereul), Charles merely drove time by "handsome denying answers" (August 1). We have seen that he had asked Montrose to delay his departure as long as he honourably could, and apparently Montrose had sent a reassuring message about Seaforth and Irish auxiliaries.\*

If it was Charles's policy to waste time, and let dissensions arise, it was the policy of the Scots to hasten matters. No sooner had the Commissioners returned with the king's reply, than the Scots announced their willingness to disband their army, and give up the garrisons (Berwick, Carlisle, and Newcastle) "upon reasonable satisfaction." Their question to the English now was merely "How much will you give us to go away?"<sup>53</sup> They could not bring back an uncovenanted king to holy Scotland. The preachers would not stand it; they would probably have excommunicated the king and all who backed him. The Commission of the General Assembly issued "A Solemn and Seasonable Warning."

These ravens (Leighton, alas, sat among them on this occasion) were not yet gorged with gore: there had been "too much indulgence to many who have been active in the late execrable rebellion." Therefore the Lord kept up, on just grounds, his "great controversy" with his new Israel. The preachers knew, of course, that many who had been goaded into taking the Covenants hated the Covenants: they foresaw the rising Royalist party of "the Engagement." Let there be no "false glosses," they said, on the Covenant, pressing "the defence of the king's person and religion" (to which they were all sworn), "to engage in those ways that would tend to the ruin of both." The ambiguous clause in the Covenant, about the king's person, has already been commented upon. Only "atheists" would violate the Covenant, "in whole or in part." Charles, while uncovenanted, must not cross Tweed.

With this amiable document before them, approved among others

\* Gardiner, iii. p. 132, referring to an undated letter in the French Foreign Office Archives, lii. 517.



by the monster Nevoy who urged David Leslie to the massacre of Dunavertie, and by the saintly Leighton, who became an archbishop,<sup>64</sup> the Scots Commissioners, thralls of the pulpit, had no alternative. They must go home, and they must leave their king behind, a captive. So they asked "How much?" The reply was £200,000 down, and £200,000 more by instalments. A quarrel seemed apt to arise on the claim of the English Parliament to dispose of the royal person. There were many other causes of delay. Charles sailed so near the wind as to offer a three years' probationary trial of Presbyterianism. What an offer to make to Presbyterians,—a temporary trial of a Divine ordinance! The Scottish Estates were met, Hamilton pressed them to give their king honour and shelter north of Tweed. Argyll opposed, and the preachers backed him. They must "be heard in all things which concern the meaning of the Covenant."<sup>65</sup> Loyalty to the authority and person of the king is either part of that band, or it is not. If not, what meaning had the hundreds of canting protestations of loyalty; and where is the boasted legality of the band? If yes, how could the Covenanters refuse shelter to their king? They refused their king honour and safety, unless Charles did violence to his conscience by adoring their fetish. Mr Gardiner says, with truth, "it is hard to find serious fault with the resolution thus taken" (to desert their native king), "except by condemning the whole ecclesiastical and political system which the Scottish nation had deliberately adopted."<sup>66</sup> Well, we do condemn the "ecclesiastical system," and that monstrous and cruel idol, the Covenant. As developed and interpreted by the prophets, it had become an engine of stupid superstition. Men suffer for their stupidity as sorely as for their sins, and men could do no more preposterously stupid thing than bind themselves, and posterity, and England, to supposed Covenants with Deity, drawn up by a lawyer and a preacher.

"My opinion upon the whole business is," wrote Charles to the queen, "that these divisions will either serve to make them all join with me, or else God hath prepared this way to punish them for their many rebellions and perfidies."<sup>67</sup> In brief, £200,000 were paid down by the English, and the Scots marched home, leaving their king behind, and fondly hoping for another £200,000 in instalments (February 3-11, 1647). Some promise of the king's safety they had, but they had broken their own assurance to the same effect, and knew what words were worth. They had brought them-

selves into the same labyrinth as Elizabeth wandered in, through her treatment of Mary. The Scots would have incurred less odium, in England and in Europe, if they had taken Charles home and immured him (as Argyll is said to have suggested) or beheaded him. Even that they could not do; the English Parliament, which claimed his person, would have avenged him. Only one thing they could do,—they could shake the dust of England off their feet, and cross Tweed without the thirty-six cart-loads of money, the £200,000. "The surrender of the king has added horror to the English hatred of the Scots. They cry to them that they are worse than Jews, creatures who have sold their king and their honour," writes Montereul. "The women of Newcastle can scarcely be prevented by blows and threats from stoning the Scottish soldiers when they pass by" (Feb. 12, 1647).<sup>58</sup> It may have been Macleod of Assynt's duty, later, to surrender Montrose to his death. But what stamps Assynt is his acceptance of the blood reward, the 400 bolls of meal. It is the £200,000 of blood money that mark the Scots with eternal infamy. The money was due, and had been voted previously, but was not paid till they filled up the measure of their shame.

*Traitor Scot,  
Sold his king for a groat!*

*L'Ecosse, parjure à sa foi,  
Pour un denier vendit son Roi!*

These are not pleasant rhymes.

It is not to be supposed that the desire to desert the king was universal in Scotland; even the Solemn Warning of the preachers proves that fact. Not to speak of the Clans and the Gordons, the nobles were not all present at the meeting of the Estates which clinched the bargain; though Guthry seems to exaggerate when he says that not a third attended.<sup>59</sup> The gentry, burghs, and commonalty "a hundred for one abhorred it, and would never have instructed their Commissioners that way," but the constituencies "were overawed." Several ministers, among them Guthry himself, did their best in the Assembly for the king, but the other Guthrie, he who came to be hanged, with the more precise brethren, held sway. Guthry represents Hamilton and Lanark, though they voted against the desertion, as lukewarm, and negligent of opportunities, "some of their friends were accidentally absent, others on design, and

some downright deserted them," says Burnet.<sup>60</sup> "All apprehended that some strange curse would overtake those who were active in this infamous business." A curse did overtake them; for when they saw the king in danger, and repented, and would have rescued him, they were thwarted and ruined by "the prophets" to whom they had enslaved themselves.

While a sentiment, national and remorseful, began to move some of the Covenanting nobles in favour of the king, first a prisoner at Holmby, then in the hands of the Independents of the army at Newmarket (June 1647), the Scots partially disbanded their own forces, keeping 6000 foot and 1200 horse. They retained the men and officers most under the influence of Argyll. They divided the king's price. On January 20, 1648, Argyll gave a power of attorney to Archibald Campbell to receive the £10,000 sterling awarded to him by the Estates of Scotland, "as part of the first £50,000 of the last £200,000 due to Scotland" for arrears of army pay. On June 8, 1648, an ordinance sent from the Lords was passed in the Commons, appointing £35,000 to be paid to Argyll; but the statements do not encourage us to be certain that the marquis ever got the money. Hamilton obtained £30,000, while the leading fanatics among the preachers—Blair, Dickson, Cant, and others—"began to live very sumptuously," says Guthry, whose evidence is always that of a partisan.<sup>61</sup>\*

As to the embers of the Royalist rising, David Leslie drove Huntly into the wilds of Lochaber, where he was unwelcome to the Camerons; and then, meeting Argyll and Sir James Turner at Dunblane, Leslie moved against the Macdonalds in Kintyre. Turner reflected that, though Royalists, the Macdonalds had deserted Montrose, but forgot that he himself, though a Royalist, had fought for the Covenant. Trysting at Inveraray, Leslie marched into Kintyre, where Colkitto, "no sojourn he was, though stout enough," left the passes undefended. The levels of Kintyre suited regular forces, and Colkitto fled to Islay. He stationed 300 men at Dunavertie, a castle without any water supply, and left his father's garrison, also waterless, at Duniveg—"a mad prank." He himself retired to Ireland, where he perished in a brawl,—clearly

\* As to Argyll, while Guthry gives him £30,000, and "for his friends £15,000," the Acts of Parliament (Scots) mention smaller sums in a different proportion (Act. Parl. Scot., vi. p. 643; cf. Willcock, 'The Great Marquess,' p. 188; and Cal. State Papers, 1648-49; vi. 149, 150).

enough Montrose's victories owed much to the valour, nothing to the tactics and strategy, of the brave Colkitto. The Dunavertie garrison yielded, by Leslie's command, "to the kingdom's mercy, and not to his"—"a nice distinction," says Sir James. They were then all put to the sword, Turner only succeeding in saving one young man. He never heard Argyll advise Leslie to take the usual Covenanting course; but David Leslie confessed to him that Argyll egged on Nevoy to pray and preach for massacre. Turner vainly pleaded with Leslie, for "Mr. John Nave" (Nevoy), a preacher, kept praying and preaching for cold-blooded butchery. Apparently Leslie thought that Nevoy represented "the mercy of the kingdom," and Turner believed that "he hath repented it many times since."<sup>62</sup>\*

Leslie next took Duniveg, that famous old Macdonald castle in Islay; the governor, however, old Coll, coming out to speak to a friend, was promptly hanged. In Mull, Maclean delivered fourteen "very pretty Irishes," who "had all along been faithful to him." Hanged! Sir Duncan Campbell was not, however, allowed to massacre the whole clan of Maclean; Argyll refused him that satisfaction.<sup>63</sup> The state of affairs after this quieting of the clans is tersely described by Sir James Turner, a man of the world, and a writer anxious for historic truth. Charles had reckoned the Scots as Montrosites, Neutrals, Campbellites, and Hamiltonians. Turner regards the Campbellites, backed by the Kirk, Leven, and David Leslie, as one party; the Hamiltons, with the brave Middleton's influence over the army, as the other. Hamilton's object was to disband the army; Argyll's faction argued that this could not be done. "Never so great danger as now, the king's person, which they were bound to defend by the oath of their Covenant (observe there was no former tie on them), being in the hands of the Independents, who were sworn enemies to his sacred person and to Presbytery." They added the danger from Huntly, who was

\* Turner had read Guthry's book in MS., and in an appendix to his own work criticises it severely. As to the massacre of Dunavertie, he writes: "It is true that David Leslie hath confessed it afterwards to several, and to myself in particular oftener than once, that he had spared" (would have spared) "them all, if that Nevoy, *put on by Argyll*, had not, by preachings and imprecations instead of prayers, led him to commit that butchery." Turner denies, however, Guthry's tale that Nevoy, Leslie, and Argyll walked over ankles in blood. Three hundred men could not make so great a puddle of blood on so hot a day, and "David Leslie never saw these men either dead or alive" (Turner, p. 240).

presently caught and put in prison. Argyll's party and the Kirk carried their point, and kept up part of the army,<sup>64</sup> but did not use it to secure the safety of the king.

The Scots Commissioners, through the autumn, had been dealing tediously with Charles, who, on November 14, escaped to Carisbrooke Castle in the Isle of Wight—a mere trap, as Hammond, the governor, would not permit him again to escape. In December he dealt with the newly-covenanted Traquair, representing the Commissioners; but the religious difficulty remained insuperable. On December 15 the king made new proposals; they were inadequate, but the Scottish Commissioners insisted that England should adhere to the Covenant, establish Presbytery, disband all forces, and give the king some authority over the militia and parliamentary veto. Near the end of the month, Loudoun, Lanark, and Lauderdale visited Charles at Carisbrooke. Lauderdale, the enthusiastic Maitland of earlier years, was now turning Hamiltonian, though still corresponding with Baillie as a bibliophile. It is curious to read his letters as a book collector in this crisis, and to note how the strong literary element in the House of Lethington mixes with the tortuous politics hereditary in the Maitland blood.<sup>65</sup> Unlike Lauderdale, Loudoun later reverted to the head of his clan, Argyll, in the coming tumults.

With the Scottish Commissioners Charles now came to a hapless compromise, which could never conciliate the Kirk. He would allow the Covenant to be forced upon no man, though he would guarantee the safety of those who had taken it already. He would give Divine Presbytery a three years' trial (as before), while an assembly of clergy, with twenty of his own nominees, were discussing its merits. He would suppress Unitarians, Independents, and sectaries in general. This was the blindness of folly. He alienated the friends of toleration and the army, while he insulted the deep-rooted superstition of the Covenanters. Discuss Presbytery, indeed—nothing could be more offensive! There were many other conditions and privileges to be granted to the Scots. The three Commissioners signed; and the foolish document, "The Engagement," was "lapped in lead," like the friends of King Pandion, and buried at Carisbrooke—"that sad place," say Loudoun, Lanark, and Lauderdale.<sup>66</sup>

Mr Gardiner calls "The Engagement" "dishonest from the beginning." The Engagers "wished to humble the Presbyterian

clergy in Scotland" (small blame to them if they did), "though they deceptively posed as the advocates of Presbyterianism in England." It was a thoroughly Hamiltonian policy of feebly facing both ways, repentantly ready to be loyal, but still hoping to avoid a quarrel with the preachers. There were two possible ways—that of Montrose, and that of the Kirk and Argyll. Hamilton and his party tried to walk in both paths at once. Before this (December 17) Charles had heard of Huntly's capture, and vainly implored Lanark to save his life. He himself was presently a captive in strict confinement; the Houses would address their king no more (December 30). On January 24, 1648, the Scottish lords left London; they had been trying to arrange a Royalist rising in aid of a Scottish invasion.<sup>67</sup>

Now the Commissioners must try to get the Scots Estates, the Kirk, and the people to accept "The Engagement," and make a stroke for the king. "But in the Commission of the Kirk, Argyll carried all before him." Now the scene is changed; says Turner, "The king is in no danger; the Parliament of England, though Independent, and Scotland are good friends . . . the king hath not taken away Prelacy . . . neither were the Scots bound to defend his person by virtue of the Covenant, but in the defence of the true religion, which, according to their gloss, is Presbyterial government."<sup>68</sup>

So writes Sir James Turner, pointing out the casuistry which we noticed when first describing the Covenant. The argument, as Sir James remarks, contradicts the argument used by the same party, a few months earlier, against disbanding the Scottish army. "Here you see an army necessary and not necessary, for one and the same cause." But *now* Hamilton, or Callendar, not Leven or David Leslie, was to command the army. The Commissioners had let it be understood that the king would sign the Covenant: Baillie had his doubts, and Montreuil, now in Edinburgh, found the public overjoyed by the news of the king's imprisonment (January 18/28).<sup>69</sup> Having the greatest contempt for the good faith of the Scots, Montreuil declared that for another £100,000 *ces gens d'honneur*, Lanark, Lauderdale, and Loudoun, would have acquiesced in the imprisonment of their king. But Lindsay talked of fighting: the split among the *noblesse* of the Covenant was apparent.<sup>70</sup> Hamilton was bestirring himself, too late, but the preachers were crying that God was strong enough to punish the Independents, without Scottish assistance. Anything, any injury to the king, was

more tolerable than to fight side by side with Amalekites. This idea of the ministers was presently to split Scotland into hostile camps.

Six Commissioners from the English Parliament had arrived in Edinburgh in February 1648, and a partial account of their proceedings has been left by Thomas Reade, their secretary for some weeks. Reade was a crypto-Royalist, and intrigued with the Engagers. He says that the Commissioners "left no way unattempted whereby to divide the Scots into parties, and to this end they bribed the Clergie, which, although I did not pay them the monie (that Captain Fox, their steward, did), yet I writt the letter to London, which certified that the Ministers had had their encouragement. . . ." \* To bribe the ministers to a task so congenial seems a sinful English extravagance, but all the wealth of Indies would not have bought them to preach for the Engagers.

Montereul very naturally expected Hamilton to use this opposition of the pulpiteers—"the bellows-blowers"—as an argument for doing nothing, as usual, and saving himself.

Hamilton had not even this amount of common sense. For a disunited Scotland to make war was to increase beyond estimate the great peril of the king, and to woo defeat. The pulpit was much more powerful with burgesses, commonalty, and even lairds, than the modern press, because there is always an opposition press, but there was hardly a germ of an opposition pulpit. With the black coats against them, the Estates could not raise adequate forces, and the end was certain. Despite this temporary ruin, a great step was taken in the direction of civil and religious liberty when the Estates dared to oppose the despotism of the prophets. They were defeated, some died, more were ruined; still they suffered, however unworthy, in the good cause of political and personal freedom from prophets sitting in the seats of the Apostles.

Meanwhile, Argyll was holding council with Balmerino, Balcarres, and other precisians, and Montereul foresaw that, despite the difference of their tenets, the true blue Scottish Presbyterians would come to a friendship with the Independents of England, through their common hatred of royalty.<sup>71</sup>

A Committee of the Estates met on February 10, 1648, to hear the Commissioners. Little was done at first, and Lanark told Montereul that he looked forward to the inevitable ruin of the king and of

\* Reade's Relation, edited by Mr C. H. Firth; Clarendon State Papers, 298 note; Miscellany of the Scot. Hist. Soc., vol. ii. p. 295.

the House of Hamilton. In fact, his own widow, from Worcester fight to the Restoration, is said to have been supported by one of her female servants.<sup>72</sup> On the 15th February, Loudoun explained "The Engagement," and Lauderdale proved that the Independents had broken the Covenant and all their treaties. Four things, he said, the English hated,—the Covenant, Presbyterianism, the Monarchy, and the Scots. Charles must have agreed with his English subjects on three points out of the four. The preachers complained that they ought to have been consulted, and some Hamiltonians remarked that the preachers would make them regret the bishops. Already some of the ministers had "vomited insults" against their king, and against those who would unite under his standard the sanctified victors of Philiphaugh and Dunavertie with Malignants that had drawn the sword for Charles.<sup>73</sup> One preacher, after denouncing the king, turned round and insulted as perjured traitors the English Commissioners who were present! *He* had not been bought! Sunday, with its political sermons and prayers, was the liveliest day in the week in Presbyterian Scotland; and every one must have regretted that he could not go to all the churches at once. Montereul was certain that the Prince of Wales should not leave France for Scotland—the Scots would either sell him or use him as a mere tool.

When, on March 3, an Assembly of the Estates met, nearly fifty earls and lords appeared. Only a few "were for our way"—the anti-Engagement way, says Baillie; the most notable of them were Argyll, occasionally Loudoun (already trimming), Eglintoun, Balcarres, and Balmerino. In fact, the king's friends had a majority; even from the large towns the burgesses were for the king. The preachers then put out a printed declaration, of course on the other side, to be read in all churches.\* The brethren were angry, for the hot-blooded Argyll had challenged Lindsay to mortal combat—they were to fight on the links at Musselburgh, a spot open to the observation of all mankind. The natural result was that these desperadoes were interrupted "before they began their play," says Baillie. The malicious Guthry declares that they had an uninterrupted hour for their play. "Why took they not their pastime?"<sup>74</sup>

Balfour writes that the seconds could not make Argyll fight till he saw Colonel Haddon coming up as policeman. "Then was he

\* A minute account of the weary dealings between the Commission of the Assembly and the Estates is in Mitchell, i., xxxiii. note i.



something stout, and refused to subscribe that paper,"—a written apology perhaps. The marquis was equally averse to signing the paper, and to taking off his coat and boots and fighting, "in respect of the coldness of the weather."<sup>75</sup> \*

The events at this great crisis are full of curious matter, but space forbids more than the bare statement of results. Argyll, with eleven lords, and some thirty lairds and burgesses, proved recalcitrant to the proposals of the king's party; while Hamilton declared that though he had the majority in Parliament, the preachers had more influence with the country.<sup>76</sup> As Malignants came in, including the loyal Edward Wogan, the clergy grew more angry. From March to July the wrangle of the representatives of the State and of the Kirk continued, the preachers rejecting every attempt at compromise. Hamilton was not the man to take either of two feasible courses—to desist from his enterprise, which was merely fostering futile Royalist risings in England, or to seize the loudest preachers and lock them up in Blackness or Dunnottar. The attempt to win the preachers by proclaiming for Presbytery in England made the English Royalists "apprehend that the bondage would be the same, only the masters changed; and this made the king's party resolve rather to perish than receive any help from the Scots on these terms."<sup>77</sup> There was open war between Kirk and State. As early as March 27 Baillie had written, "I am more and more in the mind that it were for the good of the world, that churchmen did meddle with ecclesiastical matters only; that were they never so able otherwise, they are unhappy statesmen; that as Erastian Cæsaro-Papism is hurtful to the Church, so an Episcopal Papa-Cæsarism is unfortunate for the State."<sup>78</sup>

After May 11 the Estates began to levy forces, though very short of money, and vainly asking for aid from the queen in France. The preachers thundered against the levies; and, though Baillie

\* 'General Assembly Commission Records,' i. pp. 393-412; Baillie, iii. p. 36; Guthry, p. 261. In 1649 a young student of Montrose's University, St Andrews, came into the hands of the General Assembly. The candid lad was accused of saying that "Argyll was infamous" for oppressions. He explained that he had, in fact, merely observed that Argyll "had not been famous," in a military way, "and in his not fighting with the Earl of Crawford whom Argyll himself had challenged . . . In this act he thought that Argyll's honour suffered much, which posterity could not but take especial note of." The youth also called Strachan, Argyll's led captain, "a notorious villain," so he was ordered to be flogged, but he took his name off and went down.

feared that they would expose "the mystery of their own weakness," according to Turner he was himself as noisy as any of them. Montereul wrote (May 9/19), "the solemn curses which the ministers are uttering in the churches, against the army, and the orders they have sent to other preachers in the country to do the same, *on penalty of losing their livings*, will not prevent the forces from being levied."<sup>79</sup> "The whole west of Scotland cried up King Christ, and the Kingdom of Christ, thereby meaning the uncontrollable and unlimited dominion of the then Kirk of Scotland," says Turner, who was sent to reduce Glasgow to order.<sup>80</sup> He quelled a mutiny, and quartered troopers on the godly, doing more scathe than "James Graham" (Montrose), says Baillie. Turner imposed "Turner's Covenant"—a declaration of submission to Parliament. But the preachers held a field communion service, making "that peace so often inculcated, and left as a legacy by our blessed Lord to his whole Church . . . the symbol of war and bloody broils." Armed multitudes flocked to Mauchline to communicate, and numbered some 2000 horse and foot. Middleton charged the conventicle with insufficient forces: he and Hurry were wounded, but "the slashing communicants" retired when Callendar and Turner came up.

When the army invaded England at last, in August, they did so to face Lambert and Cromwell, while behind them were mustering all the no less hostile Westland fanatics and allies of the preachers and Argyll. Premature risings in England were crushed; Lanark in vain urged that the Scottish army should clear its rear by beating the western Scottish fanatics before crossing the Border. Lambert, in fact, had driven the loyal Langdale into Carlisle, and Langdale was asking for aid, while refusing to sign the Covenant.\* Now it

\* Reade, already cited, avers that Sir Marmaduke Langdale had orders from Hamilton not to fight till the Scots came up. This was "a mere plot upon the English to hinder them from fighting, that they might not beate the enimie, and so destroy the intended designe of the Scots, for Sir Marmaduke was two for Lambert's one." Reade adds that he heard Lanark say, "I hope not," when a rumour came that Langdale had beaten Lambert. This was a common Royalist opinion, and Mr Firth cites to the same effect a tract of 1649, 'Digitus dei, or God's Justice upon Treachery and Treason, exemplified in the Life and Death of the late James, Duke of Hamilton,' Miscel. Scot. Hist., ii. 297, note 1. Musgrave's Relation (*ibid.* pp. 302-311) shows the distrust between the northern English cavaliers (who were asked to sign the Covenant) and the Scots. This was the cause of the Engagers' disasters and of the failure of Charles II. in his march to Worcester in 1651.

had been determined by the "Engagers," in a foolish hope of conciliating the preachers, not to unite with Amalekites; otherwise Montrose might have been brought over to help an army led by Hamilton and Callendar. But this was wholly out of the question. On July 8, with a General Assembly raging on their rear, and suspending loyal ministers (July 12–August 12), Hamilton crossed the western Border. "The half of our forces in Scotland were unlevied, and an enemy behind our hand, ourselves in a very bad condition, without money, meal, artillery, or ammunition," says Turner. Lanark was left with a force to watch the fanatics. The weather, as the Scots advanced, was wet; "Dear Sandy," that great artillery man, "was grown old and doted"; there was not one field piece with the wretched army.<sup>81</sup> Lauderdale, who had reverted to the ancestral Lethingtonian view of the tyranny of preachers, was hopeful, and Lambert fell back to hold the Stanemoor pass.<sup>82</sup> England was in a distracted state: the Prince of Wales was in the Channel with ships of war; Commons, Lords, and City were all at odds; but, as the Scots moved south, Cromwell was marching north.

Near Kendal the Scots held a Council as to their route on London. Turner was for a march through Yorkshire, an open country, as against the much enclosed fields of Lancashire, "full of ditches and hedges, which was a great advantage the English would have over our raw and undisciplined musketeers." The wolds of Yorkshire would suit the Scottish horse, and the old northern weapon, Dalgetty's "darling," the pike.<sup>83</sup> Hamilton preferred the route later taken by Prince Charles in 1745, and by the Jacobites in 1715. But Cromwell, with excellent artillery, was joining hands with Lambert near Knaresborough (August 13). Anxious to stop Hamilton, he left his guns behind, made a swift march in Montrose's manner across the fells westward, and reached the Ribble before the Scots, and before Monroe, with the Scottish army from Ireland, could join the Duke. "It was thought that to engage the enemy was our business," wrote Cromwell, like the soldier that he was. Callendar and Middleton, with the Scots cavalry, had reached Wigan, when, hearing of Cromwell's advance, Callendar left his command "in the air," and went back to consult Hamilton, who, on the 17th, reached Preston. Now Hamilton sent to Middleton, at Wigan, for the cavalry, and, as news came that Langdale was engaged with Cromwell on the north-west of Preston, a dispute as to tactics arose between Callendar and the Duke. Callendar prevailed, the Scots

foot crossed the Ribble, to be on the same side of the river as their distant horse; and Langdale was left unsupported, except by a handful of horse under the Duke. Consequently, after a gallant and prolonged resistance to Cromwell's larger force, Langdale's infantry broke up; his horse fled north to join Monroe; Langdale himself, with the Duke, managed to cross the Ribble and join Baillie, who commanded the Scottish infantry.

Cromwell, advancing, drove the luckless Baillie south and still south. In his retreat to the south of the Ribble, the Duke had again and again charged, and did honour to his name. Turner highly praises his valour: "One more charge for King Charles," cried the Duke, who seems to have known his own incapacity for command, but who did not waver now when his person was in peril. It was Callendar, the false friend of Montrose, who persuaded Hamilton to send his foot across the Ribble. It was Callendar who opposed the military skill of poor Baillie and Turner, and urged a drumless march, the ammunition left behind, southwards, through the night. Now the victorious Cromwell, in Preston, was between Monroe on the north, and Hamilton on the south, but was trammelled with two or three thousand prisoners taken from Langdale. But, just as Hamilton had retreated, so Monroe would not advance. Middleton, with the Scots horse, missed the foot who were wandering to meet him, and Hurry was wounded and taken by Cromwell's cavalry in a skirmish. In the dark of the following night, Turner was wounded by one of his own pikemen, "being demented, as I think we all were." The Scots, in a nocturnal panic, attacked each other horse and foot. At Wigan, and Winwick, and Warrington the Scots, though superior in numbers, were so utterly unled (the real soldiers being hampered and confused by amateur superiors all at odds among themselves)—while Callendar was bidding Baillie surrender, Baillie was calling to any man to shoot him sooner—that Cromwell had an easy and complete victory. The Scottish infantry was captured: Hamilton accepted quarter at Uxbridge, where he and Callendar wrangled,—the Duke, thought Turner, had rather the better in the dispute. Callendar deserted, with half of the remaining forces, and had the unique good fortune to escape to Holland. The rest were dead, or prisoners, Hamilton being now near the block; he had ruined the king's affairs, and had not maintained his "activity for his own safety." The preachers, though Baillie thought that "the mystery of their weakness" was to be divulged.



- <sup>52</sup> 'Charles I. in 1646,' p. 50.  
<sup>54</sup> Mitchell, Review Gen. Assemb. Com., i. 147-152.  
<sup>55</sup> Act. Parl. Scot., vi. p. 634.  
<sup>57</sup> 'Charles I. in 1646,' p. 49.  
<sup>59</sup> Guthry, p. 238; Act. Parl. Scot., vi., i. p. 612.  
<sup>60</sup> Burnet, 'Mem. Ham.,' p. 311.  
<sup>62</sup> Turner, pp. 45-240.  
<sup>64</sup> Turner, pp. 50, 51.  
<sup>66</sup> Burnet, 'Mem. Ham.,' p. 327.  
<sup>68</sup> Turner, pp. 50, 51.  
<sup>70</sup> Montereul, ii. pp. 379, 380.  
<sup>72</sup> Montereul, ii. p. 401, note.  
<sup>74</sup> Baillie, iii. p. 36; Guthry, p. 261.  
<sup>76</sup> Montereul, ii. pp. 430-432.  
<sup>78</sup> Baillie, iii. p. 38.  
<sup>80</sup> Turner, p. 53.  
<sup>82</sup> Gardiner, iv. p. 166.
- <sup>53</sup> Baillie, ii. p. 391.  
<sup>56</sup> Gardiner, iii. p. 182.  
<sup>58</sup> Montereul, i. p. 439.  
<sup>61</sup> Guthry, pp. 241, 242.  
<sup>63</sup> Turner, pp. 48, 49.  
<sup>65</sup> Baillie, iii. pp. 22, 23.  
<sup>67</sup> Gardiner, iv. p. 56, note 1.  
<sup>69</sup> Montereul, ii. pp. 376, 377.  
<sup>71</sup> Montereul, ii. pp. 383-386.  
<sup>73</sup> Montereul, ii. p. 404.  
<sup>75</sup> Balfour, iii. p. 395.  
<sup>77</sup> Burnet, 'Mem. Ham.,' p. 345.  
<sup>79</sup> Montereul, ii. p. 479.  
<sup>81</sup> Turner, p. 59.  
<sup>83</sup> Turner, p. 62.

## CHAPTER VII.

## KIRK'S TRIUMPH. NATIONAL RUIN.

1648-1650.

It was the weakness of the Government, not of the Kirk (as Baillie had feared), that was demonstrated after the rout of Hamilton's forces. The country, or the people who swayed the country, the preachers, in short, were against the Government with its Parliamentary majority. From the pulpits alone did the populace hear a more or less educated statement of the points at issue, enforced by threats of excommunication in this world, and damnation in the next. Of the former penalty, even the leaders of the Parliamentary majority were afraid; they were also reluctant to shed kindred blood at home, and were overawed by English forces left by Cromwell to support Argyll. The result was that, in a few months after Preston, the Kirk and Argyll, with his backers Eglintoun, Elcho, the turncoat Loudoun, and the rest of the Opposition, were in power and in momentary alliance with Cromwell, Lauderdale being at the time of Preston on the seas with the Prince of Wales. The precisians gaily observed that the defeat of their loyal countrymen in England (August 17), fell on "St Covenant's day."

Loudoun, Eglintoun, and the preachers, no longer having the fear of Turner before them, gathered the country folk of the west, many of them armed with pitchforks and scythes, in the fashion of James Mòr's men at Prestonpans a century later. Ayrshire had not felt the hand of Montrose like Fife; and Argyleshire, and the western Whiggamores (from *Whiggam*, an exhortation to plough-horses), were ardent. Argyll raised what the claymore had spared of his clan; Cassilis with Ayrshire joined the forces at Linlithgow. The Committee of Estates, the patrons of the Engagement, thought that to attack the Whiggamores was merely to bring Cromwell on them,

and, knowing that all Engagers were likely to be excommunicated and ruined, they simply looked to their own safety.<sup>1</sup> The fierce Earl of Arran (James Stewart), had he been alive and an Engager, would have laid the leading ministers by the heels, before crossing the Border to raise England and rescue Charles. Lanark was now for calling in Monroe's forces, seizing Stirling and Perth, and bringing down the clans against the fanatics in the following spring. The rest of the half-hearted Committee opposed him, and spoke of the peril of his brother, Hamilton,—whose doom, in fact, nothing could avert. The Committee sent men to "pack up the business" with the Kirk and her Scythemen; they negotiated; their surrender was certain. They deserted the gallant English Royalists under Musgrave, who had joined Monroe, and bade that leader turn them adrift at Berwick.<sup>2</sup> The Committee, in short, having now forsworn the Engagement, threw over the English who had risen on the strength of it; such was the behaviour of Covenanters in collision with the clerical interpreters of the Covenant.

At Haddington, Lanark, Lindsay, and Glencairn met the returning Monroe; Edinburgh was occupied by the Whigs, under Leven and Leslie; negotiations were going on, the ex-Engagers hurried to anticipate Argyll, who was seizing Stirling; Leven followed slowly after them. As Monroe was sending cavalry to pick up Argyll, that nobleman fled with his troopers, and made for the nearest boat on the firth; his Highlanders were cut down, drowned, or taken, to the number of about 700, "confounded with the suddenness of his withdrawing," which they ought to have foreseen by experience. The Castle of Stirling was, in fact, held by Norman Livingstone for the king; and Argyll was not the man to try to defend the town of Stirling, which probably was not defensible.

The craven Committee of Estates, despite this success, capitulated to the Kirk; Lanark standing out, and retiring north. Monroe's forces were ordered to return to Ireland, which was impossible, the Scottish commanders of the garrisons of Belfast and other towns having yielded to Monk. The men of Monroe, marching to Glasgow, were dispersed and maltreated by Whiggamores, whose sons, probably, had to deal with Claverhouse. The anti-Engagers, now Argyll's party, before the formality of a general election, constituted themselves the Committee of Estates; as some legally had been members of that Committee, subject to a declaration of approval of the Engagement, which declaration they had never signed.<sup>4</sup> They



sent a grateful and friendly message to Cromwell, and (September 13) promised to surrender Carlisle and Berwick. To the English Houses they despatched Commissioners to show how trusty they were, and begged that Hamilton and other prisoners should be looked to closely. Thus the left wing of the Kirk was allied with "the bloody and blasphemous sectaries," who would have no Presbyterian government, and no Covenant. This was a sore cross to many good men.

Hamilton had been allowed a moment's interview with the king as his Majesty was being brought through Windsor to his trial. "My dear master!" was all that Hamilton could say. "I have been so indeed to you," answered the king, embracing him.<sup>5</sup> It is hard to believe that Hamilton was ever deliberately disloyal; but, like Charles, he had always "gone too near the wind." As a statesman he had no courage, no resolution; and he had kept fatally asunder the king and the one man, Montrose, who, if he could not have turned the tide, had at least made the cause glorious in the field.

On September 22 Argyll met Cromwell on the Tweed. Cromwell accepted the surrenders of English towns, and sent Lambert to Edinburgh with seven regiments of horse, securing "the peaths" by an infantry command at Cockburnspath. The new Whig Committee of Estates, "Christians and men of honour," said Cromwell, was now under foreign protection.<sup>6</sup> The Estates were to meet in January.

On October 4 Cromwell arrived in Edinburgh, where he dined with Argyll and Waristoun. It was later asserted, with gross improbability, that they discussed with Cromwell the execution of the king. It was publicly demanded by Cromwell that all Engagers should be removed from offices of trust; and he arranged that one of Eglintoun's sons should be given 2000 of the Preston prisoners, to be sold as recruits to idolatrous Spain or idolatrous France. This evinced little regard for the souls of 2000 Protestants; but it may have been reckoned that these were already lost for disloyalty to the Covenant,—not that this view can have occurred to Cromwell, who was no Covenanter. But there were no purchasers.<sup>7</sup>

It was during this visit to Edinburgh that Mr Blair (if we may believe Row, his biographer) spoke of Cromwell as a great liar and "a greeting" (weeping) "deevil."

The Parliament that met in Edinburgh on January 4, 1649, was, of course, Whiggish. How far it was representative of the Estates may be learned from the number of nobles present. There were

but sixteen as against fifty-six, who had sat in the Parliament of March 1648. Great changes were made in the members for shires and burghs. The new members, of course, were elected, but the absence of hereditary peers proved that, as of old, the Opposition dared not attend a Scottish Parliament. Their Whig opponents were protected by English regiments, and the forces of the Engagers were scattered.

Loudoun the turncoat, Argyll, Eglintoun, Cassilis, Leven, and Balmerino (who had wavered about the Engagement) were in their places. Waristoun made "a long, tedious speech" against the Engagers. On January 5 Argyll "broke the Malignants' teeth," as he pleasantly said, by "a very long speech," arraying Amalekites into five "classes": 1. Statesmen; 2. Committee men; 3. Relapsed Malignants; 4. Promoters of the Engagement; 5. Petitioners in favour of the levies of the Engagers. Waristoun talked for two hours in the same style. The Scottish Commissioners now in London were Lothian, Chiesly, and Glendinning. This day (January 5) arrived their letter about Pride's Purge, "how above 160 members of the House of Commons were extruded by the blasphemous army," whose leader had so lately sat at meat with Waristoun and Argyll. The Commissioners in London asked the Estates how they were to act in the matter of the king's trial? Next day fourteen articles of instruction were drawn up. The Commissioners were to insist on the Covenant, and on intolerance, and to "give no occasion of offence." Difficult orders were these to execute! The Commissioners were not to justify the king's proceedings and actions, or do or say "what may import a breach, or be a ground of a new war." They were to ask the party in power to remember the promises made by quite another party at Newcastle; for, if the king be sentenced, misery and bloodshed will follow, "and how grievous it will be to this kingdom, *considering his delivery up at Newcastle.*" But, all the same, "show that the king's last concessions are not satisfactory to us in point of religion."<sup>8</sup> Were these wavering instructions to go at once, or to wait three or four days till after a fast; the Whig party doted on fasts? Argyll and Waristoun were for delay, but were out-voted even in that assembly.

On January 25 a curious event occurred, showing the unfortunate position in which Argyll now found himself. He had fraternised with the leader of the sectarian army which was now about to slay

its king ; but his preaching allies, the sole base of his power, while rejoicing in the king's fall, had a religious hatred of Cromwell's army of Sectaries. It was plain enough that Cromwell would put his hands in the blood of a Scottish king, and equally plain that the Kirk party would still clamour for the intrusion of Presbyterianism on England. War was at hand, a war of religious intolerance and of national revenge against England, which would give an opportunity to the Royalists and Engagers in Scotland. The Covenanters would be where the Engagers had been—would find Cromwell armed in their front, and their armed, domestic foes, the Royalists and Engagers, in the rear. Argyll, whose statesmanship had enslaved himself and the country to the Kirk (he was "the slave," and, apparently, "the unwilling slave of the Kirk," writes Mr Gardiner), must have seen that he ought, in prudence, to reconcile to the Kirk the Engagers, semi-Covenanters ; that he must gain the Prince of Wales, soon to be king, to the Covenant ; and must induce him to withhold or withdraw the commissions of the Royalists. As yet all this was impossible. The Kirk would fight against England as unpresbyterian, and yet would not join hands with the Engagers. A poor army would the Kirk have in its holy war for the Solemn League and Covenant, without the aid of Engagers or Royalists. Nor could the prince lend prestige, for certainly Montrose would prevent him from taking the Solemn League. At this time Montrose, having received from the Kaiser the title of field-marshal, had leave to raise, for the royal cause, independent companies in Flanders.<sup>9</sup> How was Montrose to be kept from influencing the prince against the Covenant and Solemn League? At this moment he had nearly abandoned hope of being serviceable : on December 3, 1648, he wrote to Rupert to that effect. As to raising levies, "there is nothing of honour amongst the stuff here." He had therefore intended to return to the Kaiser, but he is ready to "forego all, abandon all fortunes and advantages in the world," and sink with Rupert and the cause, "rather than save himself." The resolve was as fatal to, as it was worthy of, the great marquis.<sup>10</sup> How, Argyll may have asked himself, was Montrose's influence with the prince to be countered?

Lanark had not submitted to the abandonment of the Engagement, and he sent a Mr Mowbray to the Prince of Wales, as Hyde writes on December 5, to say that he would serve under Montrose, were it but as a sergeant. He would raise 10,000 or

12,000 men, and "make sure of the heads of the contrary faction," probably in the old Scottish way.<sup>11</sup> Montrose always distrusted the Covenanting Lanark, still more did he distrust Lauderdale, who had visited the Hague, had found Presbyterian fault with Charles's Anglican chaplains, and boasted of what the Engaging or Hamilton party would do. The problem was, is the prince to swallow the Covenant, and the Solemn League and Covenant, and Presbytery for England and Ireland, with Lauderdale and (Montrose suspects) with Lanark, or is he to stand by his honour with Montrose?

Rebuffed by Montrose, who would have no such sergent, Lanark came to Edinburgh in December, and renounced the Engagement. He was confined more or less strictly, while Lauderdale came quietly over from Holland, obviously in no danger. The Estates privately determined to arrest both Lauderdale and Lanark, while through Balmerino these lords were allowed to receive due warning. They therefore went abroad in the vessel which brought Lauderdale home, and returned to Holland, where they could act in unison with Argyll, and against Montrose.\* If Mr Gardiner's theory be correct, Argyll had now secured in Lanark and Lauderdale secret semi-official representatives of his cryptic alliance with the Hamiltons to keep Montrose and Charles II. apart, and to win Prince Charles to be a perjured "Covenanted king." Whether Argyll wished him also to take the Solemn League vow, for forcing Presbyterianism on England, may well be doubted. The intrigue was clever, and succeeded in ruining Montrose, but it also entailed the disgraceful Covenanting defeat of Dunbar, the rending of the party of the Covenant, the conquest of Scotland, and the fall of Argyll. To such measures Argyll was reduced, because the slaying of Charles I., conspicuously certain before Lanark "escaped" (January 25), must inevitably break his alliance with Cromwell and the Sectaries, for, as Sectaries, the Kirk would war with them, and Argyll was thrall to the Kirk. Such was his statesmanship. The day was to come when Argyll should speak of his

\* Burnet, 'Mem. Ham.,' p. 377. Burnet, of course, does not hint at collusion between Lanark and Argyll. Balfour, iii. p. 386. Balfour is equally innocent. Gardiner, 'Commonwealth and Protectorate,' i. pp. 18, 19, and notes, quoting Graymond to Brienne, Jan. 30/Feb. 9, Hare MSS., iv. 551, fol. 296, and Feb. 6/16, fol. 310, where "Graymond says that the Countess of Lanark had confirmed his suspicions." Montrose himself (Jan. 8, 1649) had heard of "new impostures." Napier, ii. p. 683.

friends, the extreme precisians, as "madmen" (so it is reported), and he appears, as we have already noted, to admit that he himself at this time was little better. In his *Instructions to his Son*, he writes, "by that confusion my thoughts become distracted . . . whatever, therefore, hath been said by me or others in this matter, you must repute and accept them as from a distracted man . . . in a distracted time wherein I lived."<sup>12</sup>

Armed with the instructions of the Estates, Lothian and the other Scottish Commissioners thrice protested against the proceedings towards the king. "That comely head" fell beneath the headsman's axe on January 30. Argyll's Parliament had been quietly passing the Act of Classes, depriving of all manner of offices all "classes" of Engagers, also confirming acts against all such as deal with devils, or transgress the law of Dian. Never was a Parliament in Scotland so entirely under the sway of the preachers. Every man, from the ministers of state to deacons of crafts, who could be placed in the classes of Unlawful Engagers (three classes were now reckoned) was expelled from office, as well as every man found guilty of swearing, "uncleanness," drinking—or neglecting family prayers! If we believe what a Cromwellian soldier wrote, scarcely any person eligible for office can have been found. Moreover, nobody in the less guilty classes could be readmitted till he had "given satisfaction to the Kirk and the two kingdoms" (soon there was only to be one kingdom, the other became a Commonwealth). As Mr Mathieson observes, "The clergy were thus invested with an absolute veto on all public appointments, unlimited in duration, and as arbitrary as it was unlimited in scope." "They call any one a Malignant whom they please," said the Prince of Orange to Spang.<sup>13</sup> \* The late learned and amiable Dr Mitchell, though apt enough to approve of the doings of the ministers, remarks that the Act of Classes became "the main source of the divisions and troubles in which the Church was torn asunder by various factions till its constitution was utterly overthrown."<sup>14</sup>

On January 30 Charles I. was murdered in public. On February 5 Charles II. was proclaimed king at Edinburgh, provided that, in accordance with the laws of God and of the realm, he took the Covenant and the Solemn League and Covenant.<sup>15</sup> This acceptance of Charles as king must mean war with England ;

\* Baillie, iii. p. 76.

and Scotland must fight with one arm tied up, and with her head absent; for "Amalekites" could not be employed, and Montrose, the only military genius of the country, had a price set on his life, and had been given over by the Kirk to the Devil. Such was the position into which the Kirk and Argyll had led the country. They, "or some of them," as Waristoun confessed in Parliament (Feb. 27, 1649), had invited Cromwell to enter the country in September: soon he was to come without invitation.<sup>16</sup>

To moralise on the death of Charles I. is superfluous. Nothing in life became him like the leaving it. He was the victim of the competing religious intolerances of his age, of the Tudor tradition of despotism, and of his own incapacity, as a man whose ply was taken under these influences, to see things as they were. What had been his father's security, the English throne, proved his death-trap. Had he been king of Scotland only, he could never have risked either the Revocation or the religious innovations. Now, not only had Tudor monarchs altered creeds at their will, but the fanatics of the Covenant broke with Charles because (among other reasons) he would not consent to alter the creed of England. To do *that*, they held, was right and necessary; to change the Presbyterian forms of Scotland was the greatest of crimes. This was a crucial example of what, instructed by time, we hold to be the stupidest of superstitions. Charles was intolerant of Catholics, of Presbyterians, of Sects; the Covenanters were intolerant of Catholics, and Episcopacy, and of Sects, till their most vehement party allied itself with the Sectarian Cromwell. In an age when all imposed their will, as far as they might, on the consciences of others (which had no right to exist), Charles acted like the rest of mankind. His great misdeed, the desertion of Strafford, he expiated by his blood and tears, and his sin has this palliation that he consented to Strafford's death because he dreaded danger to the queen. "The white king" died true to his conscience, and true to Montrose. A friend and a foe did not long survive him. Balmerino expired at the end of February 1649, and was buried in the chapel of Restalrig, in the land which his father won by the shameful forfeiture of the Logans (1609). Hamilton was executed shamefully on March 9, by the sanguinary tyrants who held sway in England.

Before studying the tangle of intrigue which followed the death of Charles I., we may ask, What had Scotland gained by the

Covenant and the Solemn League and Covenant? She had dealt a blow to hated Episcopacy and loathed liturgy, north of Tweed. On the other hand she had obtained presbyters, for her ruin, far more dictatorial in civil matters, more intolerant in ecclesiastical matters, than the bishops had been. As to their interference in politics, we have seen much and are to see more, from their clamouring for the blood of prisoners of war to their purging of the army before Dunbar, and their denunciation of the measures adopted by the Estates in the Engagement. The General Assembly had not only "censured" ministers who would not go all lengths with them, but excommunicated, or threatened to excommunicate, such of the deposed as still did their work or received their stipends.<sup>17</sup> We have seen that James VI. prohibited ministers from preaching on certain subjects. The Assembly of 1648 dictated to them the topics on which they must preach. These were, among others, the errors of Sectaries, the errors of Erastians, "the unlawful Engagement,"—as "lawful" as the Estates and the king could make it—the sins of Malignants, and so on. The presbyteries were to detect ministers who avoided these topics, or were too "sparing" and "general" in their denunciations. Under such orders to be fanatical the saintly Leighton winced, and he went from his parish to see his father in England, when he could.<sup>18</sup> It is no great marvel that the Engaging army occasionally thumped the preachers who were thus denouncing them, though we appear to lack evidence in detail of these natural proceedings.<sup>19</sup> The Assembly, in brief, set the example of deposing, and even excommunicating, clergymen who did not share the views of the majority. It was obvious that new presbyter was old priest "writ large," and that preachers were not exceeded in intolerant intermeddling by bishops. Says Milton :—

new foes arise  
Threatening to bind our souls with secular chains,  
Help us to save free conscience from the paw  
Of hireling wolves whose gospel is their maw.

In addition to other boons of the Kirk, the country had obtained the Westminster Confession of Faith, an amazing document which, writes Mr Hume Brown, has "produced that astonishing precision of thought regarding the mysteries of human destiny which has ever since been one of the national characteristics." If it is desirable to

think with precision concerning matters about which nothing is known, then the Westminster Confession and the Shorter Catechism may be worth what they cost in blood and tears. The results, again, of the new Directory of Public Worship were, in practice, the increase of "conceived prayers," till even the Lord's Prayer fell out of use, and little was to be heard in church except the observations of the minister.<sup>20</sup> These, if the Assembly of 1648 was obeyed, must have been mainly political harangues, "stuffed with all the false reports of the kingdom," though the preacher might take an occasional "wipe" at witches, sectaries, and other sinners.

The practical fruits of all these improvements may be observed in a letter from an English soldier in Scotland (September 1650): "It is usual with the Scots to talk religiously . . . and the very next moment to lie, curse, or swear, without any manner of bounds or limits." This warrior had only found the virtue of hospitality in "the Lady Winton, a Papist." The beds in Scotland were filthy, "full of fleas and covenanters"—the English word for lice! To this had come the brotherly understanding, and thus did the blasphemous English deride the Covenant. The women are "dirty, and do all look like witches (if there be any such creatures), wherewith, by their frequent burning of them, it seems this country abounds (fourteen and sixteen being burned in a little village near Wadington (Mordington?) about a year since . . .). No table, window, or cupboard but *slut* may be written in large characters upon it. For the sins of adultery and fornication, they are as common among them as if there were no commandment against either. . . . Instead of having no other God but one, the generality of people . . . do idolise and set up their ministers, believing what they say, though never so contrary to religion and reason."

The preachers, from their pulpits, spread the usual tales of "atrocities," accusing the devout Cromwellians of "killing men, women, and children." Having examined the kirk sessions' books, this observer had documentary evidence to the frequency of "whoredom and fornication, the common darling sin of this nation." The poor live—men, women, children, and cattle—in filthy cottages, and can be evicted whenever their lairds are so minded. All this relates to Berwickshire and the Lothians. A soldier in a hostile country is no unprejudiced witness. But for the dirt we have Richard Franck's account in his angling tour,



'Northern Memoirs'; for the "darling sin" we have the kirk sessions' records; for the witch-burning, legal records; and for the preachers the annals of their General Assembly. Few forms of Christianity in the seventeenth century could afford to charge each other with cruelty. Puritans, Prelatists, Presbyterians, all tortured and burned witches; but the English sectaries in Scotland were horrified by Presbyterian ferocities.

The Edinburgh correspondent of the 'Mercurius Politicus' writes from Leith on October 23, 1652, that the English Commissioners for the administration of justice met on Wednesday last. Two confessed witches were brought before them, and were asked why they had confessed? They had been hung up by the thumbs and whipped by two Highlanders; lighted candles had been set to the soles of their feet and between their toes; finally, lighted candles were thrust into their mouths. Out of six accused, before being turned over to the English magistrates, four died of their torments. The English judges "ordered the ministers, sheriff, and tormentors to be found out, and to have an account of the ground of their cruelty." Other horrors, perhaps more ghastly, are recorded ('The Spottiswoode Miscellany,' ii. 90, 91; citing 'Mercurius Politicus'). When the ministers thus made torture, and torture of women, a thing as frequent as flagitious, we need not be surprised that rough soldiers under the Restoration applied, to the detriment of the preachers, the methods of which the preachers had set the example.

As to ordinary moral offences, sixty people accused of these were brought before the English Commissioners on one day, "most of them for facts done divers years since, and the chief proof against them was their own confession before the Kirk, who are in this worse than the Roman religion, who do not make so ill an use of their auricular confession. Some of the facts were committed five, six, ten, nay, twenty years ago."

Such were, according to English observers, "the inconveniences of Presbyterial government"; and the Iroquois modes of torture and the punishments for vice neither diminished the numbers of light o' loves nor of sorceresses. "Murthers are very frequent, but robbing and stealing more." Among other unfortunate victims we note George Sprot, a weaver in Eyemouth, probably a son or grandson of that George Sprot of Eyemouth, writer, who was hanged for his share in the Gowrie Conspiracy in August 1608.

Such was Scotland under Presbyterian theocracy.\*

To return to the politics of the unhappy country: Sir Joseph Douglas was sent to Charles II., at his brother-in-law's court at the Hague, with news of his conditional proclamation. He should be king if he would be Covenanter.<sup>21</sup> Baillie (February 7) communicated with his cousin, Mr Spang, a Scottish minister in Holland. Spang obtained an interview with the Prince of Orange, and describes the state of opinion among Charles's friends. Montrose, though he had not offered his presence on account of the hatred borne to him alike by the Precisians and by Lanark, Callendar, and Lauderdale, now practically of their party, was ordered by Charles to meet Hyde (January 28, 1649).<sup>22</sup> Hyde himself was intriguing to escape from trouble by an embassy to Spain, whither he presently went, leaving Charles in bad hands. From Hyde, or otherwise, Montrose heard of the king's death. He fainted, and, on recovering, shut himself up for two days; his well-known verses, "Great, Good, and Just," written at this time, rather reflect his anguish of mind than his art as a poet.<sup>23</sup> Charles II. not only welcomed now, in his grief and wrath, his loyal supporter, but appointed him lieutenant-governor and captain-general in Scotland.† This (February 22) was two days after the arrival of Sir Joseph Douglas from the Scottish Estates, with promise of Commissioners to follow if Charles was likely to take the pledges of the Covenanters. Lanark and Lauderdale, with Callendar, Seaforth, Lord Sinclair, young Lord Napier, and the inscrutable Will Murray, were all at the Hague.

These Scots were in four factions! Montrose, Sinclair, and Napier, absolutely distrusting the Hamilton half-hearted party,

\* 'A Perfect Diurnal,' September 16-23, p. 505. In Gardiner, 'Charles II. and Scotland in 1650,' p. 134 *et seq.* Scottish History Society, 1894.

As to witchcraft, see the case of Lady Pittadro, sister of Sir John Henderson of Fordel, one of the leaders of the Fifeshire levies who were cut to pieces in their flight from Kilsyth. This lady was accused in 1649, and lay in the filthy Tolbooth of Edinburgh from July to December 1649, when she apparently found means to poison herself. There was a local witch mania in Inverkeithing, which was abated, according to tradition, when the wives of the magistrates were accused. Ross, 'Aberdour and Inchcolme,' pp. 339-341, citing an Act of Parliament of July 1649. One Walter Bruce, a preacher, was very active in this stupid cruelty. While the Sectarrians were averse to witch-burning, the process was not unusual in England at this time. Presbyterians may have been the persecutors. Several books on the side of mercy appeared in England at this time, but, for fifty years, mercy was deferred.

† 'Hist. MSS. Com. Report,' ii. p. 173; Wishart, pp. 229, 230.

wished the king to join Ormonde in Ireland; Callendar and Seaforth thought only of their own security; Seaforth had been the most fickle of double-dealers; Will Murray was the emissary of Argyll; and Lauderdale "haunts the Duke of Hamilton" (Lanark) "like a fury": these two, says Hyde, "abate not an ace of their damned Covenant in all their discourses." The English loyalists, Hyde adds, desired Montrose to be employed as "the man of the clearest honour, courage, and affection to his service."<sup>24</sup> But many of the Scots at the Hague "cut" Montrose when they met, though Lanark, two or three months ago, had offered, honestly or with a different motive, to serve under him even as a sergeant, and to get rid of "the heads" of the opposite faction.

Such was the condition of affairs when Spang wrote to Baillie (March 7, March 9, 1649). "Remit of your rigour," is the refrain of the sensible Spang. He cries for the abolition of the "Act of Classes," disqualifying all Engagers from all authority, for different periods, and under various humiliating conditions of restatement, after "satisfying the Kirk." But Spang will hear of no dealings with Malignants, Royalists who would shake off the League and Covenant, or with the English, such as Culpepper, and Hyde, with their scheme for Charles's descent on Ireland. Spang saw the Prince of Orange, who thought that Charles might more readily take the Covenant than the Solemn League and Covenant, which attacked the consciences of his Anglican adherents, and "required a delivering up of all Malignants." A Malignant, said the prince, was anybody whom the precise chose to call by that name, even if he were a Covenanter; and now the prince spoke his mind about the Act of Classes, lately passed. "Here, I profess, I was at a strait," says the honest Spang. The prince proposed an Act of Amnesty. Spang protests to Baillie against the tyranny of the constantly sitting Commission of the General Assembly. "Is not the liberty of the Kirk come to a fair market thereby?" The preachers were "casting out their brethren and bringing so many to beggary": the Government of the Restoration, later, merely followed their bad example.

Clearly a relatively moderate party was growing amongst the ministers, to develop into the Kirk as it should be after 1689. "I wish we used prudence, lest we open a door to tyranny, whilst we think to shut tyrants out of the Kirk." It was rather late in the day to arrive at such opinions. Spang makes one notable remark.

We have more than once noticed the clause in the Covenant binding to respect for the king's person "in the defence and preservation of the aforesaid true religion." The "bloody Independents" note that "hedge," says Spang, and declare that "their putting the king to a violent death is not against the Covenant, for they have put him to death not for his defending religion and the Parliament's liberties, but for going about the overthrow of both." Mr Spang adds, "Think of this."<sup>25</sup> Either the fighting Covenanters broke the Covenant, or it was so framed that they had no right to inveigh, as they did, against regicide. Such was the dilemma.

Meanwhile (Feb. 24) the Scottish Commissioners to the English Parliament who were intended to go to the king, charged the English House of Commons with breach of the Solemn League and Covenant, with the suppression of king and constitution, and, worst of all, with countenancing "ungodly toleration." Down with toleration, up with compulsory Presbyterianism and a covenanted king, such was the burden of their speech. Never were there such impossible diplomatists as they who followed the star of the Covenant. The Scottish Commissioners in England were setting out for Holland, when they were arrested and taken north to Berwick. The Rev. Mr Blair, of St Andrews, was one of these captives. He had been in London when the king was done to death. He was anxious, not only to attend Charles on the scaffold, but also to deliver his testimony thence in such terms that "he laid his account to die with the king, and would as willingly have laid down his head to the hatchet as ever he laid his head to a pillow." So says Row, minister of Ceres in Fife, Mr Blair's son-in-law.<sup>26</sup> Mr Blair, on the scaffold at Whitehall, were as romantic a figure as Athos, below it.

But, in practice, a different set of ideas prevailed. Cassilis, the Laird of Brodie, Alexander Jaffray, provost of Aberdeen (later a Quaker), with Wood, Winram of Liberton, and Livingstone, minister of Ancrum, were sent to the king at the Hague, while Huntly was decapitated at Edinburgh, as what is called an "object lesson" to Charles. This was the fate for Royalists who were not Covenanters (March 22, 1649).

The Commissioners began by asking Charles to put away Montrose, a bloody miscreant, who "continues in the highest contempt against God" (that is against the Scottish preachers), "under that fearful sentence of excommunication, without the smallest sign of repentance." Montrose valued their "fearful sentence" at less than

a pin's fee.<sup>27</sup> How could anything but mischief come, when the negotiators thus denounced the leader who acted under the commission of the king's father, and had just received his own? Strange is the desire for a crown, that leads a man, and a young man as Charles was, to admit to his presence envoys who address him thus, and whose brethren, at home, are killing another of his father's servants, for no other crime than that service. Huntly, at his slaying, had been man enough to refuse to be relaxed from the excommunication of the Kirk, which could not affect him where he was going.<sup>28</sup> These fanatics, these parochial pulpiteers, pretended that what they bound on earth was bound in Heaven.\*

The Commissioners at the Hague continued to insult Montrose, who "dishonours and pollutes all companies" (March 30). Charles said that he must see all their proposals before he answered the charges against Montrose. The Commissioners gave him, in a book, all the scriptures of the Covenant, Solemn League, and Westminster Assembly. He was to accept all these, and discontinue the English liturgy at family prayers. The Kirk Commissioners did this part of the work. Charles would accept the Covenant and the rest for Scotland; for England and Ireland he would not, without the advice of the Parliaments of these kingdoms. Baillie and his friends, in deep grief, recognised, and justly, the hand of Montrose in this refusal to put a yoke on the necks of the realms of England and Ireland. The refusal would involve the Scottish swearer to the Solemn League in perjury.<sup>29</sup> Montrose had told Charles (May 21) that for him to take the Solemn League meant "shame and ruin." It meant his desertion of Montrose, shame enough, Dunbar and Worcester were sufficient scathe. The Covenanters interfered with the king's domestic devotions: they had rebelled against his father because "they but imagined that he intended to meddle with them in the like kind." "They murder those of your best subjects, while they pretend to treat with your Majesty's self. . . . Trust the justice of your cause to God and better fortunes."<sup>30</sup> For the moment Charles listened to honour and Montrose. The Commissioners returned to Scotland empty-handed, happier than they who, a year

\* Huntly's estates, by the way, "were forfeited and, like the Bishopric of Argyll, conveyed to Argyll." Argyll, at his trial in 1661, protested that he had done his best to save Huntly, and had protected the interests of the family. The Huntly estates were deeply in debt to Argyll. Willcock, pp. 226, 227. 'State Trials,' v. 1426-27.

later, brought a perjured prince to see the mangled remains of the noblest of his servants.

Scotland had now a short space in which it ought to have passed an act of amnesty, and united all its children in the common cause of resistance to her "auld enemy of England," and "the bloody and blasphemous sectaries." From the middle of August 1649 to the end of May 1650, Cromwell was subjugating Ireland, and reaping the laurels of massacre at Drogheda and Wexford. If Scotland was not to taste of the same mercies, as she did, Scotland should have put her house in order, thrown over the Covenant, and united her sons. But the preachers and the spirits which they had raised made any such course impossible. They desired a Covenanted king, which meant, in this case, a wilfully perjured king, as a kind of royal figurehead to a Covenanted government. Their proceedings must be stated with brevity. The king sent Montrose to the European courts, as Monsieur Thiers went the same circuit in the Franco-German war of 1870. Cottington and Hyde begged in southern, as Montrose did in northern Europe, to no purpose. On June 12 Charles wrote to Montrose, from Breda, "I will not determine anything touching the affairs of that country" (Scotland) "without having your advice thereupon. As also, I will not do anything that shall be prejudicial to your commission."<sup>81</sup> These promises the king broke, taking the Covenants which he never meant to keep, and permitting Montrose to fall into the hands of those who executed, generally, all prisoners who bore the commission of their king.

From this period till December, while the Covenanters were trying, through Winram of Liberton, to bring Charles into their net, Montrose was amused by the loyal and lively letters of Elizabeth, sister of Charles I., the Winter Queen of Bohemia. This undefeated lady, once so dear to Protestants, was a true Pantagruelian, and through a lifetime of heartbreaking misfortunes, laughed at destiny. A portrait of Montrose, probably that noble one in sable armour, by Honthorst, she received, welcoming it as sovran "to scare the brethren." She sent the marquis, by way of entertainment, a proclamation against "that detestable bloody murderer and excommunicated traitor, James Graeme," and against Lords Morton and Kinnoul. Them Montrose had sent to occupy a strong position in Orkney, where he could join them later and march south. They both died ere his unhappy arrival, and Montrose's smile at Elizabeth's

*badinage* must have been bitter, for he knew, no less than Jeanne d'Arc had known, that he was going to his doom.<sup>82</sup> Living with "crowned heads," weak as "the unavailing heads of the Dead" in the Odyssey, Montrose had applications from Scotland, full of sanguine promises, "entreating and pressing him earnestly" to come, "all men being weary and impatient to live any longer under that bondage, pressing down their estates, their persons, and their consciences." The Covenant rode them like the Old Man of the Sea; but they had not the heart, it proved, to rise in arms.<sup>83</sup> They served the Earl of Argyll in the same fashion in 1685.

Winram's mission from the Covenanters occupied time from November 1649 till February 1650. The Hague was the haunt of the half-hearted worthless leaders of the Engagement, Hamilton (late Lanark), Lauderdale, Callendar, the chief cause of the *débâcle* of Preston, Sinclair, and the rest. They were entreating Charles to abandon "one man, a bloody excommunicated rebel,"—Montrose—the one man who stood between him and perjury, and also between Hamilton with his party, and their homes and lands. So wrote Wishart to Lord Napier, then at Hamburg (January 1, 1650).<sup>84</sup> Seaforth was one of those who pressed Montrose to come to Scotland, where he dared not be himself, for the treble turncoat was a thing of words.

Winram had paved the way for the arrival of new Commissioners from the ruling party of Argyll and the preachers. Of all Charles's advisers only Nicholas, his father's old secretary, declared that "honourable terms were inconsistent with the abandonment of Montrose."<sup>85</sup> Relatively honourable it would have been to abandon Montrose, giving him fair notice, for the field-marshal of the Kaiser had employment enough, and friends enough, in Europe. But Charles preferred to send Montrose to wage war in Scotland, while he dealt with the dominant party for Commissioners to come to Breda and treat for peace. The king (January 12/22, 1650) wrote from Jersey to tell Montrose what he was about. Nothing, not "the treaty we expect," is "to give the least impediment to your proceedings." These "proceedings" "will be a good means to bring them to such moderation in the treaty" as Charles desires. He promises that he will not, "before or during the treaty" (that is, the negotiations), do anything contrary to Montrose's authority. "Proceed vigorously and effectually."<sup>86</sup> In a private letter, Charles promised, on the same

date, that his friendship would never fail.<sup>37</sup> He also sent Montrose the Garter,—the George and Ribbon are still in the possession of his posterity.

Montrose set forth: he soon knew what must befall him. Royalists in Scotland, such as they were, would not join an "excommunicated traitor," with a price on his head; while the king, at Breda, was palavering with Commissioners from Kirk and State who would insist on his swallowing the Covenants and abandoning Montrose. It may be an excuse for Charles that he believed in golden reports about the men and arms whom Montrose had gathered and recruited in Scandinavia and Northern Germany, and in 20,000 men in buckram, promised by the Scottish dreamers, *before* they knew that the king was treating with the Covenanters.\* At last, after long delays from stormy seas, Montrose reached Kirkwall in March 1650; having by this time received the Garter, and the king's commands and assurances of January 12/22. On March 26 he wrote from Kirkwall to Seaforth (in safety across the sea), "I am going to the mainland, . . . and shall live or die, your cousin," etc. "Montrose," says Mr Gardiner, "was far too experienced a soldier not to be aware that few, if any, of the professing Royalists of Scotland would rally round the king's standard in the hands of a man whom the king might at any moment disavow." He answered Charles's letter of January 12 on the same day as he wrote to Seaforth (March 26)—he had received it on March 23. But even if Charles and the marquis had been in telegraphic communication, matters were so managed that Montrose was doomed. He knew this and wrote, acknowledging the Garter, "with the more alacrity and bentsell" (vigour) "shall I abandon still my life to search my death for the interests of your Majesty's honour and service." For the last time he bade Charles "be just to yourself," for he knew that the Scottish Commissioners, and the whole Hamiltonian crew, would be urging and cajoling his king to perjure himself. He ended—

"Your Sacred Majesty's most humble, faithful, and most  
passionate subject, MONTROSE."

The letter reached the king: it is endorsed by Nicholas.<sup>38</sup>

\* Letter of Jan. 20/30. The 20,000 had been promised long before. Carte, 'Original Papers,' i. pp. 345-351. Other even more shadowy "hopes," are named by Nicholas to Ormonde, *ibid.* i. pp. 358, 359.



Charles, at Breda (where the Covenanting Commissioners were), on April 15, bade Napier continue to assist Montrose.<sup>89</sup> On May 1 Charles signed the Treaty of Breda, submitted to all dishonour, and presently (May 12/22) was about sending Sir William Fleming to bid Montrose lay down his arms. "We hope . . . that we shall be able, in a little time, to make his peace in Scotland." "I do not despair of doing it in a little time."<sup>40</sup> And he "did it," Charles did it, by a message of May 3/13 to his Parliament, in which he says that he "has now given satisfaction to your Commissioners," and "recommends very particularly" that such conditions shall be made for his forces in the north "as shall be reasonable and necessary to free the kingdom from these troops, according to our positive and express order in that behalf." (For details, see Note at the end of this chapter.)

"Our positive and express order," as if "we" could order anything! Not a word is said of Montrose, a knight lost in a bungled game of political chess: lost and unregretted. For Montrose, on May 21, after Charles had not even dared to name him in "our positive order," had gone where Jeanne d'Arc went, carrying, like her, "fidelity and honour to the grave." Like her, loyal; like her, for a year victorious; like her, deserted; like her, insulted by brutal soldiers, and vexed by professional Church or Kirk men; the great marquis had passed into his rest.

Of the Action of Montrose I have written in detail, on his Passion ("Action and Passion" he had promised to Charles I.) I have no heart to dwell. On April 9 he sent Hurry (the man of the Incident—his beaten opponent at Alford) to occupy the Ord of Caithness, a hill above the sea, just north of the village of Helmsdale, at the mouth of the pleasant Helmsdale river. Montrose joined Hurry there; his banners, with the bleeding head of Charles I., and his own device—a lion about to leap a chasm—floated over 40 horse, 500 foreign mercenaries, and 700 raw Orcadian levies. The Orcadians had long ceased to be a warlike people. Montrose now advanced by the route of the railway of to-day, his purpose being to join hands with Seaforth's clan. The Earl of Sutherland was hostile, his castle of Dunrobin, with other forts, was strongly held, and Montrose turned up the valley of the Fleet, where the river, as it approaches the sea, lies in deep black pools, under lofty banks.\* Turning to his left from Strath Fleet, Montrose cut across

\* "The Mound" did not yet exist.

the peninsula, and struck the Oykel where it is fordable, above the Kyle, a long narrow estuary receiving the waters of Oykel, Shin, and Carron.

Here he should have met Seaforth's men, from the south, in rugged country, unsuitable for cavalry. But not one Mackenzie rose. Seaforth, who was with Charles, knew too much to bid his clan rise for the paltering king; or his brother, Mackenzie of Pluscardine (near Elgin), had lost heart. Montrose was deserted.

Against him Leslie was sending Colonel Strachan, with such forces as he could muster. Strachan, whom Balfour describes as the son of a brewer at Musselburgh, was said to have been remarked on, in 1649, by a St Andrews student, as a "notorious villain to his country and Presbyterian government."<sup>41</sup> Blair says that, according to the Engagers, Strachan joined the English army with Cromwell, when the Duke of Hamilton invaded England.<sup>42</sup> Guthry declares that, as soon as the Engagement Parliament rose, Argyll sent Strachan to Cromwell, to ask for an English force that might join the Argyll and Kirk party. "This was represented to the grand committee . . . but the duke slighted it."<sup>43</sup> Strachan, as a suspected Independent, had been under the notice of the Kirk, but had signed the Solemn League. In a letter to the Rev. James Guthrie, an extreme fanatic, he says, "If James Graham lands near these quarters he will suddenly be de—ed" ("defeated" or "disappointed"?).\* Strachan prophesied truly, and though later he was "delivered to the Devil" by the Kirk, he now overthrew the excommunicated Montrose.

On April 24 Montrose was at Carbisdale on the south side of the Kyle; the place is visible from the railway bridge which spans the estuary near Invershin. Behind him was the hill of Craigcaoinichean, which local people, and the ordnance map, render the "Hill of Lamentation" (a name that might be older than the defeat of Montrose), but which is usually translated "The Mossy Hill." It was sparsely overgrown with wood. Except 400 Rosses and Monroes, not resolute fighters, Strachan had with him but 240 horse of Leslie's army, and 40 musketeers. They were enough. The rise and fall of the ground, Gordon of Sallagh says, and the luxurious broom in a corrie, lent Strachan cover.<sup>44</sup> He cleverly left one troop in view; Montrose's patrol of horse took them for

\* Wishart, p. 303. The date of this letter is dubious; Mr Gardiner thinks it is June 3, 1649.



the whole array of the enemy. Montrose began to align his troops; Strachan then drew his cavalry from cover, and broke the half-formed untrained ranks of Montrose. The Orcadians ran; the foreign mercenaries were cut down on the hill, where the wood was too thin for their protection.\*

Young Frendraght, who was wounded and taken to his uncle's house, Dunrobin, is said to have given Montrose his own horse. He had no line of flight except up the very difficult Strath Oykel. He might have headed for Ullapool, but, wherever he went, the price on his head was apt to allure some scoundrel. He threw off, or concealed, his cloak, and the Star of the Garter; he appears to have adopted a rustic disguise, and of the miseries of his flight, little is known and we prefer to know little. Kinnoul, who was with him, vanishes from our ken, the foxes and eagles alone could tell the tale of the end of Kinnoul. Sallagh says that the marquis was welcomed to milk and bread, "in a cottage in that wilderness," still so desolate. It may have been here that Montrose, escaping a party in pursuit by hiding under a trough, exclaimed, on their departure, that he had endangered his hosts, and "determined never to do the like again to avoid death of which, he thanked God, he was not afraid." †

After crossing the watershed on the westward way, Montrose reached Loch Assynt, a long lake stretching from the Inn of Inchnadamff, westwards, towards the sea at Loch Inver. Macleod of Assynt had been, in Montrose's knowledge, Seaforth's man, and, now and then, a Royalist. He was at present, however, one of Sutherland's "tail"; and Sutherland, Sallagh tells us, had made him sheriff depute. He seized Montrose, and gave him up to the pursuers. Assynt's position is that of Sir John Menteith, who gave up Wallace to the English. Assynt and Menteith had both changed sides; both held office under their new masters; one surrendered Montrose, and the other Wallace, taking rewards for the blood of

\* "Scroggy wood," Balfour's phrase, means low scattered underwood. Balfour, iv. p. 9. See Mr Gardiner, 'Ed. Rev.,' Jan. 1894, for Balfour's authority. See Sallagh, in Gordon of Gordonstoun, pp. 554, 555, and Wishart, pp. 304-309, note by the editors. Gardiner, 'Com. and Prot.,' i. pp. 237-243.

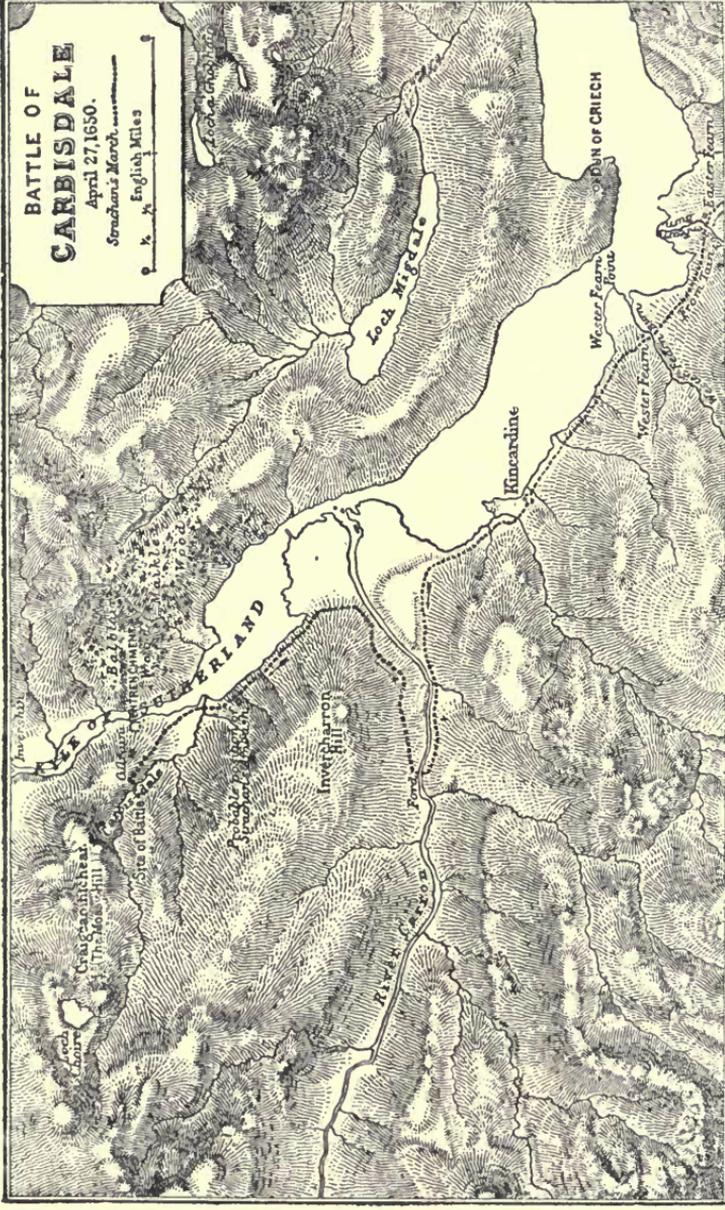
† Miscellany, Scottish History Society, vol. i. p. 223. The tradition was written down, in 1792, by George Marsh, who had it from his mother, *née* Milbourne. The Milbourne of 1650 is described as wealthy. No trace of him or his exists, hence, if the story is true, the host of Montrose may have been an honest cotter, whose descendants attributed to him wealth and "gentrice."

**BATTLE OF  
CARBISDALE**

April 27, 1650.

Strachan's March.

English Miles



these heroes. Assynt and Menteith, conscientious men, discharged a painful duty, let us say. It was, in the same way, the duty of Kingsborough and Lady Macdonald, ninety-four years later, to arrest another valuable fugitive, Prince Charles. But blind to duty, indifferent to a reward of £30,000, content with honour and humanity, they helped the Wanderer to escape. Not so Assynt. "The hare kindles on his hearthstane" in his ruined castle beside Loch Assynt; and there will ne'er be a Macleod of Assynt again. The lands of Neil Macleod were handsomely raided, in revenge, by the Mackenzies (who had no right to feel virtuous indignation), the Mackays, and Glengarry. After the Restoration, Neil being tried for his behaviour to Montrose, pleaded an *alibi*; then why, in 1650, did he claim the reward for what he had not done? It was partly paid in sour oatmeal, proverbially remembered.\*

We do not love to study too closely the Passion of Montrose. By his Presbyterian countrymen he was insulted as was Wallace by the English.<sup>45</sup> He was mounted on a rugged sheltie, under which his feet were tied. He was preached at, the usual text about the slaughter of the Amalekites being selected. "Rail on!" said the marquis. In Dundee the burgesses honoured themselves and their sense of Christian charity by supplying him with clothes "suitable to his birth, place, and person." On May 18 Montrose was driven by the hangman through Edinburgh, in a cart. At the door of the Tolbooth he gave the man drink money. He had received and read his sentence, that of hanging, the most shameful death. Being a proclaimed "traitor" he had no trial, any more than the Earl of Argyll had in 1685. The people were expected to stone him, and his hands were bound that he might not shield his face: the people threw no stones. The cart was halted before Moray House in the Canongate, where Argyll had dined with Cromwell. Now Argyll, Waristoun, and Lord Lorne with his young bride, looked down on Montrose in the hangman's cart. Argyll had the decency to cause the blinds to be partially closed<sup>46</sup> (Graymond to Mazarin, May 23, 1650).

Montrose turned his face towards them; an Englishman cried out that for these seven years bygone they durst not look him in the face. †

\* See Wishart, Appendix xiii., an interesting essay by Messrs. Murdoch and Morland Simpson.

† Wigton MS. in Napier, ii. p. 779.

The author of this account makes the Argyll party “creep in at windows.” But, if Graymond, in his report to Mazarin, is right, they were only peeping out from behind a half-veiled window. If that was so, they probably retired before the eyes of Montrose. Lorne, in 1685, went the *via dolorosa* on which the marquis had preceded him.

In prison the captive was baited by preachers. He cast their charge of breaking the Covenant back upon them, says Graymond; “he had maintained the principles of the Covenant, in terms of his oath.” It was so—he “took the oath without the gloss.” He was to be hanged on Monday, May 20. By eight of that day the preachers flocked about him, James Guthrie among them, like ravens round a fallen stag. Montrose listened courteously to Guthrie; his reply was that of a Cavalier, “*airy and volage*”—dealing with erudite divines, he made some quotations from the Latin. As to his employment of the Irish, they were, he said, the king’s subjects. Then, with a flash of humour, “we see what a company David took, to defend him in the time of his strait.” “He did all that in him lay to keep” his men “back from bloodshed; if it could thereby have been prevented, he had rather it had all come out of his own veins.” The Covenant he had taken and had kept. “Bishops, I care not for them. I never intended to advance their interest.” He had merely opposed the Covenanters when, under the Solemn League, they attacked the king in England.

Threatened by Guthrie with the posthumous results of dying excommunicate and unrepentant, he said that he would never declare “his duty” to have been “his sin.” Their crazy superstition that what they “bound on earth, God will bind in heaven” (so Guthrie put the case), was nothing to Montrose.\* He told his keeper that there was no need to deprive him of a knife, lest he should commit suicide. He had foreseen the end, “and if my conscience would have allowed me, could have dispatched myself.” They would not permit him to be shaved; he said, “I would not think but they would have allowed that to a dog.” Informed of his sentence, he said, “It becomes them rather to be hangmen than me to be hanged.” Trail, in his Diary, writes that to the ministers he said, “I pray you, gentlemen, let me die in peace.” He was rated by Loudoun, that turncoat, in presence of the Estates. He defended his movement

\* From an eyewitness, the Rev. Patrick Simson, to Wodrow. Mr Simson lived till 1715. Napier, ii. pp. 785-788.

from Orkney: it was "by his Majesty's special direction and command, in accelerating of the treaty." How true that was we know. "At the reading of the sentence, by Waristoun, he lifted up his face," silently. He was clad in "a scarlet coat to his knee, trimmed with silver galoons, lined with crimson taffeta," the rest of his apparel black, with carnation hose, garters, and roses in his shoon. "With a great deal of courage and modesty, unmoved and undaunted," says Balfour, he listened to the insults of the traitor Loudoun.\*

Everything was ready. "A great trinket prick had been made for James Graham's head." By a happy economy it also served later for that of Archibald Campbell, Marquis of Argyll.

To the gallows Montrose, says an eyewitness, writing as he looked on, went like a bridegroom. "I never saw a more sweeter carriage in a man in all my life . . . he is just now a turning off from the ladder." He had addressed the people. "It is spoken of me that I would blame the king. God forbid. For the late king, he lived a saint and died a martyr. . . . For his Majesty now living, never any people, I believe, might be more happy in a king. His commands to me were most just, and I obeyed them." Were most just! It is the "noble lie" of Plato: the commands were most unjust as regarded the hero. Montrose knew it well, but, like Jeanne d'Arc, to the last he defended the honour of his king. "The ministers, even on the scaffold, were very bitter against him."

He would not deign them word or sign,  
But alone he bent the knee,  
And veiled his face for Christ's dear grace  
Beneath the gallow tree.

He had made his peace. To the weeping hangman he gave some gold, the last gift of a lavish hand. Wishart's book, the record of his deeds, was tied about his neck—he loved it more, he said, than his Order of the Garter. "And so, with an undaunted courage and gravity," he met his doom. Mr Gardiner, not an effusive writer, truly says, "Great in life, Montrose was even greater in his death."

The dead can still be insulted. His comely head with its love-locks was placed on the appointed spike. His trunk was buried

\* For Montrose's speech, from the Wigton MS., see Napier, ii. pp. 794-796. It corroborates Balfour's statement that he declared he came "by his Majesty's just commands." "Be not too rash," he said, and appealed them before the Court of Heaven.



where felons were laid, in the Borough Moor. His limbs were exhibited, one here one there, and Charles II. must have beheld some fragments of the hero whom he had sent to die. His heart, rescued by the Napiers, and kept in a silver case, had a history as romantic as his own, in perils of war by land and sea.

Not for Montrose, *felix opportunitate mortis*, was to be the spectacle of chicanery, hypocrisy, and perjury; of defeat and ruin; of return to a loveless life with harlots and jesters, that awaited the king for whom he died. What place was there for Montrose in the satyr rout, or among the dull misgovernors of the Restoration? He was not born, like Lauderdale, to be the butt of the filthy practical jokes of Charles II., or to hunt brave ignorant peasants, like the later "glory of the Grahams." He had carried fidelity and honour to the grave. He had as deliberately chosen the path of honour, with certain death before his eyes, as did Jeanne d'Arc when her Voices foretold her fate in the fosse at Melun.

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#### NOTE TO CHAPTER VII.

##### *Charles II. and the Death of Montrose.*

DID Charles II., while treating with the Scots at Breda, allow Montrose to persevere in his hopeless and fatal expedition, merely that a movement in the north might induce the Covenanters to offer milder terms? Next, when Charles decided to dishonour himself by signing the Covenants, did he exact any assurances from any one for the safety and liberty of Montrose? Lastly, did Charles, when he heard of Montrose's defeat at Carbisdale, basely disown him, in a letter to the Scottish Estates, and deny that he acted by royal orders and under royal commission?

The extreme candour of Mr Gardiner's mind induced him to take the most favourable view of the conduct of the young king. Mr Gardiner's statements we must examine. At the end of 1649, he says, Montrose, then at Gothenburg, "had the prospect of reaching Scotland with a force" (of foreign mercenaries) "not altogether contemptible, at least as a nucleus for the native troops which he expected to rally round him."<sup>1</sup> Montrose did not reach Kirkwall till "some time before March 23," 1650. At Kirkwall he received a letter written by Charles, in Jersey, on January 12/22, 1650. In this letter Charles informed Montrose that (contrary to his advice) he was about to negotiate with the Covenanters, but that Montrose must not apprehend from the treaty "anything to give the least impediment to your proceedings"; on the other hand, "vigorous proceeding will be a good means to bring them to moderation." Neither before nor during the "treaty" (that is, the negotiations at Breda) will Charles do any-

<sup>1</sup> 'Commonwealth and Protectorate,' pp. 190, 191 (1903).

thing contrary to the powers conferred by his commission on Montrose. This letter the marquis had leave to publish. In a private letter (January 12/22) Charles added, "nothing shall make me consent to anything to your prejudice."<sup>1</sup> The king also sent to Montrose the Garter. Such were Montrose's last commands from Charles, and, receiving them, he knew that his doom was dight. There could be no powerful rising to aid Montrose while the king was in treaty with the deadly enemies of the marquis. The letter of Charles "cut Montrose to the heart," says Mr Gardiner.<sup>2</sup> He replied (March 26) that "I would abandon still my life to search my death for the interests of your Majesty's honour and service," and warned Charles to be "just to himself,"—to remember his honour. Montrose then rode to his doom.

Meanwhile Charles's letters of January to Montrose had been published in France, and in the English newspaper, 'A Brief Relation,' of February 19, 1650. The Covenanted Estates in Scotland thus knew exactly the relations between Montrose and Charles, knew that the marquess was acting by the king's commands and under his commission.<sup>3</sup> Charles, it is important to note, could not possibly hope later to deceive the Estates by denying that Montrose acted on his commission. The thing was public, and was much discussed.

Before Montrose himself received the royal letters, the king was negotiating at Breda with the relentless Commissioners of the Covenant. On May 1 he signed a draft Treaty, abandoning honour and promising to accept the Covenants. How Montrose sped, Charles then knew not.

At this point Mr Gardiner writes, "There can be no doubt that before the king signed the draft agreement" (May 1) "*he had received assurances* that if Montrose would lay down his arms, not only he and his troops but the Scottish Royalists in Holland should receive complete indemnity." But Montrose had been defeated on April 27, before Charles signed the draft Treaty of May 1. If the alleged "assurances" were really given, they applied "in case Montrose would lay down his arms," they would not apply to a captive with no arms to lay down.<sup>4</sup>

Again, who had power to give Charles assurances of an indemnity for an excommunicated Malignant and proclaimed "traitor" like Montrose? What power in Scotland could thus beard the Kirk? Certainly, we might think, not Argyll, "enslaved" to the Kirk, as Mr Gardiner says that he was.

However, Mr Gardiner, defending Charles II., avers that he did not desert Montrose: "there can be no doubt that . . . he had received assurances of . . . complete indemnity." He goes on, "though the evidence is far from complete, there are reasons for thinking that these assurances were given, not by the official Commissioners" (at Breda), "but by Will Murray acting as Argyll's agent." Now Mr Gardiner publishes a document proving that the indemnity *was* "by the king's agreement with the Scots Commissioners." Will Murray, "Argyll's agent," we know was accused of pocket-picking, and was a man odious to Montrose. Even if he conveyed, as Mr Gardiner thinks, assurances from Argyll for Montrose's safety, the king ought to have known that such assurances were not valuable. Argyll had no power to give them; none to enforce them if given, for the Kirk would cry aloud for Montrose's blood, and the Estates had ever fed these ravens with the flesh of Cavaliers. This much, however, might be said for Charles; when his father was in the hands of the Scots at Newcastle he had arranged for

<sup>1</sup> Napier, ii. pp. 752, 753.

<sup>2</sup> 'Commonwealth and Protectorate,' i. p. 208.

<sup>3</sup> 'Commonwealth and Protectorate,' i. p. 192.

<sup>4</sup> 'Commonwealth and Protectorate,' i. p. 206.

the safe departure of Montrose when he disbanded. The safety was, after all, only secured by a stratagem on Montrose's part, but, if Argyll now gave assurances through Will Murray (which is Mr Gardiner's theory), Charles II. may have supposed that what had happened before might happen again, and that Montrose, after disbanding, might get safely away.

Mr Gardiner, at all events, from a letter of Charles to his envoy, Sir William Fleming, in mid May 1650, infers that Charles "had got a promise from a person like Argyll, whose real influence he was certain to overrate." In the circumstances which Mr Gardiner supposes to have existed—private dealing between Argyll and Charles through Will Murray, while Argyll, for political reasons, was hoping to circumvent the Kirk secretly—an assurance of indemnity from Argyll for Montrose is really not inconceivable. For, granting that Montrose was in arms, in the extreme north, Argyll could arrange for his escape behind the back of the Kirk after Montrose disbanded. What, then, is Mr Gardiner's ground for saying that "there can be no doubt" that Charles had assurances for Montrose's safety? The ground is a note of Secretary Long's at Breda, dated May 5/15, when Montrose (unknown to Charles) had already been given up to Holborne by Macleod of Assynt. The note runs, "Order to Montrose to lay down arms . . . 10,000 dollars paid to his use in Sir Patrick Drummond's hands. *Indemnity for him, Earls Seaforth*" (in *Holland*), "*Kinnoul*" (dead!), "*Lords Napier and Reay*," etc.<sup>1</sup>

"Now will it be believed" (as Macaulay might have asked) that, in Mr Gardiner's text of this note of Long's, in 'Charles II. and Scotland,' p. 126, published for the Scottish History Society in 1894, the words "for him" (Montrose) do not occur after "indemnity." Long's phrase in 'Charles II. and Scotland,' p. 126, runs—"indemnity for Hon. E. Seaforth," and so on, nothing about indemnity for Montrose. Mr Gardiner, in the 'Edinburgh Review' of January 1894, p. 155, gives one text of Long's note, in modern spelling, with "indemnity for him" (Montrose), while, in 'Charles II. and Scotland,' also of 1894, he gives another text, in Long's own very odd spelling ("Lords Napper and Rey"), without any mention of "indemnity for *him*" (Montrose). However, supposing that Montrose really is included in the indemnity, what was the assurance for it? Long writes: "This upon king's agreement with Scots Commissioners." Then the assurance seems to be theirs, not Argyll's, though we know not how they could have a right to give it unless they risked it on Charles's private assurance of Argyll's sanction.

Long's note goes on, "Sir W. Fleming sent with the orders" (to disband) "all his" (Montrose's) "officers and soldiers indemnified. Montrose to stay in safety for a competent time in Scotland, and ship to lie provided for transporting [him] where he pleased." I would rather believe that Charles, when he was forced into dishonour, and signed the promise to take the Covenant, still had heart enough to care for the safety of Montrose. From Long's note, he seems to have had that amount of human nature, and to have supposed that, "by agreement with the Scots Commissioners" at Breda, he had assurances. But how he was led into this belief, who can say! Did the Commissioners deceive him on this point to obtain his signature to the draft treaty? Did Will Murray, Argyll's agent, deceive both the Commissioners and the king? Or had Argyll really given assurances?

In any case, as Mr Gardiner says, Charles knew that there was no grant of indemnity by the authority of the Scottish Parliament, for he now sent Sir William

<sup>1</sup> Carte MSS., vol. cxxx. fol. 119.

Fleming with a letter of May 8/18 to Parliament, asking for the safe departure of Montrose's men, "without any allusion to a preceding promise." This letter of May 8/18 to the Scottish Parliament sufficiently proved that the king was accessory to Montrose's proceedings, but we shall show that, by a later command of Charles to Fleming, the letter was never delivered to the Estates. Charles might have—as a motive for this later command not to deliver the letter to Parliament of May 8/18—the desire to conceal, as far as that letter went, his accession to Montrose's expedition. But no such concealment was possible, as Charles knew, and there was no reason, if Montrose were defeated, for presenting the letter. But a copy of a "Public Letter" by the king to his "right entirely beloved cousin" Montrose (May 5/15) *was* delivered and read to the Estates, and entirely demonstrated that Montrose acted under royal commission.

We now come to the mission from Breda of Sir William Fleming. On May 3/13 he got orders to bid Montrose disband, with all assurances of the king's hopes for his good, and with "duty and affection." A private royal letter to the marquis also mentioned the 10,000 rix dollars lying at his call. Certainly Charles had somehow persuaded himself that he had secured Montrose's safety; on what precise grounds of conviction we do not know.<sup>1</sup> Two days later (May 5/15) Fleming received further instructions. He was to take counsel, in Scotland, with Will Murray (who travelled with him), "concerning any further treaty with Montrose in order to our service, than what your public instructions do bear." He was to give most affectionate messages to Montrose.<sup>2</sup> Fleming also carried the letter of May 8/18 to the Scots Parliament, announcing that Charles was bidding Montrose to disband, and asking for security to such of his men as wished to leave the country, "according to our positive and express order"—as if he had any right to give orders!<sup>3</sup> That letter, acting on a later command, Fleming "carefully concealed."

On May 9/19 Fleming received further instructions. If the Covenanters are not satisfied with Charles's concessions, or are merely driving time, "Montrose is not to lay down arms." If he has a considerable force, he is not to disband; Fleming is to consult on this point with Will Murray—Argyll's man! Murray must clearly have deceived Charles into belief in his loyalty.<sup>4</sup>

Here the instructions to Fleming cease, as far as they were known to Mr Gardiner. But, by a curious accident, Mr A. G. Reid found an unpublished later set of instructions to Fleming in an odd volume of 'The Wigton Papers' which he bought at a book sale. The new orders, we repeat, are later than May 9/19, are of May 12/22, 1650. Fleming is here bidden to find out the truth of a report which has reached the king concerning Montrose's defeat. If the tale is true, or if Montrose is not in Scotland, Fleming is *not* to deliver to Parliament the king's letter of May 8/18 already cited. He is to conceal it carefully and show it to nobody; and he obeyed his orders. But if there has been no fight, or if Montrose is still at the head of a considerable force, then Fleming is to deliver to Parliament the letter of May 8/18, that Montrose "may be induced to lay down arms immediately, according to our express order. . . ."<sup>5</sup>

Now we come to the final puzzle: did Charles disgrace himself by writing a letter to the Scots Parliament, declaring that he "was not accessory in the least

<sup>1</sup> 'Wigton Papers,' ii., ii. pp. 472-476. Miscellany of the Maitland Club.

<sup>2</sup> 'Wigton Papers,' ii., ii. pp. 476-478.

<sup>3</sup> 'Wigton Papers,' ii., ii. pp. 478, 479.

<sup>4</sup> 'Wigton Papers,' ii., ii. pp. 478-480.

<sup>5</sup> 'Proceedings of Society of Antiquaries of Scotland,' pp. 199-202 (1899-1900).

degree" to Montrose's "invasion"? Sir James Balfour says that, on Saturday May 25/June 4 a letter from the king, dated May 12/22 (the date of Fleming's last instructions), to that infamous effect (Charles not accessory to Montrose's invasion) was read aloud to the Estates.<sup>1</sup>

Also, a copy of the king's letter to Montrose, of May 5/15, was read. In *this*, Charles, we know, calls Montrose "right entirely beloved cousin," and bids him disband because of the full agreement arrived at by the Treaty of Breda. This was "a public letter," a letter for publication. Now how could Charles write to the Estates disclaiming accession to Montrose's invasion, and yet, by the same post, show his complete accession, by his public letter to Montrose of May 5/15? Again, how could he send the disgraceful letter read aloud in the House, when, in his instructions to Fleming of the same date (May 12/22), he was still uncertain as to whether Montrose had been defeated or not? And how could Fleming deliver to Parliament the letter of May 5/15, when, by his newly-discovered orders of May 12/22, he was strictly forbidden, in the case of the truth of the report of Montrose's defeat, to deliver the compromising royal letter to the Estates of May 8/18? Nothing is said, in Fleming's instructions of May 12/22, about an alternative letter—which he is to deliver to Parliament if Montrose has been defeated—in place of that of May 8/18. Had such an alternative letter, the disgraceful one, been given to Fleming, it would be mentioned in his instructions of May 12/22. But was the abject letter described by Balfour given to Will Murray, not to Fleming? Again, how could Charles write the infamous letter reported by Balfour when his own commission to Montrose had long been in print, in the newspapers? For all these reasons it seems almost impossible that Charles should have written the letter which was read to the Scots Parliament on May 25/June 4, as described by Balfour.

Further, an absolutely different and quite harmless account exists of the king's alleged letter to Parliament of May 12/22. In this other version Charles merely asks for information; it is a letter "sent by Mr Murray" (Will Murray), and it appeared in the English newspaper, 'Several Proceedings,' for June 6.<sup>2</sup> It may be suggested that, on May 12/22, Charles bade Fleming conceal, in case of Montrose's defeat, his compromising letter to Parliament of May 8/18, and at the same time he may have given to Will Murray the disgraceful letter of May 12/22. But Fleming did deliver the letter to Montrose, the compromising letter of May 5/15. And Murray, on this hypothesis, also delivered the contradictory letter of May 12/22 described by Balfour, while again an entirely different letter of May 12/22 was given to the press. Into Balfour's report (iv. p. 25) of what Argyll told the House that Lothian told him, namely, that Charles said in conversation, "His Majesty was nowise sorry for Montrose's defeat, as he acted contrary to his command," we need not go. It is not evidence against Charles; it does not prove that, by the letter which Balfour reports, he practically signed Montrose's death warrant, if Montrose chanced to be alive when the letter reached the Estates.

The brain may be said to reel in face of this embroglio. If we think Charles as stupid as heartless and mean, we might explain matters thus. Hearing on May 12/22 an uncertain report of Montrose's defeat, he then forbade Fleming to deliver to Parliament that letter of May 8/18, which proved his accession to Montrose's adventure, if Fleming found that the story of the defeat was true. Then, forgetting that his commission to Montrose was matter of public knowledge through the

<sup>1</sup> Balfour, iv. p. 24.

<sup>2</sup> 'Charles II. and Scotland,' p. 103.

press, Charles entrusted to Will Murray the lying and despicable letter to Parliament described by Balfour. But he forgot to forbid Fleming to publish the public letter of May 5/15 to Montrose; it was delivered by Fleming and read to the House—or it was copied by Will Murray and read to the House—and the king appeared before his Estates as the most false and foolish of men. Montrose's words to the Estates, and on the scaffold, "His Majesty's commands to me were most just, and I obeyed them," proved once more the falsity of the king's letter as described by Balfour.

It may be conceivable that Charles was at once so incredibly stupid and so desperately depraved, but then there is the harmless summary in the newspaper, 'Several Proceedings,' of the king's letter of May 12/22, in which he merely asks for information. Now it was the interest of the Edinburgh correspondent of 'Several Proceedings' to send to his journal the letter described by Balfour, for it would have sickened the heart and paralysed the arm of every Cavalier in England. Was his summary a false version given to him by some secret Cavalier in the House who heard read the letter described by Balfour, and tried to prevent its fatal consequences? Or was there a forgery, or other jugglery, by Will Murray, in the hope of making the Covenanters think Charles fit for any baseness? And was the contradictory royal letter of May 5/15 to put in to the same end? Meanwhile the letter of May 12/22, described by Balfour, though handed to the Committee of Despatches to be answered (so such a letter, genuine or forged, really existed, apparently), cannot be found in the Register House at Edinburgh, where the Rev. John Anderson kindly made research for it.

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#### NOTES TO CHAPTER VII.

- <sup>1</sup> Burnet, 'Mem. Ham.,' p. 367.
- <sup>2</sup> Burnet, 'Mem. Ham.,' p. 369; Musgrave in Clarendon MSS. 2, p. 867.  
Cf. Gardiner, iv. p. 227, note 3.
- <sup>3</sup> Guthry, pp. 290, 291; Burnet, 'Mem. Ham.,' p. 371.
- <sup>4</sup> Burnet, 'Mem. Ham.,' p. 375.
- <sup>5</sup> Burnet, 'Mem. Ham.,' p. 379.
- <sup>6</sup> Carlyle, Cromwell Letters, pp. lxxii-lxxv.
- <sup>7</sup> Gardiner, iv. p. 231; Cromwell Letters, lxxvii. lxxviii.
- <sup>8</sup> Act. Parl. Scot., vi., ii. p. 129; Balfour, iii. pp. 383-385.
- <sup>9</sup> Napier, ii. pp. 670, 671. <sup>10</sup> Napier, ii. pp. 679, 680.
- <sup>11</sup> Napier, ii. pp. 681, 682; Clarendon State Papers, ii. p. 460.
- <sup>12</sup> Willcock, p. 223.
- <sup>13</sup> Act. Parl. Scot. vi., ii. pp. 131, 143-147; Mathieson, 'Rel. and Pol. in Scotland,' ii. pp. 106, 107.
- <sup>14</sup> Mitchell, 'Rec. Com. Gen. Ass.,' i., xli.
- <sup>15</sup> Act. Parl. Scot., vi., ii. p. 157.
- <sup>16</sup> Balfour, iii. p. 388.
- <sup>17</sup> Peterkin, p. 510.
- <sup>18</sup> Peterkin, p. 509.
- <sup>19</sup> Peterkin, p. 499.
- <sup>20</sup> Grub, iii. p. 106.
- <sup>21</sup> Baillie, iii. p. 66.
- <sup>22</sup> Napier, ii. pp. 684, 685.
- <sup>23</sup> Wishart, pp. 228, 229.
- <sup>24</sup> Napier, ii. p. 695.
- <sup>25</sup> Baillie, iii. pp. 67-84.

- <sup>26</sup> 'Life of Robert Blair,' p. 215. Wodrow Society, 1848.
- <sup>27</sup> Clarendon State Papers, ii. pp. 474, 475.
- <sup>28</sup> Balfour, iii. p. 393.
- <sup>29</sup> Baillie, iii. pp. 512-521.
- <sup>30</sup> Napier, ii. pp. 700-705.
- <sup>31</sup> Napier, ii. p. 706.
- <sup>32</sup> Napier, ii. pp. 708-722.
- <sup>33</sup> Napier, ii. p. 729.
- <sup>34</sup> Napier, ii. p. 730.
- <sup>35</sup> Nicholas Papers, i. p. 160; Gardiner, 'Com. and Prot.,' i. p. 208.
- <sup>36</sup> Carte, 'Original Letters,' i. p. 358.
- <sup>37</sup> Napier, ii. p. 752.
- <sup>38</sup> Gardiner, 'Charles II. and Scotland,' pp. 42, 43. Scottish History Society.
- <sup>39</sup> Napier, ii. pp. 755-757.
- <sup>40</sup> Napier, ii. pp. 757-759, note i. to 759.
- <sup>41</sup> Balfour, iii. pp. 411, 412.
- <sup>42</sup> 'Life of Robert Blair,' p. 206.
- <sup>43</sup> Guthry, pp. 270, 271.
- <sup>44</sup> 'A Genealogical History of the Earldom of Sutherland,' by Gordon of Gordonstoun, pp. 554, 555. Edinburgh, 1813.
- <sup>45</sup> Wishart, pp. 316-321.
- <sup>46</sup> Napier, ii. p. 781.

## CHAPTER VIII.

CROMWELL AND SCOTLAND.

1650-1651.

CONTEMPORARY with the expedition and the tragedy of Montrose was the scurvy comedy of the negotiations at Breda. The last words of Montrose to his king warned him against dealing with the Scottish Commissioners who met him at Breda in the middle of March 1650. They were Cassilis and Lothian; Brodie of Brodie, and Winram of Libberton; John Smith and Alexander Jaffray (who escaped from the battle of Aberdeen), with the Reverend Messrs Wood, Hutchinson, and Livingstone, minister of Ancrum. Mr Livingstone "had some scruple that ministers meddled but too much in public matters," and he was reluctant to go.<sup>1</sup> Jaffray, who later saw the errors of Presbyterianism, and became a Quaker, writes: "*He*" (the king), "that poor young prince to whom we were sent, sinfully complied with what *we* most sinfully pressed upon him, where I must confess, to my apprehension, *our* sin was more than *his*." Indeed, even at the time this good man, like Montrose, "*spoke of it to the king himself*, desiring him not to subscribe the Covenant if in his conscience he was not satisfied; and yet went on to close the treaty with him, who, I knew so well, had for his own ends done it against his heart." But Jaffray yielded to the example "of others, gracious and holy men that were there."<sup>2</sup> Livingstone also seems to have had no liking for the transaction, for the king, during the negotiations, was guilty of promiscuous dancing, of using the English Liturgy, and of kneeling at the celebration of the Communion. This was clearly no king for a Covenanted people.<sup>3</sup>

The terms offered to Charles were such as could not leave him, if he accepted them, a shred of honour or a hope of the consolations



of religion. He was to take both Covenants, force Presbyterianism on England, and Presbyterianise his own household. He was to persecute Catholics, and abrogate all such commissions as that which he had given to Montrose. He was also to sanction the legality of the Estates, and accept the recent constitutional reforms.<sup>4</sup> The Prince of Orange was expected to try to "soften" the preachers by aid of Dr André Rivet, but the preachers were not to be softened (April 4).<sup>5</sup> The Anglicans at Breda thought that Montrose, though an excommunicated rebel and traitor, was not too bad to be used against "the wicked sectaries in Ireland." But "the Montrosians laugh at this, as if he were to be caught with this chaff." They were "sure of the king's unalterable affection to Montrose." At this juncture, in mid April, Mr Gardiner avers that Argyll sent over Will Murray to offer to the king the hand of Lady Ann, the daughter of the marquis. Livingstone says "it was thought" that Argyll took this remarkable step, or rather (his grammar is a little involved) says that Will Murray and Sir Robert Murray, "it is thought, put him (Argyll) in hopes that the king might marry his daughter." This hardly justifies Mr Gardiner's assertion; his other authorities are quite as vague.\* That the Murrays should put Argyll in hopes is one thing; that Argyll should "offer the hand" of his daughter is another. A spy at Breda says that the preachers there "stick not to call the king an idolater" (he kneeled at the Holy Communion), "an enemy to God's Church, and that God will curse and plague their land for admitting him." This was on May 6, and Charles was said to be insisting on an amnesty for Montrose. It was also said that the Queen of Sweden and the Prince of Orange urged Charles to accept any terms, "and afterwards keep only what he pleased." But this is mere rumour.<sup>6</sup> After much reluctance Charles signed, as we saw, a draft treaty on May 1, four days after Montrose's defeat (still unknown to the king), at Carbisdale. Even the queen mother, to whom shades of heresy were rather unimportant, was obliged to speak her mind to her son.<sup>7</sup>

As for the three Scottish preachers at Breda, they warned the king that he would have no luck; for his kneeling, as before mentioned, was "provocation against God to procure the blasting of all his designs." † A rather blacker crime, in the eyes of other

\* Gardiner, i. pp. 224, 225, and note 1, p. 225; 'Select Biographies,' i. p. 170; 'Charles II. and Scotland,' p. 114; Nicholas Papers, i. p. 172.

† 'Select Biographies,' i. p. 177.

men, was the king's treatment of Montrose. It becomes us not to judge a lad in Charles's position, perhaps, but a young man should have appreciated the boyish loyalty of the great marquis. Mr Gardiner is able to write: "There can be no doubt that before Charles signed the draft agreement" (May 1) "he *had received assurances* that if Montrose would lay down his arms, not only he, but the Scottish Royalists in Holland, would receive complete indemnity."\* This point is so embroiled in obscure detail that it is treated separately in a note at the end of Chapter VII. *supra*.

It was the gracious habit of Argyll's party to take the lives of the king's servants while they themselves were negotiating with the king. As they had done to Huntly and Montrose, so they did to Hurry, Spottiswoode (said to have been one of the assassins of Dorislaus), Hay of Dalgetty (excommunicated for Popery), Alexander Charteris of Amisfield, and several other gentlemen taken at Carbiesdale, or otherwise fallen into their hands. Most of them, we rejoice to say, "died without repentance." Many of Montrose's secret papers were found and communicated to the Estates. His George and Garter were not laid before the House till May 30. On June 30 the Estates forbade Hamilton, Seaforth, Traquair, Callendar, Napier, Dalziel of Binns, Monro, and many other Engagers or Royalists—all, in fact, of the first or second "classes," to attend Charles or stay in Scotland without warrant. Of these was Lauderdale, whether that he was not in collusion with Argyll, or that Argyll could not aid him, or by way of a blind. On June 26 news came that Charles had arrived in Speymouth, and on the 27th that he had swallowed all the increased demands of the Kirk and Estates.<sup>8</sup>

The wails of loyal Cavaliers over their disgraces may be read in the Papers of Secretary Nicholas. He, alone, from the first, had maintained in Council that no treaty with the Scots could be honourable which implied "prejudice to his Majesty's affairs," in Ireland and Scotland, under Ormond and Montrose. He was, therefore, with the brave Hopton, put out of the royal deliberating board. The object of the Scots, said Nicholas, was to make the king despicable. They succeeded, and reaped their reward at the Restoration. The lad whom they were corrupting fought, as he might, for his honour; when that went, it went wholly; and thanks to Will Murray, says Nicholas, Wilmot and Percy deserted Hamilton for Argyll.<sup>9</sup>

\* Gardiner, 'Cromwell and Protectorate,' i. 206 (1903).

By May 29/June 8 (?) Charles was at Honslaerdyck, about to cross to Scotland; at least, on that day he wrote a cold note of five lines to Montrose's son.<sup>10</sup> By May 23/June 2 the news of Montrose's defeat was only "given out," and "believed" at Antwerp.<sup>11</sup> The spy at the Hague (May 30) writes that Charles was "very much amazed at the hearing" of the death of Montrose, and might have "taken other resolutions," had he heard of it earlier.<sup>12</sup> "Many wonder he will trust himself with them"; it needed courage as well as shamelessness. The king had both qualities. The new demands and restrictions on his followers were now revealed to him, and, when the voyage was over, and the ship at anchor in Speymouth, the disgusted Mr Livingstone took the king's oath to the Covenants,—to Presbytery in England, to desertion of Ormond and the Irish, and everything. Both State and Kirk were guilty, says Livingstone, for, in fact, Charles did not deceive them, they were "without any evidence of a real change in his heart."<sup>13</sup>

The Kirk, henceforth, was to be split between the party which averred that Heaven could not be cajoled by accepting Charles's vows, and the party which tried to invent yet more oaths, for the purpose of cajoling Heaven. The king had taken with him his proscribed adherents, men who counselled deceit; they also were to cause trouble. A few Argyllians, of whom, absurd as it may appear, Buckingham now was one, were allowed to remain with Charles in Scotland (Buckingham had made friends with Will Murray), and Hamilton and Lauderdale, though "discouraged," were not banished. Buccleuch, Cassilis, and others were sent (July 4) to congratulate Charles on the circumstance that "it had pleased God" to move his heart, and they also bade him send away "his corrupt chaplains" and other wicked ones.<sup>14</sup> The mixture of hypocrisy and superstition is admirable. On his way south Charles saw, or might have seen, a quarter of the body of Montrose suspended over a gate of Aberdeen. But he continued on his road to Falkland, whence his grandfather had been wont to hunt the buck. Charles, too, "was at his huntis and pastyme," says Nicoll, in his amusing Diary.<sup>15</sup>

Meanwhile war with England was at hand. The Estates broke up to levy forces; the ministers raised a regiment of horse under Strachan, whose later conduct induced them to deliver him over to the devil. In England the godly appealed to Heaven and the

press; they made adultery punishable by death, simple unchastity by sixty days; an Act against rouge and patches was proposed; and a Cavalier journalist was induced to turn his coat and write for the Commonwealth.<sup>16</sup> Fairfax would not lead an army against Scotland; he asserted scruples about the Solemn League; he may have had other scruples, being no Regicide. Cromwell took command and advanced; under him were Fleetwood, Lambert, and Monk. By July 19 Cromwell was near Berwick, with about 11,000 foot and 5000 horse. The Scots forces mustering at Leith were somewhat over 20,000, old Leven acting as figurehead, and David Leslie as commander, much trammelled by preachers and committees. The clergy "promised, in God's name, a victory over these erroneous and blasphemous parties," the English, says Nicoll, a diarist. He adds that, by the process of "purging" Malignants out of the army, half the forces were disbanded.<sup>17</sup> "The Scottish army being thus in purging daily," must have lost many officers of courage and experience. With more of common sense than the purgers, Leslie fortified Leith and the eastern approaches to Edinburgh. He had left few but women in the towns and villages on the road from Berwick, and had, as far as possible, cleared the country of supplies, but for these Cromwell relied on his ships. Cromwell had issued politico-religious proclamations; he was the real friend, he averred, to the substance of the Covenant.

He was at Musselburgh by July 30, and there was a skirmish, at Restalrig, variously reported by Balfour and Cromwell himself. That the English gouged out the eyes of a Scottish prisoner and sent him back naked "was reported"; also that Lambert was mortally wounded. The king had been allowed to visit the army of Scotland, but, by August 2, he was compelled to withdraw to Dunfermline, for to see the king among the soldiers was to be shaken in devotion to the Kirk. Charles was also pestered to sign a new declaration, to sink into deeper depths of shame. On August 2 he retired north of Forth, and, for three days, "purging the army" went merrily on,—“they purged out above eighty commanders. The ministers in all places preached incessantly for this purging,” which was expected to avert “God’s judgments upon the land and army.” To the end the preachers believed not in efficient leaders, but in miracles to be wrought by a pacified Jehovah. In military affairs the cashiering of officers, in face of the enemy, for politico-religious reasons (as it entails the appointment of men pious but

inexperienced), is not apt to avert "judgments."<sup>18</sup> Balfour adds that Cromwell, before falling back on Dunbar, sent (August 3) "a letter, most ridiculous and blasphemous, to the Commission of the General Assembly.

He said to the preachers, "by your hard and subtle words you have begotten prejudice in those who do too much, in matters of conscience;—wherein every soul is to answer for itself to God,—depend upon you . . . your own guilt is too much for you to bear. . . . Is it therefore infallibly agreeable to the Word of God, all that *you* say? I beseech you in the bowels of Christ, think it possible that you may be mistaken. . . . There may be a *Covenant* made with Death and Hell. I will not say that yours was so."<sup>19</sup> At last we hear the right word spoken: "Your own guilt is too much for you to bear. . . . There may be a *Covenant* made with Death and Hell. . . . You may be mistaken!" The sulphurous fumes of the preachers' fatuous superstition are blown away. Such was Cromwell's "ridiculous and blasphemous letter." He argued that, in supporting the king, the Scots were "confederated with wicked and carnal men," despite all their purgatives. It was, therefore, necessary to clear themselves by purging the king; the king whom they had so completely demoralised.

Charles was asked, for purgative purposes, to sign a declaration averring that he desired to be "deeply humbled and afflicted in spirit before God, because of his father's opposition to the work of God, and to the Solemn League and Covenant, and for the idolatry of his mother," with many other perjured protestations.<sup>20</sup> Waristoun and James Guthrie brought this infamous paper to Charles; he refused to sign, and was "thundered at" in sermons as "the very Root of Malignancy." The Kirk published the declaration, the Committee of Estates backed them; unless Charles signed they would not defend his cause. It was Argyll, says Balfour, who first presented this odious declaration for signature to Charles. On August 9 "The Committee of the Army and the Kirk sent Lothian, Waristoun, James Guthrie, and others" to make him sign. He went out to hunt, and, on returning, "denied absolutely to declare anything that might rub upon his father." He had thrown to these wolves his living and loyal servants: now they demanded that he should desecrate the grave of the dead. On the 13th, after consulting Argyll, Lothian, Lorne, and others, he was ready to

submit, "only he entreated them to be as sparing of his father's name and memory as necessarily could be."<sup>21</sup> Apparently Charles was to conciliate Jehovah by breaking the Fifth Commandment. For all these purgings were meant to remove "causes of wrath." Even before he signed, Leslie sent a declaration to Cromwell, that they would not support Charles unless he signed the documents (August 14) as a reply to his "ridiculous and blasphemous letter." By endorsing cruel charges against his own mother and his dead father, the king would cease to be offensive to the Deity, and a Jonah in the ship of the Covenanters.

Cromwell, who had victualled at Dunbar and had returned to "the Pentland Hills," to attack Edinburgh from the west, and to secure the Queen's Ferry over Forth, made answer. The thing, to his mind, was hypocrisy. Purgings out Malignants, the Scots kept "the head of them," a man who actually had a Popish army in Ireland! The "new formal and feigned submissions" of Charles in no way improved the case. Scots like Strachan and "Gibby Ker" saw this, and sent in a remonstrance. Charles *must* sign; if he did not, he knew what befell his father at Newark and Newcastle. "Your enemies . . . will win their ends," said Loudoun in a letter to Charles.<sup>22</sup> So the king, being warned by both Kirk and State that if he did not sign they would desert him—signed.

While Leslie was outmanœuvring Cromwell round Edinburgh, which he did with much skill, Charles rode to Perth (lodging at Gowrie House, the scene of the Gowrie Conspiracy), (August 16), to meet Highland reinforcements who had no scruples about Covenants. He was recalled by Loudoun, and it is reported that Argyll, in conversation with the king, said that it was necessary, for the present, to "please these madmen," the precisians. But the evidence for this impious expression is at third hand.<sup>23</sup> Soon after (August 20), Charles had to convey to Dr. King his excuses for deserting Ormond and the Irish. "I am a true Cavalier," he said. "What concerns Ireland" (his promise to desert his servants in Ireland) "is no ways binding,"—he could not really act without his Irish Council. Charles had outwatched all his Court, except Seymour and Chiffinch (later notorious), to see Dr. King alone. Long told King that Charles had wished to land in Denmark when the new proposals of infamy were brought to him on his voyage, but he was overborne by "the entreaties of his servants." He had

signed the last declaration because "his life was at stake," as probably it was.<sup>24</sup> \* Cromwell may have expected that his own appeal to the consciences of the Commission of the General Assembly would end in their abandonment of the royal cause. Their curious consciences were quieted, on August 16, by Charles's signature to the document that disgraced his father and mother.

Cromwell (August 18) returned to his position on the Braid Hills, threatening Queensferry and Leslie's sources of supply. But Leslie, though Edinburgh was almost famished, maintained his defensive tactics, countering every move of Cromwell with much astuteness. At Corstorphine and Coltbridge (noted for the flight of Gardiner's dragoons in 1745), Leslie had a position strengthened not only by the hills and the steep banks of the Water of Leith, but by lochans and marshes now drained and under culture. Moreover, the tower of Hamilton of Redhall barred the way to Queensferry, standing high on the precipitous eastern bank of the stream. Hamilton had sixty men in Redhall, and he held his house tenaciously, enduring a day's cannonade and declining to surrender even when his ammunition was exhausted. But Leslie, looking on, clung to his system and did not relieve the place.<sup>25</sup> The doors of Redhall were blown in by the English with petards, and the survivors were stripped naked; or so it was "reported." On this, and other occasions, Leslie incurred reproach for not attacking.† Cromwell retired again to the Braid Hills, then to Musselburgh, whence he shipped his numerous invalids, and making for England in despair of success, and in very dilapidated condition, reached Dunbar on September 1, followed by Leslie, who kept, when possible, on the hills above the road. The general situation is thus summed up by Mr Carlyle. "Cockburnspath" (the

\* There is a pamphlet "by a Private Hand," averring that Leslie more than once offered to sell the king to Cromwell, and that Cromwell disdained the transaction. Mr W. S. Douglas, 'Cromwell's Scotch Campaigns' (96, note 2), citing Maidment's 'Historical Fragments.' Mr Douglas discredits the story, no doubt justly, though he attributes venality to Leslie, through misunderstanding a phrase of Cromwell's. But as the Kirk was in a very effervescent state, being pricked in its conscience, and having no real reply to Cromwell's taunt, one may conceive that, if Charles had not signed the declaration, he would have been in real personal danger. On the field he was brave enough, but he could not face being abandoned to the slayers of his father. Balfour, iv. pp. 89-96, seems to give a correct account of these disgraceful transactions.

† The details, worked out from local knowledge, may be studied in Mr Douglas's 'Cromwell's Scotch Campaigns.'





Peaths) "has been seized on Oliver's left" (in front), "and made impassable; behind Oliver is the sea; in front of him" (on his flank) "is Leslie, Doon Hill, and the heather continent of Lammermoor. . . . What is to become of Oliver?" Oliver thought the case bad. "Our spirits are comfortable, praised be the Lord,—though our present position be what it is," he wrote (September 2) to Haselrig at Newcastle. Despite his ships, he saw not how supplies could reach him.<sup>26</sup> After the battle, on September 4, Cromwell wrote that, at Musselburgh, it had been determined to fortify Dunbar, "which, we thought, if anything, would tempt them to engage." Perhaps fear of this was what really did tempt Leslie to desert his Fabian tactics and engage—this idea that Cromwell would fortify Dunbar. If so, we must applaud Cromwell, while we cannot much blame Leslie. Oliver had false news from a prisoner that the king had been allowed to join the army. They had three new regiments, the prisoner said, and they certainly had the king's "Malignant" guard. But Leslie was trammelled by the amateur Committee: the preachers put in their word, and purging had been active.<sup>27</sup>

"Some of our staff officers were most desirous to fall upon their rear . . . but the Council of War that gave orders to the General was against it, and that same day" (Sept. 2) "the Committee for purging the army was busy purging out those that should have been fighting."<sup>28</sup> This was lunacy. The idea of the ministers was that Engagers and Royalists were a kind of Achans, communicating a contagion of unholiness certain to prove "a cause of wrath." On the very eve of battle, officers, to whom their regiments were accustomed, left the field, and strange officers, ministers' sons, says Walker, were put over men who knew them not. These holy and acceptable leaders left their regiments, says Leslie himself, in the rainy night of September 2-3. "We might as easily have beaten them as we did James Graham at Philiphaugh, if the officers had stayed by their own troops and regiments."\* A wild night had the Scots on Doon Hill; 22,000 ill-officered or unofficered men, of divers religious and political parties; hungry and wet in the rain (Sept. 1-2). Of the ruling Committee some thought that Leslie ought to have attacked on more occasions than one; and with that Committee was Waristoun, he that "took instruments" with the

\* September 5, Leslie to Argyll, 'Ancrum and Lothian Correspondence,' ii. p. 297.

Lord of Hosts. Burnet reports that his uncle, Waristoun, and the Committee, "thought that Leslie made not haste enough to destroy these sectaries . . . they still called on him to fall on." This hardly agrees with a statement in the 'Life of Blair,' in which the Committee is represented as averse to attacking Cromwell's rear guard. Nor does Leslie himself blame the Committee, in his letter to Argyll; he blames his regimental officers. Baillie, as late as January 1651, declares that Leslie descended from Doon Hill, "in consequence of the Committee's orders, contrary to his mind."<sup>29</sup> In the same way Major White, on September 10, told the English Parliament that Leven and Leslie wished to attack the retreating foes in Cockburnspath ravine, already occupied by a Scots force, "but the ministers did so importune them that they could not rest quiet until they had engaged." Cromwell, too, heard that "the clergy's counsel prevailed,—to their no great comfort" (September 4, to the Lord President).<sup>30</sup> \*

Thus the evidence as to the mischievous tactics and fatal advice of the ministers is of uncertain value. Leslie may have been pressed by the preachers, but when he saw the English not on the march, but awaiting him, on September 2, he may also have reckoned that they did not mean to retreat, that they would fortify Dunbar, or withdraw by ship. He himself probably suffered from lack of supplies, and could ill afford to wait. In the afternoon he asked an English prisoner "how will you fight when you have shipped half your men, and all your great guns?" Leslie may have had this news, or he may have put a fishing question. The prisoner replied that the Scots would find men and guns at the foot of the hill, so reports Cadwall, "an army messenger."<sup>31</sup> Leslie, in fact, about four or five o'clock in the afternoon of September 2, had moved many of his men to the lower declivities of the hill, and in this operation the outspoken prisoner was taken. He was a one-armed man, yet loaded and fired thrice during the Scottish attack on his post. Cromwell and the staff dined in Dunbar town at four o'clock; by five, they were watching Leslie's movements. He drew down, says Cromwell, about two-

\* In a newspaper article, quoted both by Balfour (iv. p. 347) and Nicoll (72), Guthrie is spoken of as "most instrumental in drawing on an engagement at Dunbar." Yet he violently attacked Leslie for his bad generalship, which, perhaps, does not look as if Leslie had acted, on this occasion, by his advice. See Mathieson, 'Religion and Politics,' ii. p. 124, note 2.

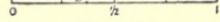
thirds of the horse on his left "shogging also their foot and train much to the right, causing their right wing of horse to edge down towards the sea." Cromwell was at Broxmouth House, some two miles to the south of Dunbar, when he noted these movements. This is an important point to remember. Broxmouth House, with its grounds, occupied the relatively level land close to the sea, where the Broxburn flowed quietly, though swollen with the rains, and where its banks, not being steep, caused little difficulty to the movements of forces. But, higher up, the burn descends through a deep and narrow gully, or corry, with precipitous grassy banks, and but two places where an army might cross. Watching Leslie's descent from the commanding heights, Cromwell saw his advantage, as did Lambert. Leslie *was* being tempted to engage; for many weeks Cromwell had hoped for nothing better.

Leslie had, probably, as tradition avers, defeated Montrose at Philiphaugh by a surprise in a morning mist. His own words to Argyll, written after his defeat at Dunbar, show that he thought that battle very easily won. He meant, and he tried, to catch Oliver in the same way. All of Cromwell's forces were on the Dunbar side of the Broxburn on the afternoon of September 2. Leslie's were arrayed on the slopes above, the Broxburn flowed between the two armies. To get at Cromwell, whom he outnumbered, Leslie would have to cross the corry, and Cromwell might have defended that line. He garrisoned Broxmouth House; in a print of the battle we see soldiers and waggons within the garden walls. His army had been drawn up at right angles to the burn, his left leaning on Broxmouth House. In the night he marched his forces up to the edge of the corry, which now ran along his front; with each regiment he placed two field-pieces. Now here comes in the difference between Cromwell at Dunbar, and Montrose on the night before Philiphaugh, and Leslie on this very night of destiny. It rained in torrents, but Cromwell "rode all the night through the several regiments on horseback, upon a little Scots nag, biting his lip till the blood ran down his chin without his perceiving it, his thoughts being busily employed on the crucial action now at hand." Blood-specks on his linen bands—it is with these marks that we first saw Cromwell! On the other side of the burn, on Leslie's side, the "ministers' sons" and the other new officers had slunk under cover, the men had been allowed to crawl away and sleep under corn stooks, the horses were unsaddled, the matches of all but a few men

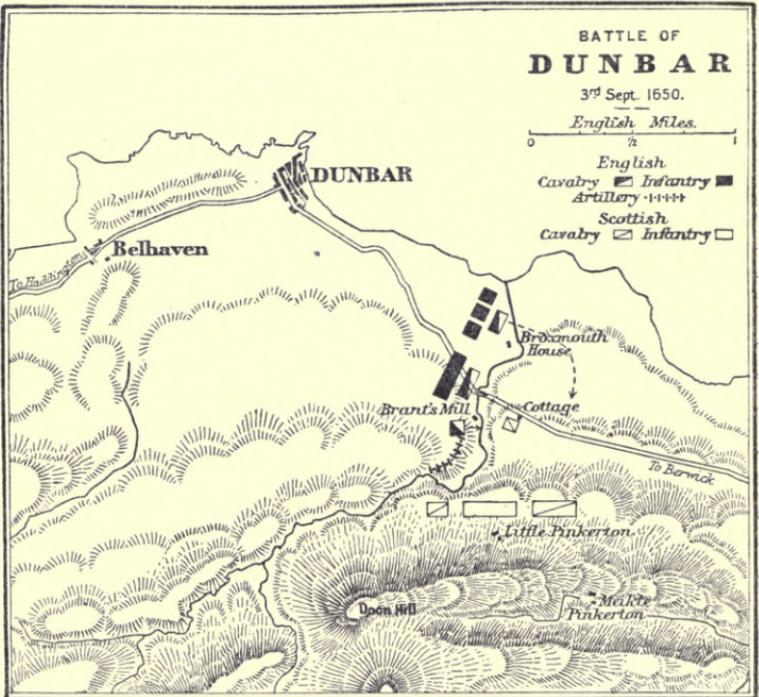
BATTLE OF  
**DUNBAR**

3<sup>rd</sup> Sept. 1650.

English Miles.



English  
Cavalry Infantry   
Artillery   
Scottish  
Cavalry Infantry



G. Philip & Son.

in each Scots regiment had been extinguished by Holbourne's orders. Thus "our own laziness," says Leslie to Argyll, was the cause of the Presbyterian defeat. Leslie had "shogged" his horse to his right; the burn was there most easily crossed. By that ford Cromwell determined to attack; he would throw most of his forces on the Scots right wing; if he drove off their horse he would take the infantry of their centre in the flank: and they, between the steep hill behind them and the corry or cleugh beside them, would have no room to deploy into a front at right angles to their old array. The cavalry of the Scots left wing never came into action at all, so hampered was their position or so feeble their hearts.

Cromwell, whom Leslie appears to have expected to surprise by a great cavalry charge from his own right across the levels of the burn, was really moving his own troops across the burn, before dawn, to surprise Leslie. Had that General and his officers not been "lazy" they might have caught Cromwell in the midst of this audacious and perilous manœuvre. He executed it safely, at three points, on the low levels,—at the present road above them, and at Brant's Mill, two or three hundred yards further up the burn. In a picture chart of the battle we see three parties crossing at these intervals. It seems, though not from Cromwell's account, that three English regiments of horse went over the corry by the upper crossing as early as four o'clock in the morning, drove in the outposts of Scots horse, and attacked the Scots left among their tents—if any tents they had; we hear of shelter under corn-stooks. The English foot and cavalry followed, and fell on the Scots foot, whose matches were not lighted—wet fumbling fingers had little chance then to renew the seed of fire. One or two Scots regiments with wheel-lock muskets had a less desperate chance.

But now the Scots horse met Lambert's less numerous cavalry; already their trumpets had sounded for action, though it seems odd to prelude with trumpets to an intended surprise. Charging down hill with levelled lances, the Scots at first drove back the enemy, but Cromwell, with his own regiment of horse and three of infantry, came up, and steadied Lambert and Monk's foot, who had been repulsed by the gallant stand of the infantry of the Scottish centre, as Cromwell's letter indicates. The whole English line now drove back the Scots, while they struck at the English infantry with the butt, and thrust with pikes. This gallant resistance was probably made by Argyllshire Highlanders

under Campbell of Lawers. But the Scots infantry was presently charged on the flank by English cavalry; they broke at last and ran. The Scots horse also fled, being pursued, but not, it seems, very closely; of the infantry 10,000 were taken, and some 3000 killed and wounded. The cavalry of the Scots left easily escaped; the regimental colours, to the making of which the king had paid great attention, were captured. Balfour says that the horse of his side "received little or no hurt at all." The Scottish Covenanting cavalry seldom waited to do so. He names eighteen colonels and other men of note who fell, among them the negotiator, Winram of Libberton, with some others of good houses—Home, Wedderburn, Douglas, Maxwell, Scott, and Ker, but no lords. "General Leslie, and the noblemen that were with the army, first came to Edinburgh," says the 'Life of Blair.' "Malignant" lords were not so apt to be foremost in the flight. As for Leslie, his parallel to Philiphaugh was closer than he had expected,—if Montrose did not see his own orders executed on the night of September 12, 1645, neither did Leslie on the night of September 2, 1650.\*

The Covenanters, the Kirk, the Committee of Estates, and David Leslie had got the kind of beating which Wellington ascribed to the gallant and loyal Blucher at Ligny. The Cavaliers of Scotland were not defeated, because neither they nor "Royalist Civil Dignitaries," to whom Mr Carlyle wildly attributes the movement down hill, were allowed to be present. "Surely," wrote Cromwell, "it's probable the Kirk has done their doo" (September 4). The Kirk had justified that opinion of parsons as statesmen which the Rev. Messrs Spang, Baillie, and Livingstone privately entertained. Their arguments had not confuted "these erroneous and blasphemous parties," the soldiers of Cromwell. About this time it came to be said that Malignants and Sectaries had much more in common than either had with the Covenanters. They were men of this world, and fought for king or commonwealth, not for a paper fetish and a preacher's dream. Of Cromwell's prisoners many died of hunger or

\* This account closely follows Mr Firth, in 'Transactions of the Royal Historical Society,' New Series, vol. xiv. pp. 18-52. The original authorities, Scots and English, have also been studied, but the picture chart, discovered by Mr Firth, explains the battle. It was designed by Fitzpayne Fisher, and seems to be the only known result of his attempt to write an official history of Cromwell's campaign. In Mr Firth's view, each army, in the battle, was on the Berwick side of the Broxburn, and at right angles to that brook. This appears to be indubitably certain.

of dysentery caused by eating raw cabbages; the rest were sent to New England, where they were well treated.

The undefeated Commission of the General Assembly instantly set to work to prove, by "A Short Declaration and Warning" (September 12), that it was impossible they should be mistaken. They observed that though the Lord's "judgments are unsearchable, and His ways past finding out," yet "*we* must not forbear to declare the mind of God." They knew all about it. Their remarks are as coherent as Swift's prophecy taken down from the Mouth of a Man Killed by the Mohocks, "Concerning these things neither do I know, nor do ye know, but I only." The king, they said, must examine himself about his own repentance for "the grievous provocations of his father's house, and his own guiltiness," as if these were responsible for Leslie's neglect, and "our own laziness." Malignants must still be purged, and, of all things, nobody must "blame the Covenant."<sup>82</sup>

James Guthrie and Patrick Gillespie were leading fanatics at this time, and Guthrie clamoured for the dismissal of Leslie, and preached at him from the pulpit. The preachers give us a hint of their ideas of strategy in their "Causes of a solemn public Humiliation." The fact that the king's horse guards "most malignant and profane," were left unpurged, was one cause of wrath and defeat. Another was the "diffidence" of some of the leaders, who omitted "fair opportunities and advantages," of which preachers, not soldiers, appear to be the best judges. Neglect of family prayers "in great ones and many others," also contributed to the disaster of Dunbar. But why did Jehovah give victory to "bloody and blasphemous sectaries"? Even the preachers of Fife, however, blanched at the idea of reading "these reasons" from the pulpit,—even the Synod of Fife would have removed the ban from penitent Engagers. "But this was altogether denied both by the Commission of the General Assembly and Committee of Estates convened at Stirling, the 25 of September 1650," says Balfour.<sup>83</sup> Henceforth the history of Scotland is the history of the processes by which the fetish of the Covenant was broken to powder. Slower was the work than the rapid destruction of the old "idol of St. Giles" in 1559-1560.

After Dunbar, Cromwell occupied Edinburgh and Leith, whence the populace had fled. The preachers took refuge in the castle, being of opinion that "the persecution is personal" to them. Cromwell is reported to have burned the minister's house at Mussel-

burgh: other examples are given, but who can criticise the alleged "atrocities" of any war? Like Prince Charles in 1745, Cromwell assured the clergy of their liberty to preach—in neither case was the freedom accepted. Cromwell replied to Dundas, the commander of the castle, who had conveyed the preachers' refusal. "The" (Presbyterian) "ministers in England are supported, and have liberty to preach the Gospel; though not to rail, nor under pretence thereof" (of the Gospel) "to overtop the Civil Power, or debase it as they please." Cromwell took that view of Scottish Presbyterian pretensions which we follow in this history. His was, in short, the view that the Stuart kings had taken. The "glorious Reformation" to which the preachers "pretend" is based, says Cromwell, on "getting to themselves worldly power." So Elizabeth had foretold; so James VI. had found the case; so Cromwell regarded it; and the Restoration wrestled with the same intolerable claims. The ministers in the castle answered that Cromwell's talk of their "railing" was "the old practice of the Malignants." It was: Royalists and Sectarians were, happily, at one as regarded the theocratic claims of the heated pulpiteers who "had the whole wyte of the troubles of Scotland." The preachers also complained that amateur English laymen were preaching—as they did, quite as well as professionals. "Is it against the Covenant?" asked Oliver. "Away with the Covenant, if it be so!" In fact, "having reasonable and good leisure," and enjoying a theological bout as much as gentle King Jamie did, Cromwell bombarded the ministers with arguments and queries.<sup>34</sup>

On September 14 Cromwell marched to attempt Stirling, where the Estates Commission was, with the king. Stirling he found too hard for him. He learned (September 25) that the wild extremists, Strachan and Ker, were gone to the west, to raise forces there. They did collect a Whigamore army and assumed an independent position. They denounced Charles as not really under conviction, and would not be associated with an unawakened prince. At the same time they would not frankly go over to Cromwell. Cromwell now tried to reduce Edinburgh Castle by employing colliers to undermine it: probably a golden key opened the gates, for Dundas presently surrendered, though he had ample supplies. For the moment, perhaps, Dundas's loyalty was not suspected; not till December did he yield the acropolis. But the king's position, with a large party of the pious under Strachan moving independently,



and full of moral indignation, in the west, was ticklish. Argyll had for some time found his strength in the extreme left of the godly—"these madmen,"—the men to whom their Covenant was everything, their country little, though religious difficulties still severed them from the blasphemous Sectaries. Would Argyll return to these good men, or would he, standing by the king, risk losing place and power to Hamilton, to the Engagers? The pass was awkward, for if Argyll and the preachers were right when they ruined the national effort to succour Charles I. at the time of the Engagement, could Argyll, *without* the wildest preachers, be right in supporting a conspicuously and trebly perjured prince, at the present juncture? Was the effort even safe? The extremists, like Guthrie, Gillespie, Strachan, and Ker, usually win the day, in Revolutions; moreover, Argyll was sincerely Presbyterian—his letters are rich in pious ejaculations. "My way shall be found straight, doing no other than what I profess, and that in His strength alone Who is only able to sustain His own, and guide them in a way they know not."\*

As "the way" of Argyll was certainly dark, and as the king's position was perilous, he tried to light up the road by golden promises to the marquis. At Perth, a week before the attempt which he made to fly from the arms of the marquis into those of Airlie and Ogilvy, the loyal friends of the loyal Montrose, Charles, in writing, promised to make the Campbell a Duke, a Knight of the Garter, and even a Gentleman of the Bedchamber (perhaps Groom of the Posset?). "Whensoever it shall please God to restore me to my just rights in England," Charles had to promise, "I shall see him paid the £40,000 sterling, which is due to him."† What £40,000? due to Argyll from whom? Now £40,000 was the sum, or nearly the sum, still owing to Argyll, as his unpaid part of the arrears of the Scottish army when they surrendered Charles I. to the English at Newcastle. *This*, I conceive, is the £40,000 which the son of Charles I. promises to pay Argyll. The son pays what the son reckons the blood price of the father! This is the most odious transaction in all history: Mr Gardiner adopts the view here taken of the debt of £40,000. It is known that Charles, on his Restoration, took Argyll's head in place of paying him the balance of what was owing to him on the too notorious transaction at Newcastle. Charles had made his promises on

\* Argyll to Lilburne, Rosneath, August 30, 1653; Willcock, pp. 383, 384.

† 'Historical MSS. Commission,' vi. p. 606.

September 24; on October 4 he fled to men of whom a few had ever been loyal.

While the west was mutinous, at the centre Leslie was threatening to resign, and the royal household was being purged—among others, Long, the Secretary, and Sir Edward Walker, the historian of these "brabbles," were ordered off. In the north, Atholl, Ogilvy, Airlie, Middleton, and others had concerted a true Royalist rising, while Charles heard that Strachan was about to make a dash and seize his person. Therefore, on October 4, 1650, *The Start* occurred. The king, with seven of his household, left the future Duke and Knight of the Garter, Argyll, and rode off from Perth, with no baggage of any kind. Atholl was to send lads from the braes to occupy Perth; Airlie and the loyal Ogilvy were to raise the gentlemen of Angus; Dudhope was to seize Dundee; Middleton was to command under the royal standard. But Charles had blabbed to Wilmot and Buckingham, who were Argyllians. They seem to have persuaded him to countermand the manœuvre on October 2; but, irritated by persistent purging of his household, he reverted to the plan, now all confused, riding off on October 4. But the Committee of Estates had warning from Lothian, while Buckingham had returned to Perth with the news, and a party of Covenanted horse was sent after the king. He, galloping swiftly, reached Airlie's house of Cortachy, and, with a guard of 60 clansmen, made his way to a small cottage in Glenclova, where he was apprehended before dawn, by officers sent from Colonel Montgomery (he who failed to sell to Spain Cromwell's present of 2000 prisoners from Preston). In vain Dudhope and the clansmen assured the king that 2000 horse and 5000 foot were waiting for him up the glen. Montgomery's 600 horse arrived, Charles could not now escape, and, on Sunday, October 6, the unhappy prince was sitting under a powerful preacher at Perth. He abounded in apologies to his gaolers which he couched in the patois of Canaan.

But Atholl's, and Airlie's, and Middleton's men were not apologising. Sir David Ogilvy, a son of Airlie, cut up, on October 21, a regiment sent against the Royalists by the Estates. Leslie went against the victors with 3000 horse (October 24), while Ogilvy came to Perth and had secret interviews with Charles, in the garden by the Tay where Lennox and Gowrie had eaten cherries on the day of the Gowrie Conspiracy, fifty years ago. From Forfar, October 24, Middleton wrote to Leslie: "We are Scottishmen, we

desire to fight for our own country; religion, king, and country are at hazard. . . . I beseech you to endeavour unity." On October 26 a new Northern Engagement was sent in, signed by Montrose's old true friend,—to whom he went when, alone and in disguise, he began his war against the Covenanters,—Patrick Graham of Inchbrakie. Atholl, too, signed, and at that date the Atholl men were formidable. Middleton and Mackenzie of Pluscardine, and Sir George Monroe, who had commanded the Scots in Ireland, were banded with the less honourable names, St Clair, Huntly, and Seaforth: all were under the preachers' ban for "the lawless Engagement" and other malignancies. "What shall be done to the least of us all . . . shall be taken as done to us all," said the gentlemen of the north. They pretended to maintain the Covenants, but they clearly meant to fight.

On the 26th the king and Committee of Estates published an indemnity for these gentlemen, even for their "accession to the late unlawful Engagement,"—unlawful because the preachers chose to call it so. On November 4 the Royalists of the north met Leslie at Strathbogie and accepted the indemnity. They had still to "satisfy" the now disrupted "Kirk," by various mummeries of penance. The unity now achieved was to be vain; Cromwell was to be master in the field. But, at last, there was a national spirit of resistance to spiritual tyranny. While the majority of the ministers tardily and reluctantly acquiesced in the decisions of Parliament, in favour of the new combination; a large and noisy minority resisted, under leaders like Guthrie. They were *Remonstrants*; the less violent majority of the brethren, accepting the resolutions of Parliament, were *Resolutioners*.

Which of these twain was the True Kirk? \*

The gentlemen of the north, and the politicians and generals of Stirling, being in the way of reconciling their differences, the western Whigs under Strachan, with whom Gillespie and the bloodthirsty Nevoy were prophets, held aloof. Their commander, Strachan, having lived through a stormy youth, had, on his conversion, leaned to Sectarianism. He had swallowed the Covenant, at a pinch, but now qualms assailed his military conscience. In place of attacking

\* Balfour is the authority chiefly followed, with Nash to Edgeman, Dec. 12, 1650. 'Charles II. and Scotland in 1650,' pp. 148-153. See also Walker, and Row's 'Blair,' pp. 242-244, for the Start, and the excommunication of Middleton; and Baillie, iii. pp. 117, 118.

the English, Strachan was perplexing the preachers about points of theology. Was it right to make war against Cromwell? Guthrie and Waristoun rather thought not. They were of the extreme left of the Covenant; and between them and their old ally, Argyll, there was now a great gulf. Argyll had only been strong when he had almost the whole of the Kirk to back him. Baillie held that Charles had yielded, as he did after the Start, "by the extraordinary favour of God."<sup>35</sup> The "favour," naturally, was not conspicuous to really heavenly-minded men like Strachan, Guthrie, and the rest, who, while Cromwell made a trip to Glasgow (October 11-14), moved to Dumfries, and stole horses.<sup>36</sup> At Dumfries they produced a vast Remonstrance, celebrated in the history of the Kirk (October 17). The strong point of the Remonstrance was that, if politics were to be godly it was a mere "deceiving of the Lord" to put Charles in the foremost place. This was absolutely true: there was "no sign of a real change" in Charles, but then politics are politics. The king's heart was not a heart convinced of sin; he had decidedly not passed through the necessary processes of Effectual Calling, Justification, Sanctification, and Adoption. Strachan doubted much whether David Leslie was a chosen vessel; about Charles he had no doubts at all. This argument against "owning the king's interest" was open to the reply of Baillie. The precisians of the west were anxious to suspend the king's government "till he should give satisfactory evidence of his real change, whereof they were to be judges, who were never like to be satisfied." Indeed, only persons very easily satisfied would have regarded Charles as "under conviction." No Government is possible if the administrators are to be set aside when preachers and colonels doubt as to the reality of their conversion. But not to take the stringent measures of Guthrie and Strachan is to abandon the whole idea of "Dominion founded on Grace," is to give up godly politics. It is to be said for the Remonstrants that they, like Montrose, were idealists.\*

On November 25 the Committee of Estates hardened their hearts to condemn the Remonstrance as "scandalous and injurious," and, in Elizabeth's words about the Puritans, "of dangerous consequence." Argyll and James Sword, a burgher of St Andrews, carried this reply to the Commissioners of the General Assembly, with charges against Guthrie and Gillespie.<sup>37</sup> The Commissioners found "many sad truths" in the Remonstrance, but, on the other hand,

\* Their Remonstrance may be found in Balfour, iv. pp. 141-160.

it "trenched upon some conclusions of the General Assembly," a perilous thing to venture. The Remonstrance itself had not been high pitched enough for Strachan, who dissented, and abandoned the western army. On November 26 the Estates met at Perth, and sent Montgomery to the west with a strong force. But Cromwell also had sent Lambert with 3000 horse to attack Strachan's western precisians, who had become equally detested by Malignants and by Sectarians. On December 1, Ker, who now filled Strachan's place, made an attempt to surprise Lambert, in Hamilton, at four in the morning. He was defeated; the righteous were scattered to all the winds, and he himself was taken.<sup>38</sup> On December 24 Dundas made dishonourable surrender of Edinburgh Castle: he was a poltroon, or his heart was with the Remonstrants. At Perth, Charles was talking the language of the Covenant—he had some histrionic talent. Engagers were now admitted, and as the western brethren were in no case to come to Perth, the Commissioners of the General Assembly were sharply spoken to, and decided that "we cannot be against the raising of all fencible persons" except the excommunicated, and all very obstinate evil-doers and Malignants.<sup>39</sup> Strachan, whose scruples had now carried him over to Cromwell, was to be "delivered to the devil." Some officers joined the English invaders; the Presbytery of Stirling, moved by James Guthrie, lifted up its voice for the Remonstrance; the Kirk was split in twain, some holding for the Covenant, and others for king and country; and, on January 1, 1651, Charles II. was crowned at Scone. Argyll placed on Charles's head an earthly crown, but at such a price of humiliations and crimes that Malignants reckoned Charles only to have paid his debt when he helped the marquis to a heavenly one. On January 12 there was an exchange of prisoners with the devil. At Perth, Colonel Strachan "was excommunicate and delivered over to the devil," by Mr Alexander Rollock; while Middleton, in sackcloth, was released from Satan, at Dundee. Mr James Guthrie had promoted the excommunication from which the persistent Middleton was now absolved; and Middleton, an unregenerate fighting man, did not forget. There was "no real change" in Middleton.

The first six months of 1651 were occupied by the Scots partly in throwing open employment to all subjects who would fight for king and country, partly in paper disputes between the preciser sort, the Remonstrants, and the Resolutioners—the clergy who preferred Scotland to Cromwell and even to the letter of the Acts against

unlawful Engagers. The Remonstrants, among other arguments, actually based their case on Deuteronomy xxiii. 9-14, a set of sanitary rules applying to the host of Israel in the desert. Where the sacred writer speaks of ordinary sanitary precautions, the Remonstrants understood his words to apply to the presence of Royalists in the royal army. As Guthrie and another minister were demoralising the all-important garrison of Stirling by discourses to such effect as this, they were obliged to reside in Perth. This beginning of persecution is notable.

As regards the inner politics of the Court, Hamilton had been received on January 17, and Argyll retired to his estates, but not for long. Little has been said by us about the project of a marriage between the king and Argyll's daughter, Lady Anne Campbell. We do not know whether the idea originated with Argyll, or was suggested to him, with or without authority from Charles, by Will Murray. Nothing is said on the subject in the extant portion of the promises written by Charles on September 26, 1650, when the king was in so strait a place. In a note to Burnet's 'History of My Own Times,' Lord Dartmouth says that, by Charles's account, given to Colonel Legge at the time, Argyll made the proposal to him. Legge answered that it was wisest to drive time by consulting the queen mother, and so Argyll put Legge into Edinburgh Castle, where he remained till after the Start (October 4, 1650). But Charles did not give instructions on the subject to be conveyed to the queen mother, to Captain Titus, till January 23, 1651. When he did give them, they were in much the same terms as Argyll, according to Lord Dartmouth, had suggested to the king before Colonel Legge's imprisonment, which, again, must have been before the battle of Dunbar (September 3, 1650). The marriage, said Argyll (according to Dartmouth) and said Charles, on January 23, 1651, was to conciliate the Kirk and the Presbyterian party. It may be suggested that the project had been long in contemplation, and that Charles sent off Titus with the proposal to be laid before the queen mother for the purpose of winning back Argyll, who, six days before January 23, had retired to the west.\* Titus returned

\* Gardiner, i. pp. 387, 388, citing a letter of January 21, from Edinburgh as to Argyll's retreat ('Mercurius Politicus,' E. 622, 12), and Titus's instructions from Hillier's 'Attempted Escapes of Charles I.,' p. 328. Burnet's 'History of My Own Times.' The suggestion that the dispatch of Titus (who was also to bring Jermyn and Holles as sectaries) implies Charles's wish to win back Argyll, is my

to Scotland in May, by which time Tom Coke, an intriguer for the exiled English Royalists, had been caught in England, and had revealed all the plots and plotters for Royalist risings in England, a mortal blow to the cause. As for the royal marriage with Lady Anne Campbell, the queen mother left it in the condition of an entanglement, not an engagement: it might not be popular in England, and might irritate some factions in Scotland. Lady Anne, of whom we know very little, died about the time of the Restoration, unmarried. It is not probable that she broke her heart for Charles.

While the king rode about inspecting fortifications; while a man of the border, Watt, made successful raids on parties of Cromwellians, and Augustine, a German, was equally successful; while some English provision ships were seized, and Cromwell "sat under" the grotesque Zacchary Boyd in Glasgow, the war of Remonstrants and Resolutioners was waged on paper. When the Estates met on March 13, Loudoun (who had become obstructive and Remonstrant) ceased to be President, yielding place to Burleigh, the vanquished of Aberdeen. Hamilton won a victory over Argyll on March 26. The question was, were lawless Engagers to be on the Army Committee? Loudoun, Argyll, Burleigh, Lothian, and others voted no, taxing Charles, who spoke, with deserting his best friends, —who had hanged his best friend. They were out-voted, and "at the earnest solicitation of the barons and burghs" (the "middle classes" who owed so much to Argyll) the king "takes upon him the conduct of the army."<sup>40</sup> The Commissioners of the General Assembly were also asked to hasten on the removal of the Act of Classes, and the Estates were to meet on April 17. The Commissioners (March 18) had already intimated that Guthrie maligned them, when he accused them of "going contrary to the Word of God, and to the Solemn League and Covenant."<sup>41</sup> They would now "join cordially against the public enemy." But the Argyll faction delayed the re-assembly of the Estates till May 21, when the Act of Classes was rescinded, the Engagers being obliged to take a band, which they swallowed without wincing (June 2).<sup>42</sup>

This proceeding naturally enraged the Remonstrants. The lawless Engagers professed penitence, the most utter hypocrisy, as Sir own. Nicholas wished both Hamilton and Argyll "in heaven." Argyll "will either betray the king or himself; rather trust Cromwell with his Majesty." Nicholas Papers, i. pp. 219-224; Feb. 8, March 6, 1651.

James Turner frankly declares, and the Kirk accepted the farce. Turner, we know, "had fallen to sin the unknown sin," by his shutting up of the Reverend Mr Dick of Glasgow, at the beginning of the Engagement. But he, even he, was absolved—"Behold a fearful sinne!" So the Remonstrants thought, but the bare fact was that the whole proceedings against Engagers had been absurd, and it was time to come back to practical politics.<sup>43</sup> These ended in the disaster of Worcester; still the great step had been taken, and Scotland was breaking away from "that Dagon, the Covenant." To secure a royal figurehead in Charles II. was rather in the nature of a loss, to baffle the Remonstrants was an inestimable gain. Mr Carlyle does not seem, from his comments, to have understood this point. The process of breaking away from the more extreme fanatics was long and painful as the division of body and soul. The Resolutioners could not without agony abandon their faith in the Covenants, yet Baillie seems, for one, to have honestly persuaded himself that Charles was "so good a king"; moreover, national sentiment was outraged by the dominance of English Regicides, the Presbyterian conscience could not endure the existence of blasphemous Sectarics in the land.<sup>44</sup> The Remonstrants, on the other hand, suffered the sorrow of being obliged to comply with Sectarics, breakers of the Covenant; but they were as certain as Sir James Turner that the repentances of Malignants, of Engagers, and of the king were a blasphemous farce. We regret to have to remark that, on the godly side, Loudoun, the Chancellor, "was procest for adulterie," in June, says Nicoll.

An honest man, under the Covenanting superstition, might have taken either side, but he could have been at ease in neither faction. Since toleration must to him, as to Guthrie, have seemed a "vomit," he could not readily, like Strachan, go over frankly to the Sectarian Cromwell. Perhaps the politics of no country, since time began, were ever in such an inextricable tangle, and all this came from the "legal band" so dexterously woven by Waristoun, Henderson, and others in 1639.

On July 16 the General Assembly met at St Andrews. Guthrie protested against Ruling Elders who had been in the Engagement. Professor Menzies of Aberdeen objected that the members of the Commission of the General Assembly—they having assented to the repeal of the Acts of Classes—were "scandalous persons," who could not sit in ecclesiastical judicatories. "Instantly there arose a



great number on both sides, with great heat and fury"; it is to be hoped that the clergy had not carried their whingers into the Assembly, which probably met in the upper hall of the University Library. The object of the Remonstrants, and of Mr Samuel Rutherford, was really to prevent the holding of any General Assembly at all, as they were in the minority. At present they were not an Assembly, but "a confused multitude."\* Mr Douglas, of the patriotic party, was chosen Moderator. In the midst of the wrangles over the legality of elections to the Assembly came (July 20) the news of a great defeat of the Royalists at Inverkeithing in Fife.<sup>45</sup>

The Scottish army, at this time, was concentrated about the Torwood, famous in the history of Bruce and Wallace, to prevent Cromwell from crossing the Forth. Lambert had reconnoitred the upper fords, and thought them practicable. Cromwell, with his main body, was at Linlithgow; he bombarded and took Callendar House (where Mary and Darnley had rested on the way to Kirk o' Field), and awaited the arrival of Harrison with reinforcements. These appeared at Leith, 3000 strong, and, in place of attacking the strong central position of the Scots, Cromwell sent a command of some 2500 men across the Queen's Ferry. They were led by Colonel Overton, he who, at Hull, after Preston rout, allowed Sir James Turner to subscribe to a circulating library. Cromwell hoped that this movement would cause Leslie to retreat on Stirling, but he found the Scottish lines still strongly held. In fact, they had dispatched an insufficient force to guard Fife, under Holbourn, with Brown of Fordel—Lord Balcarres was not with his regiment; Sir Walter Scott, an illegitimate son of Buccleuch, was there, and there was a command of the Macleans, the Spartans of the north. On July 19 Lambert was ferrying men and horse over the Queen's Ferry, Overton having secured the *tête du pont* on the Fifeshire side. The Scots Fife brigade were at Dunfermline, and both armies (though Balfour numbers the English at 10,000, the Scots at 2500) were probably of equal strength, say 4000 men. The English occupied the Ferry Hills on the north of the Firth, and had a breastwork across the little isthmus; the Scots faced them, in a strong position on kopjes, with a pass between. Lambert's left held the pass; he concentrated most of his force on his right wing, which

\* The patient reader may consult 'The Nullity of the Pretended Assembly at St Andrews and Dundee,' printed in the year 1652.

charged up hill at the Scots left. Holbourn fled,—he was acquitted of cowardice by a court-martial, but found it wiser to leave the army. He was the officer who gave orders to extinguish the matches of the Scots matchlockmen at Dunbar. He had been dismissed, as of "doubtful trust," from the command of Stirling Castle; probably he lent too fond an ear to Mr Guthrie's unpatriotic sermons. The Scots reserve followed where Holbourn led—to the rear; the English right conquered the hill where the Scottish left was arrayed, while a fierce battle raged in the pass defended by Lambert's left. The battle was won by the English, Lambert's victorious right reinforcing his left, but Clan Gilzean was undefeated. Five hundred of the Macleans, under Sir Hector of Dowart, stood as they stood at Glenrinn, fought as they fought at Culloden. Now is said to have occurred the incident of "Another for Hector," a proverb in the clan—Scott cites the incident in the duel of the clans on Perth Inch, in 'The Fair Maid of Perth.' But Sir Hector was slain, Balfour says, "with 100 of his followers" (Nicoll makes the number 500), and Brown, mortally wounded, was taken. The Scots "sold their lives at a dear rate," says Balfour. He gives 800 slain on either side; Lambert gives, Scots, 2000 killed, prisoners 1400; English, "not above eight killed, but divers wounded." *Il ment comme un bulletin.\**

The victory at Inverkeithing and the later capture of Burntisland threw Fife open to Cromwell, who could now seize Perth, cut off Leslie's supplies, and stop the Gordons, whom Middleton was bringing down from Aberdeenshire. The General Assembly, in alarm, had deserted St Andrews for Dundee. Here they received a protest against the legality of their Assembly from the recalcitrant ministers, who, as Nicoll puts it, "pronouncit judgementis aganes this Scottis army, and wald not pray nather for the king nor the army." The like of this protest, says Nicoll, "hes not been hard,

\* See Douglas, 'Cromwell's Scottish Campaigns,' pp. 274-287. Mr Douglas cites 'An Historical Account of the Clan Maclean' (1838), by a Seannachie, who writes from clan legend. But the author of the MS. edited by myself as 'The Highlands in 1750' (Blackwood), gives, at that date, a similar account of the Spartan valour of the Macleans at Inverkeithing and on other fields. This writer was, I believe, a Mr Bruce, a trusted agent of the Hanoverian Government and of the Pelhams. Cf. Cromwell, Letter clxxv., on the day after the battle, and Mr Douglas's authorities, and Balfour, iv. p. 313. Nicoll, pp. 53, 54. Sir James Turner succeeded to the command of Holbourn's regiment. Even with Mr Douglas's local knowledge, the exact place and conditions of the ground are only dubiously ascertainable.

to ryp up the bowellis of thair mother church." Twenty-two protesters signed, but none appeared in person. They took the objections that the Assembly was "prelimited" by a letter of the Commissioners to the Presbyteries, "desiring them to cite all unsatisfied men to the Assembly, if, after conference, they were not satisfied." Exactly the same thing had been done, as regarded ministers who had not declared against the Engagement, in 1648.<sup>46</sup> The godly party, the Protesters of 1651, attempted to make out their case by "the most flagrant distortion and suppression of facts." It is needless to examine the hairsplitting by which the Protesters tried to prove the illegality of an Assembly in which they had not a majority. A few of their lay brethren, playing the spy for the English, were taken and hanged at this time, as Nicoll records with relish. The end of the affair was that Monk captured the Moderator of the Assembly and a few other brethren, and that a schism arose, the anti-patriotic party being now known as Protesters. They and their opposites wrangled and split legal hairs during the Cromwellian occupation of Scotland.<sup>47</sup>

As Leslie was outflanked by Cromwell's command of Fife and the Firth, he and the king took a daring step—the only step open to them perhaps, and, while Cromwell was engaged at Perth, they invaded England. If the Royalists and Presbyterians of England joined them, all might yet be well. But Tom Coke's revelations in spring had broken the Royalists, who, moreover, felt no desire to endure Presbyterianism, certain to be thrust on them if the Scots were victorious. The Engagers, too, had treated the English Royalists infamously in 1648. The English populace at large had no love of the Scots, who, in their simple opinion, had already sold their king, and had also plundered freely, as they received no pay when engaged for England in the late war.

Cromwell was not taken aback by Leslie's movement. He had sent Harrison with 3000 horse and other forces to the Border, and he now bade Monk take Stirling—a feat easily achieved. On August 4, Cromwell, writing to Lenthall, the Speaker, mildly observed that the Scottish invasion "may occasion some inconveniences." But he remembered how he had destroyed the Engagers at Preston, not by cutting between them and London, but between them and Scotland. Lambert was following Leslie; Cromwell was following Lambert;<sup>48</sup> both were between the Scots and their way of retreat homewards.

Cromwell is so cool at an agitating moment that even a Scottish chronicler must admire this efficient leader. The Scottish force was reckoned by the not less sympathetic Sir James Turner at 4000 horse and 9000 foot, with a few field pieces and "leather cannons, dear Sandy's stoups."\* On the march to Carlisle the Scots plundered cruelly, but in England discipline was enforced.

In Scotland, while the Royalists marched south, "to win or lose all," and were "laughing at the ridiculousness of our own condition," Argyll stayed at home. He had fallen utterly from power, and was held in some contempt. A Royalist success could not improve his position; a Royalist defeat he did not wish to share. Politics conducted on theocratic principles, with the temporary aid of the lairds and burgesses, had broken down beneath his feet. Meanwhile, in Scotland all went wrong. The Committee of Estates, under Loudoun, was split into parties. Loudoun induced Argyll to meet him in Strathfillan, and asked him why he had deserted the Committee and lent no aid? The unlucky Committee met, and was captured at Alyth by an English party on August 28. Leven, Lindsay, the Earl Marischal, Keith, and Ogilvy, and eight preachers were caught, including Mr JAMES SHARP.<sup>49</sup> On September 1 Monk stormed Dundee. He twice, while preparing for the attack with artillery, offered quarter, says Nicoll, and adds that, after the storming, he "put all that were found out of doors to the sword, both man and woman."

On the part of Montrose at Aberdeen, such alleged conduct is severely reprobated by historians. But Monk was not a Royalist, nor were his men Papists. "Our word was *God with Us*," says an English writer who was present, and he adds that the English gave quarter "when they got to the market place." Obviously they did not give quarter before they reached the centre of the town. Balfour puts the number of women and children killed at 200. Mr Gardiner writes: "It is probable enough that before resistance ceased, some women and children and some inhabitants not in arms shared the fate of the combatants on the wall." Monk now gave up the place to sack for twenty-four hours, and a very great plunder was taken. Mr Hill Burton, who holds that (if we only knew) Montrose's men committed fearful atrocities at Dundee,

\* Mr Gardiner prefers Lord Wentworth's reckoning, 12,000, in Cary's 'Mem. of the Civil War,' ii. p. 303. But Turner, by constant practice, was an adept at counting men.

disbelieves in a Dundee massacre by Monk's men. But such things did occur when towns were taken; and though we must accept what Spalding says of the misdeeds of Montrose, it seems proper to doubt or minimise the slayings attributed to Monk. What happened in *his* case was "the natural result of a storm" (Gardiner). Such is the impartiality of history. Covenanters and Sectaries may steal a horse; Royalists must not look over the fence.\* As the biographer of Blair observes, Scotland had now no earthly hope except from the success of her army in England.

We left the Scottish army, under David Leslie and Charles, on the point of crossing the English border by the Carlisle route. Argyll was not with them; his military successes had been inconspicuous. Mr Gardiner says: "The retreat of Argyll, necessary as it was, marks a descent which he would never be able to retrieve. He had disgusted all parties, because, though he was in some respects wiser than any, he had not dared to uphold in the day of peril the standard he had himself raised in more prosperous times" ('C. and P.,' ii. 34, 1903). "All the rogues have left us," wrote Hamilton. As the Marchioness of Argyll was in bad health, her lord received the royal permission to attend her sick bed. But Lord Lorne marched with the army, and probably led a contingent of Clan Diarmaid. On his courage no reproach was ever thrown.

The army, like that of Prince Charles in 1745, received few English recruits; for the last, the Engagers' army, had basely deserted its English allies. The militia of England, however, rallied gaily to their country's cause. Lambert and Harrison abandoned the design of a cavalry attack on the Scots at Warrington Bridge; but, on August 25, Lilbourne defeated the contingent of the loyal Earl of Derby at Wigan, and Royalist Manchester could not aid Charles by such self-sacrificing efforts as she made later for the White Rose. Rebuffed at Shrewsbury, Charles reached Worcester on August 22; but again he was there left uncomforted by recruits. Cromwell was advancing with 28,000 men to meet the 16,000 Royalists. On August 28, Lambert seized a broken bridge over the Severn at Upton, repaired it, and crossed the river with 11,000 men; and

\* 'Scotland and the Commonwealth,' pp. 11-14; Nicoll, p. 58; Balfour, iv. pp. 315, 316. Balfour is much more angry with "cruel Monk" for sending three preachers to England than on any other score (Gardiner, i. pp. 468-470). Row, in 'Life of Blair,' talks of the English "not sparing women and children." The Rev. Dr M'Crie, the editor of Row, speaks as tartly of Monk as if Monk had been a Montrose, which is fair. (Blair, pp. 281, 282.)

Cromwell threw wooden bridges over the Teme, some two miles from Worcester. Militia of the Puritan eastern counties raised the English force to 31,000 men, and in various places large bodies were assembling to repel the advance of the Presbyterian Scots, dear neither to Malignants nor to Sectaries, and hated as foreigners. Having completed his bridges, Cromwell advanced and drove the Scots forces outside of the town into Worcester, which had been hastily fortified to some extent. At best it was but another Sedan, a death-trap, which the young king perceived.

Leaving the cathedral tower, whence he had watched the operations, he headed a cavalry charge against the English forces still on the east side of the river, where it was crossed by the bridge of boats. Cromwell recrossed in force, and the Scots were driven pell-mell into Worcester, mown down by their own captured guns. Their infantry surrendered; their horse failed to cut a way through; but the king was rescued by a squadron under Edward Wogan, "a very beautiful person," says Clarendon. Though historians overlook the circumstance, it is reported to Dean Swift in a letter from Sir Charles Wogan, the gallant and accomplished knight who carried off Clementina Sobieska from her prison at Innspruck to be the bride of James VIII. (the Chevalier de St. George). Wogan was to be renowned later for an exploit not less daring than the rescue of the king at Worcester. Hamilton died of his wounds; David Leslie was taken; Middleton was a prisoner, and might have been executed but for Sir James Turner, who refused parole, went merrily to London in disguise, and helped Middleton to make his escape. Both men joined Charles when, after his Odyssey of perilous adventures, he sailed to the Continent.

Such was "the crowning mercy" of Worcester on Cromwell's lucky day, and, later, his death day—September 3. Cromwell had more than double the number of his adversaries, who could only have won by virtue of extraordinary incapacity and cowardice on the English side. No such opportunities were given to the Scots. Many a man in England wished for the king's advent; Turner found the jolly bargees of Oxford most loyally tipsy. But nobody wanted Scottish Presbyterianism, or, in any case, Scots who had "sold their king for a groat." The Covenant, with its fruits, had not made Scotland more popular in England—rather emphatically the reverse. As for the king, who was a gay, undaunted exile,

Catholics saved his life. "Puritan governments," says Mr Gardiner, "had taken good care that Charles should be absolutely secure of the devotion of every Catholic in England."

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NOTES TO CHAPTER VIII.

- <sup>1</sup> 'Select Biographies,' i. p. 170. Wodrow Society.  
<sup>2</sup> 'Diary of Alexander Jaffray,' 32-33. The book, in fact, is not a contemporary diary, but memoirs, written later.  
<sup>3</sup> 'Select Biographies,' i. p. 174.  
<sup>4</sup> Clarendon State Papers, ii., Appendix lii.  
<sup>5</sup> 'Charles II. and Scotland in 1650,' p. 52.  
<sup>6</sup> 'Charles II. and Scotland,' pp. 77-80.  
<sup>7</sup> Gardiner, i. p. 228 (Nicholas Papers, i. p. 186).  
<sup>8</sup> Balfour, iv. pp. 61-63.  
<sup>9</sup> Nicholas Papers, Camden Society, i. pp. 161-172.  
<sup>10</sup> Napier, ii. p. 766.  
<sup>11</sup> 'Charles II. and Scotland in 1650,' pp. 115, 116.  
<sup>12</sup> 'Charles II. and Scotland in 1650,' p. 111.  
<sup>13</sup> 'Select Biographies,' i. p. 183. <sup>14</sup> Act. Parl., vi., ii. p. 603.  
<sup>15</sup> Nicoll, p. 18. <sup>16</sup> Gardiner, i. pp. 282-286.  
<sup>17</sup> Nicoll, pp. 19, 20; Act. Parl., vi., ii. p. 586.  
<sup>18</sup> Balfour, iv. p. 89.  
<sup>19</sup> Carlyle's Cromwell Letter, 136. <sup>20</sup> Peterkin, p. 599.  
<sup>21</sup> Balfour, iv. pp. 89-91; 'Charles II. and Scotland,' 131-132; Edward Walker, 'Historical Discourses,' pp. 170-176 (1705).  
<sup>22</sup> 'Charles II. and Scotland in 1650,' pp. 131, 132.  
<sup>23</sup> Gardiner, i. p. 311 (1894); S.P. ix. p. 152.  
<sup>24</sup> 'Charles II. and Scotland in 1650,' pp. 142-148.  
<sup>25</sup> Nicoll, pp. 24, 25. <sup>26</sup> Carlyle, Letter cxxxix.  
<sup>27</sup> Walker, 'Historical Discourses,' p. 179.  
<sup>28</sup> 'Life of Blair,' p. 237. <sup>29</sup> Baillie, iii. 111.  
<sup>30</sup> Gardiner, i. p. 319; 'Commons Journals,' vi. p. 464.  
<sup>31</sup> Carte, 'Original Letters,' i. p. 382.  
<sup>32</sup> Balfour, iv. pp. 98-102. <sup>33</sup> Balfour, iv. pp. 102-108.  
<sup>34</sup> Carlyle, September 9-12, 1650. <sup>35</sup> Baillie, iii. p. 114.  
<sup>36</sup> Baillie, iii. p. 118. <sup>37</sup> Balfour, iv. pp. 173-178.  
<sup>38</sup> Carlyle, Letter cliii. <sup>39</sup> Row's 'Blair,' p. 251.  
<sup>40</sup> Balfour, iv. pp. 274-281; Act. Parl., vi., ii. pp. 662, 663.  
<sup>41</sup> Balfour, iv. p. 292.  
<sup>42</sup> Act. Parl., vi., ii. pp. 676, 677; Row's 'Blair,' pp. 271, 272.  
<sup>43</sup> Turner, pp. 93, 94.  
<sup>44</sup> Baillie, iii. p. 145. <sup>45</sup> Peterkin, pp. 626-628.  
<sup>46</sup> Mathieson, ii. pp. 93, 94, 137, and note 2.  
<sup>47</sup> Peterkin, pp. 628, 629. <sup>48</sup> Cromwell, Letter clxxx., Carlyle.  
<sup>49</sup> Nicoll, pp. 56, 57; 'Scotland and the Commonwealth,' p. 23; Scot. Hist. Soc., Firth.

## CHAPTER IX.

FROM WORCESTER TO THE RESTORATION.

1651-1660.

THE history of Scotland, from Worcester fight to the Restoration, is the tale of an interesting but incomplete experiment. The country was conquered, as it had been conquered by Edward I., and the vanquished were to enjoy the privilege of sending members to an English Parliament. Oaths were imposed, as by Edward in Ragman's Roll, and Scotland was placed under a people more advanced in civilisation than herself. She, far more than England, was entangled in the rusty chains of a feudalism which had lost its ideal. The bonds of kinship were still stronger in some ways than duty to the State. Justice was tardy and corrupt, partly through the old heritable jurisdictions held by nobles and barons, partly because "The Fifteen," the judges, were not "kinless loons," but partisans of the causes of their "names" and of their retainers. The towns, if Edinburgh is a fair specimen, were unlit at night, and at all times were abominably dirty. The ministers were still struggling to maintain their spiritual judicatories, and to drag men and women before their tribunals, for their religious opinions, or moral conduct in private life. The English came; they insisted that justice should be relatively rapid and honest, that the town should be lighted and comparatively clean. To them the victims of Presbyteries could appeal; while a man, if he chose not to observe the Presbyterian Sabbath with due strictness, or if his reading and reflection inclined him to object to the baptism of babies, might act, with some safety, as his conscience dictated.

At church he might "sit under" preaching corporals or colonels, who, as Nicoll admits, if "not orderly called," according to Presbyterian ideas, were none the less "weil giftit." These divines



found most acceptance in Sutherland, where the devout listeners attested by deep groanings that they were mightily moved. In some respects the new *régime* suited the Malignants. If the king was expelled, the preachers were considerably reduced. But the partition of the estates of nobles and gentlemen among Cromwellian generals was unendurable. The commons, though attempts were made to gain their goodwill, felt the burden of the heavy "cess" for the maintenance of the English army of occupation. The preachers of both factions, Protesters or Resolutioners, bewailed the English tolerance, the spread of novel doctrines, the broken Covenant, and their own loss of power. The English leaned towards the Remonstrants; they preferred young Protester preachers, and violently "intruded" them on patriotic parishes, against the resistance of the congregations. They thrust Protesters into the high places of the universities; Gillespie, for example, was made by them Principal of Glasgow. They broke up the General Assembly, to the joy of some Protesters, who held it to be illegal. The two parties fought in sermons and pamphlets, and the Protesters, as a body, could not be won over by English blandishments. The nobles and gentry resented the loss of their lands, the commons had the old national instinct, the clans were unsubdued, and ten years passed amidst discontent, conspiracies, heresies, and risings, while the Covenant was sensibly depreciated.

A few examples of these various sufferings and sorrows may serve to illustrate the turmoil of the times. The national resistance in arms was cowed when Monk's army of occupation was reinforced after Worcester. It was said that all the nobles of Scotland now at liberty might sit together on a joint stool; France had not been brought lower after Poitiers than her old ally was now. Huntly capitulated with Monk, who lay in bad health at Dundee, and presently went to Bath, to take the waters. The Atholl men came to terms; Balcarres yielded in December; at the end of November the English had occupied Inverness; Dumbarton Castle, the Bass, and finally, on May 26, 1652, Dunnottar Castle opened their gates, but Dunnottar was vainly searched for the Regalia, the crown, the sceptre, the sword given by the Pope to James IV., and the other honours of Scotland. They had been carried away by a woman, in a bundle of flax, and entrusted to Mrs Grainger, wife of the minister of Kinneff, who concealed them under the floor of the kirk. The brave commander, Ogilvy, and his wife, who managed the

business, were long imprisoned, but kept their secret.\* Argyll still stood aloof. But for the capture of many of the Committee of Estates at Alyth, he might perhaps have made an effort to save Dundee from Monk's besieging army; but Wemyss affirmed that the marquis had raised no levies since Charles entered England.<sup>1</sup> Argyll (October 15) had attempted to arrange a conference for terms of peace with Monk, who refused, unless he had orders from his Government.<sup>2</sup> Only Loudoun, Home, Callendar, and Cardross attended an attempted Parliament at the head of Loch Tay; Argyll was too ill to appear. Moreover, his terms with England included his prevention of this meeting.

In January, Commissioners from England came to arrange a union of Scotland and England; and among the deputies from shires who accepted the terms was one from Argyllshire (April 26, 1652). Deane and Lilburne, in August 1652, entered the marquis's domains in force, and he signed a document regulating his position. He was to keep quiet, and inform the officers of the nearest garrison concerning any Royalist movement in his region: "It being always intended that this shall not hinder his Lordship's good endeavours for the establishing religion according to his conscience." Probably this clause was intended to save his oath to the Covenants; his efforts were not to be "by force." He, or Lorne, was to be ready to remove to any place in England; for the rest, he was to be secure in lands and property, except for the "cess" (August 19, 1652).<sup>3</sup> The English had to be content with this arrangement, enforced by five garrisons, but they heard that Glengarry, with 4000 men, intended to punish those who complied with the conquerors. Glengarry, or the Campbells themselves, more probably, took three of the garrisons as soon as Deane withdrew, two remained—at Dunstaffnage and Dunolly.<sup>4</sup>

The Union with Scotland, involving the overthrow of the Scottish Crown, was negotiated by a few Commissioners sent to London, men whom Lilburne denounced to Cromwell as "notoriously corrupt," and not satisfactory to "the most godly," that is the Protesters (Dalkeith, May 3, 1653). In September of 1653, Loudoun, writing to Charles, exposed the illegality of the proceedings. For example, "toleration to all sorts of religions"

\* The story is told by Ogilvy, in 'Papers relative to the Regalia,' Bannatyne Club, and by Mr Brook in 'Scottish History Society Miscellany'; Row's 'Blair,' p. 332; 'Scotland and the Commonwealth,' xviii., xix. pp. 339-342.

was established, "in any Gospel way every man pleaseth to choose,"\* Catholicism, of course, not being reckoned as a "Gospel way." All the king's property of every kind was confiscated, with the property of those engaged in the invasions which collapsed at Worcester and Preston. "The whole estates, personal and real, of all true Scottish men are most unjustly forfeited." As for the Commissioners sent to London to treat for the Union, they were selected only by seven or eight gentlemen of each county that sent any Commissioners at all; and even the men sent only complied for fear that the Protesters would take open part with the English. Moreover, as regards religion, the Scottish Church had not been consulted in any single circumstance; nor were the nobles (mostly prisoners) consulted.<sup>5</sup>

The Union was received by Scotland with a manifest lack of enthusiasm. England was swallowing and assimilating Scotland, and, by cess and forfeiture, devouring her real and personal property, while her distracted Kirk was set on one side. The Commission of Justice established in May 1652 might deserve all the praises given to it by Nicoll, as "proceeding more equitablie and conscientiouslie nor our own Scottis magistrates"; . . . "whereby some of the suitors declared that they found more love and kindness towards them by their supposed enemies, than of their own countrymen and friends . . . Their justice exceeded the Scottish in many things, as was reported."<sup>6</sup> But it was not every Scot who wanted strict justice. The privilege of sending a poor thirty members to the English Parliament was derisory, above all when, in April 1653, Cromwell turned the Long Parliament out of doors.

The Kirk being down, the northern Cavaliers beheld a gleam of light in a dark sky. They put forth, in March 1652, a declaration against "the bloody and barbarous inconveniences which hath always accompanied the Presbyterial Government, by their mixed authority with the civil power, and tyrannous persecuting of men's consciences." These Cavaliers and Cromwell were of one mind about the Kirk. Her preaching and praying are factious; her railing against authority sets the populace against the Union. The authors of the document abandon Presbytery, and esteem the excommunications of Presbyters no more than their fathers did those of the Pope.<sup>7</sup> Sir Alexander Irving of Drum, being bullied by Mr John Row and

\* See 'The Cromwellian Union,' Prof. Sanford Terry. Scottish History Society, xxvi. In this work the chaotic negotiations as to the Union will be found; as they came to nothing, they need not be dwelt upon.

the Presbytery of Aberdeen in the old way, for saying "if the Monarchy be gone, let the Devil take Presbytery," appealed to Colonel Overton, Commander-in-Chief within the said Presbytery of Aberdeen. Monk, in October 1651, had forbidden the preachers to impose oaths and covenants on the lieges, and had prohibited the civil magistrates from molesting excommunicated persons, or seizing their goods, or boycotting them. Thus the great and galling curse of Scotland, Presbyterian excommunication, was removed by English soldiers; and what no Stuart had the courage and force wholly to uproot—the tyranny of the preachers—was cast to the winds. Drum also appealed to Monk against the proceedings in which he was charged with Popery. He would yield if Lambert, Monk, Overton, or their substitutes, so commanded. Meanwhile "let me not be troubled with more such papers, that are but undigested rhapsodies of confused nonsense." Blessings on the name of Sir Alexander Irving of Drum! What had long needed saying this gentleman said. An English journalist wrote that "the buttoned cassock and bucky ruff" of the Rev. Andrew Cant ought to be "sent to Rome for relics of the Kirk of Scotland's conformity to the Canons and Constitutions of that Scarlet" person "who sits upon the Seven Hills," "as if ane wasna braid aneuch for her auld hurdies," says Andrew Fairservice.

*The night is near gone!*

said the song of the Reformers, in 1550-1560. The night was going, slowly, for "their stools of hypocritical repentance to chastise the incontinent" returned, and endured for more than a century.\* The cry of *gardy loo*, and the throwing of filth out of windows, and the blackness of the unlit stinking streets, also returned when the English conquerors departed. These institutions had been reformed, for Edinburgh, as early as December 1651.<sup>8</sup> Smollett discovered the restored abominations yet prevalent, as may be read in 'Humphrey Clinker.'

In Kirk affairs the Protesters kept on protesting. As they "disallowed" the last Assembly, so they "disallowed" its once dreaded Commission, and appointed such of themselves as, like Guthrie, had belonged to the previous Commission, to remain as the only genuine sources of authority till things were reconstructed in accordance with their ideas (October 1651).<sup>9</sup> They protested

\* 'Scotland and the Commonwealth,' pp. 348-356.

against the Assembly of 1652, Waristoun heading the recalitrants.<sup>10</sup> They refused to pray for the king, a practice frequently forbidden by the English, so that prayers had to be edged in "for a distressed prince." They published a book, 'The Nullity of the Pretended Assembly at St. Andrews and Aberdeen' (1651), written, apparently, by Guthrie and Waristoun. Baillie found it "full of niggie-naggies, for no edification."<sup>11</sup> Finally, on July 20, 1653, Lilburne, taking up the part of purger, sent Lieutenant-Colonel Cotterell and Captain Hope to break up the General Assembly. By what warrant, the officers asked, did they sit? The Moderator, Mr. Dickson, replied, in the old strain, "that they had power from Jesus Christ to convene in his own High Court." Cotterell was backed, says Baillie, by "some rats of musketeers and a troop of horse"; he led the clergy out to Bruntsfield Links, and, next day, made them leave Edinburgh.<sup>12</sup>

The Protesters, who tried to meet, were also packed off. Baillie says that they "insulted," Lilburne says that "they seemed very joyful," when the Resolutioners were broken up, but they managed, says Row, to protest both against the legality of the Assembly and against the dismissal of that illegal body. The Presbytery of Cupar was also sent about its business. Lilburne (July 12, 1653) had written to ask Cromwell how he should deal with the Assembly, for there were stirrings in the Highlands, and he suspected an alliance between Bible and bands and dirk and dourlach. Not hearing from Cromwell, Lilburne took the matter into his own hands.<sup>13</sup> Before the Kirk was thus reduced to subjection, the English occupants of Scotland had felt the pulse of a Highland rising, and Lilburne, as early as April 1653, had expressed his suspicion that the ministers "of the Assembly party" were vaguely encouraging it. The Remonstrants, or Protesters, including Waristoun, Guthrie, and Rutherford, had presented him with their book, 'The Causes of Wrath,' and with a pious letter. Lilburne hoped that some use might be made of the Remonstrants; but they were "kittle to shoe behind."<sup>14</sup>

The Highlands had never been absolutely quiet; Glengarry had his men out, and, in June 1652, Deane had sent forces through the north.<sup>15</sup> In the same month (June 25) Charles, from the Louvre, had announced to the loyalists of the north that Middleton would communicate with them. Charles also (August 5) wrote to the Moderator of the General Assembly, thanking that body for its

loyalty.<sup>16</sup> On August 9/19 he gave Middleton his instructions. He was to go to Holland and take counsel with Hyde, he was to keep in touch with the Highland loyalists, and try to collect money during the winter among the mercantile Scots abroad.<sup>17</sup> Sir James Turner was with Middleton, and, before going to the Hague, he despatched Harry Knox with autograph letters from the king to Lauderdale and other Worcester prisoners then in the Tower (Sir James had made his own escape, after Worcester, in his usual diverting way). Other letters were for the Highland leaders, but all were misdirected, misdelivered, and interlined, with the most mischievous results, by Balcarres, as Hyde told Turner.<sup>18</sup> Sir James then went on the search for dollars, and Nicholas saw Middleton, who "seems a very modest discreet person, such as I have not yet met with of his nation" (Nov. 18/28, 1652).<sup>19</sup> Nicholas had already told Hyde about the intended Highland rising, which was like all Highland risings.

Charles and his advisers knew very well that chiefs would quarrel about pride of place till Middleton came, and various diplomatic devices were vainly attempted to control their tempers. They needed a Montrose, a Dundee, or a Prince Charles to lead. "Glengarry will not take it well that any man be put to have a superior command to him in the Highlands," says Nicholas.<sup>20</sup> Sir James Macdonald of Sleat was expected to appear in arms, but we presently find him making his peace with Colonel Fitch, just as Sir Alexander Macdonald of Sleat did in 1745 (Feb. 15, 1652).<sup>21</sup> But Charles went on including Sleat among the loyal. By way of securing a figurehead for the Highland barque, Charles, in March 1652, selected the Earl of Glencairn.<sup>22</sup> Glencairn was to conduct himself by various devices "which are most natural for any temper they can be supposed to be in": his Majesty recognising the vastness of the range of tempers open to the fiery Celt. Glengarry's men, in fact, were in the temper of stealing the Earl of Atholl's cows, on the plausible pretext that Atholl paid cess to the king's enemies, as the chief explained. "Soe my opinion is your people looke the better to themselves, qhich is the further advice of your lordship's humble servant, Donald Glengarie."<sup>23</sup>

Lilburne spoke of the loyal clans as "thieves" and "rabble," such is the ignorance of the Saxon.

What was Argyll doing at this time? He had engaged to keep

his country and family as peaceable as might be. "The course he takes" (compliance with the English) "is merely for self-preservation," wrote Sir Robert Murray to Charles at this time. "He thinks men and things are not yet ripe enough to appear in arms," but, if the thing were safe, "he would certainly appear for the business that is now carrying on for your Majesty's service." Not a doubt about *that*, if the thing could be done securely and "effectually in his judgment."<sup>24</sup> Meanwhile Lorne, according to the good Scottish custom, "will most fully, heartily, and actively join with those that appear here for your Majesty."

This condition of the Argyll family proved fatal to the marquis. The English thought of him as Sir Robert Murray did,—he would be loyal to Charles, if he thought it safe. Consequently, at his trial under the Restoration, Monk put in Argyll's letters to himself and Lilburne, written at and after this period. In these the marquis was so unfortunate as to give information and assistance to the king's rebels, and on the strength of his letters, though manifestly written "for self-preservation," he was condemned. From Inveraray, on April 14, 1653, Lorne wrote a letter to the king, professing ardent loyalty.<sup>25</sup> By July, Lorne had ridden off to join "that crew," as Argyll calls the loyalists in a letter to Lilburne, and the marquis had written to Lorne, bidding him to "forbear such courses," under the threat of a father's curse. He then adds the curse, "as per copy" enclosed to Lilburne.<sup>26</sup> Either Argyll was sincere in "those great curses which he spoke," or he was not. If sincere, he laid himself open to the fatal charge of high treason. If insincere, he laid himself open to the anger of the English, especially of Monk, who, in fact, exposed these unlucky letters at Argyll's trial. In the following year Baillie described Argyll as "in friendship with the English, but in hatred with the country; he courts the Remonstrators, who were and are averse from him."<sup>27</sup>

In this desolation ended the "statesmanship" which placed political power in the hands of the Kirk. The pretensions of the Kirk were utterly incompatible with earthly politics. When Argyll came to perceive this fact, in 1650, he necessarily incurred the odium of the clerical extremists, while his attitude, after Worcester, lost him the support both of the "Assembly party" among the preachers, and of the middle classes. Most of the nobles were either hostile, or exiled, or lay in English prisons; he was alone.

In July the Highland leaders held meetings, Glencairn being proclaimed "Governor,"—the military leadership was left in the vague till Middleton should arrive ; he was expected to come from Norway. The Lowland lords were said to distrust the Celts, and "rag more as Montrose did,"—the word "brag" is perhaps a plausible emendation. The Celts were driving the cows of the pious Brodie of Brodie, and committing other outrages, says a news-letter.<sup>28</sup> By August 6 Lilburne reported to Cromwell that the rising had begun in earnest. Kenmure was "on and awa," as in Burns's song about his descendant. The Gordons of Kenmure (on Loch Ken in Galloway) had an amazing knack of being on the losing hand. Seaforth (son of the man so faithless to Montrose), Balcarres, Sir George Monroe, and many others were out, and nightly did parties from the Lowlands slip through the English lines, while parties from the Highlands made raids into "the braes." Lilburne at this time believed in the sincerity of Argyll's attempt to coerce Lord Lorne ; and he broke up a gathering of Remonstrant preachers at Biggar, where Mr Douglas, released from the Tower, was present.<sup>29</sup>

Waiting for Middleton, the Royalists merely made incursions, Kenmure pushing as far as the south coast of Fife, while Lilburne, in a hostile country, without reinforcements, lay on the defensive. Lorne quarrelled both with Glencairn and Glengarry ; \* Argyll, protesting to Lilburne that "my way shall be found straight," by sending valuable intelligence enabled Colonel Cobbett to take Dowart Castle, the fortress of the Macleans in Mull.<sup>30</sup> Balcarres and Glencairn were now at open feud, and the whole Highland party was distracted by jealousies.<sup>31</sup> Charles was aware that the English "brag much" of Argyll's communications with them, and of "the great assistance and benefit" which they thence derived ; this he imparted to Lorne (November 2, 1653). He hoped that "no example would corrupt" the Campbells. If Lorne imparted, as is probable, the king's views to his father, Argyll had his warning.<sup>32</sup> At this time he was consulting with Lilburne at Dalkeith.<sup>33</sup>

\* The Governor of Ruthven Castle for the English reports that, after a dispute between Lorne and Glencairn, Lorne fled, and sent a letter to the English commander, "to advise me where to fall on Glencairn's men to the best advantage ; but his bearer, proving false, carried the letter to Kenmure," which caused Lorne to take to flight ('Diurnal of Occurrences in Scotland.' Spottiswoode Miscellany, ii. 158). Glencairn certainly suspected Lorne, but there is no reason to believe that he was treacherous.



From Loch Lomond to Strathspey the Highlanders were up, and Lilburne found the whole country and the preachers ready to rise if a chance appeared. Even a Remonstrant Presbytery decided that they preferred Kenmure to the English.<sup>84</sup> Onfalls were made everywhere; the house of the pious Waristoun was plundered. Atholl had joined the Royalists; the English Governor of Ruthven in Badenoch in vain pointed out to them that England "is about to incorporate you, and make you one free Commonwealth with themselves." That was not what they wanted; even though the wavering Remonstrants now changed their minds again.<sup>85</sup> Cobbett, returning from the Isles, which he had mastered, would probably have been cut off in marching through Argyll's country, but for the protection of the marquis. As far south as Berwick, Dumfries, and Galloway, the moss-troopers were riding, and the country was so distressed that Lilburne advised a reduction of taxation (Dec. 6).<sup>86</sup> There were "35,000 captions out against men." The king thought of coming to Scotland, and Hyde (December 19) bade Middleton, in that case, "be sure the Kirk be modest, which will be the greatest argument to the king to venture with them, and that he be sure they will not use him as they did."<sup>87</sup>

At this juncture came the chivalrous Wogan, who rescued the king at Worcester. Long afterwards (Feb. 29, 1732), Sir Charles Wogan wrote to Swift about his gallant kinsman. "Clarendon looks upon him as a little out of his senses, because he was extremely loyal and brave. He omits, however, giving him the honour of having saved the king's life, at the battle, or rather flight, of Worcester, by the desperate stand he made at the head of 300 horse, against Cromwell's whole army, in the suburbs of that town, till the king and Colonel Careless were out of sight."<sup>88</sup> Wogan, of an ancient family of Wales, with branches in Ireland and in Essex, was originally on the Parliamentary side. He joined the Engagers in 1648; had no better fortune at Preston than his kinsfolk, Nick and Charles Wogan, in 1715; distinguished himself at the defence of Duncannon, against Cromwell's Irish invasion in 1649; and now brought over a little troop of horse from France. Landing at Dover, he and his men, in small groups, rode through hostile England, gathered recruits on their road, and, early in December 1653, made their way to Peebles. "They are gallantly mounted, richly clothed, and well armed, all men of good quality, had abundance of gold about them," said an observer at Peebles.

Between Paris and Peebles they were but twenty-seven nights on the way,

When Wogan rode first of the tender and true.

Must we add that "Wogan carried off the minister's horse"?\* "Their march was almost miraculous," wrote Captain Peter Mews, after the glorious Wogan had died of a wound, and want of medical attendance.<sup>39</sup> Scott has celebrated Wogan in verse, and perhaps few remember that this later *avatar*, as it were, of Montrose, had a Regicide kinsman, Thomas Wogan.

The letters of Lilburne in the end of 1653, prove that he was very sensible of the dangers which the English dominion was incurring. He hoped to be superseded by Monk, but the war with the Dutch detained Monk in England. We may conceive the emotions of Argyll at this time, if he learned, as he probably must have done, that the king was well aware of his dealings with the English; and had been asked to issue a warrant for declaring him a traitor, on the ground of his general hostility to the Royal Cause, and especially "for joining the English in his own person in the taking of the Castle of Dowart,"—so writes Glencairn to Major Strachan.<sup>40</sup> "Argyll only has hindered all this summer's service," Glencairn adds in his instructions to Strachan, who is to visit Charles, and complain of "Balcarres's calumnies against Middleton and me." Balcarres, it was thought, destroyed the chances of this rising, but the king continued to trust him; he died abroad just before the Restoration. Nicholas writes (March 5, N.S., 1654) that Middleton has just sailed, at last, for Scotland, and that "there is a great combination forming against Lt.-Gen. Middleton and the king's service, by means of the malice of the Lord Balcarres and the treacherous practices of the Marquis of Argyll's faction in Scotland."<sup>41</sup>

On February 6, 1654, Charles had given Middleton his instructions: he himself, if his General found the circumstances encouraging, would set out for Scotland. All men were to shun a Colonel Bamfield, who, treacherously or not, had been taking a great deal upon himself, flattering Glengarry with a draft of a patent of the Earldom of Ross. The Huntly of the day, that Lord Lewis Gordon who

\* Letter to Lilburne, Peebles, December 12, 1653. 'Scotland and the Commonwealth,' pp. 296-297. Compare Gardiner, ii. pp. 403, 404, and notes. Clarendon (xiv. 61) is so vague that one may doubt whether, as he says, Wogan's party were disguised as Cromwellian cavalry.

played such a sorry part in the time of Montrose, did not show signs of stirring; but, as usual, his younger brother, Lord Charles, was ready to join the king's party.\* Middleton arrived in Sutherland in the end of February 1654. Captain Peter Mews, who was with him, describes the forced march across the frosty rivers, and how, with Lord Reay and the Mackays, they watched the garrison of Wick. They were joined by Glengarry, Glencairn, Atholl, Kenmure, and others, 2500 men and 500 horse: Wogan had already died. But Middleton found that the flourishing reports sent to him in Holland were gross exaggerations. Magazines of food there were none. Mews traced "the footsteps of that anti-monarchical beast," Presbyterianism, even in the far north. Charles had an idea that the nobles would be content with regimental commands, and entrust the chief direction "to soldiers of fortune." It was not so: Glencairn quarrelled with Sir George Monroe (a very unfortunate soldier of fortune), challenged him with pleasing circumstances of good taste, and wounded him in the face and hand. Glencairn then retired to the south.† Mews wrote from Thurso, on June 4. Already Monk was marching north;<sup>42</sup> he had written to "His Highness" (Cromwell is now Protector, and His Highness) from Dalkeith on April 22. For the English, Morgan lay at Dingwall with a force, and the Provost of Dumfries had shot two of Kenmure's men with a fowling-piece. On May 4 Cromwell was proclaimed Protector at Edinburgh Cross; Argyll was unfortunate enough to be present at this proclamation.<sup>43</sup> Cromwell sent for some Remonstrants—Livingstone, Gillespie, Menzies, Guthrie,—and for Blair and Douglas; the first three went to town. For a number of years no Communion had been celebrated in Edinburgh, Glasgow, Dundee, St. Andrews, and other towns; the consolations of religion being denied to the people because the magistrates "complied with the English."<sup>44</sup> The magistrates, and therefore the people, "were excluded from the Table by the Act of our Church," says Baillie. Here we have a proof of "the bloody and barbarous inconveniences of Presbyterial government."<sup>45</sup>

\* 'Scotland and the Protectorate,' pp. 26-31. The last page contains a warrant to Loudoun the Chancellor, then skulking in Atholl, for an Earldom of—Blank!

† Gwynne's 'Military Memoirs,' edited by Sir Walter Scott, p. 175. Gwynne makes the pair quarrel because Monroe called the Highlanders thieves. Lilburne heard that the dispute was about the Laird of Fairlie or Foulis, Monroe's brother, a devotee. 'Scotland and the Protectorate,' p. 89.

Cromwell's purpose was to conciliate the Remonstrators, purge the Resolutioners, and use the Remonstrators as the genuine Kirk. But Livingstone, in London, prayed for the king, "and for these poor men that now fill their rooms, Lord be merciful unto them." Cromwell, being asked to punish Livingstone, merely replied, "Let him alone, he is a good man, and what are we but poor men, in comparison of the kings of England."<sup>46</sup> Menzies and Gillespie gave Cromwell more satisfaction. To anticipate dates, they accepted, in August, an ordinance affecting, first the universities, "that none but able and godly men be authorised" (by the University Commissioners) "to enjoy the livings appointed for the ministry in Scotland; and to that end, that respect be had to the choice of the more sober and godly part of the people, although the same should not prove to be the greater part." The Saints used "godly" as the Jacobites used "honest." A "godly man," an "honest man," meant "a man on our side," in either case. The ordinance signified that only Protesters were to be presented to livings; they were to be intruded, despite the wishes of the majority of the parishioners—a cruel oppression. Waristoun, Nevoy, and Cant were on the Commission, as were Blair and Rutherford, who spoke against it.<sup>47</sup> "The Commission evanished in the birth," says Nicoll. Yet a few "intrusions," backed by military force, were made.<sup>48</sup> At last the English scheme had to be dropped, but ministers were obliged to take an oath of compliance, later.

We can understand the difficulties of Cromwell with the ministers during Glencairn's rising. The Resolutioners were clear for the king, because he was Covenanted. The Remonstrators, in addition to their habit of never agreeing with any one, were not all clear as to accepting the decrees of any State whatever, and the Protectorate was not even Covenanted. However, the Dutch naval war ended early in 1654, and Monk was now free to deal with Middleton and Glencairn. He began in May, by proclaiming Oliver, the Union, the admission of thirty Scottish members for an English Parliament (and such a Parliament!), free trade with England, abolition of servile tenures and hereditary jurisdictions—in brief, the modernising and defeudalising of Scotland. The great houses were forfeited, in the cases of the Duchess of Hamilton, Lorne, Lauderdale (a prisoner in England), Loudoun, Glencairn, Napier, Sinclair, Atholl, Seaforth, Kenmure; while the heirs of Buccleuch were fined £15,000, and eighty others of the best names in Scotland, in proportion. A fine

of £3000 was heavy on Scott of Harden.<sup>49</sup> These were not the measures to win Scottish hearts; but free trade was a real blessing, lost at the Restoration.

The details of Monk's campaign must not detain us. Argyll, with English garrisons at Glasgow and Dumbarton, secured the south-west of Scotland. Making the Tay safe, and having Irish forces—Irish forces, that nefarious instrument—in Lochaber, Monk used them to destroy the Cameron and Glengarry country.<sup>50</sup> Constantly pursuing Middleton, Monk reduced his levies, burning all the lands through which he marched. By "drives," cordons, and farm burnings, he dealt with the irregular army of the king. "The Marquis of Argyll is resolved to engage in blood with us," his men taking English pay, writes Monk to Cromwell on July 17.<sup>51</sup> Though Argyll's men, according to Monk, did very little work for their money, still Argyll was as deep in treason as a man could be, waging war against an army under the standard of King Charles. He held a council of war with Monk at the foot of Loch Lochy, six miles from Inverlochy, a scene with unpleasant associations for the marquis (Monk to Lambert, from Glenmoriston, June 25, 1654).<sup>52</sup> It is obvious that Argyll, after all these transactions, had no reason to expect mercy at the Restoration. On his meeting with Monk they learned that the Camerons had cut up the Irish garrison at Inverlochy, "most of them in cold blood,"—the Camerons, we regret to learn, took example by the Covenanters.

Monk himself burned "Glengarry's house," Invergarry; they burned all the way, and Morgan was sent to make Caithness "unserviceable." At Inverness, Monk heard that Middleton was marching on Dunkeld; Monk followed. Middleton attacked the house of Glenorchy (Breadalbane), where he knew that Argyll was, but failed to catch him. On July 20 Monk learned that Morgan had met, fought, and routed Middleton at Lochgarry; the little loch that lies east of the long Loch Ericht, and just south of Dalnaspidal. Middleton's force was a weary troop of horse—Lowland, probably; while the remnant of the dead Wogan's English fought a gallant rearguard action, to protect the retreat. Monk estimates the force at 800. The splendid Highland infantry of Montrose were not present—it was a large cavalry skirmish.<sup>53</sup>

Turner met the fugitives disbanding—their horses nearly dead, their equipment ruinous, but their hearts full of fight. He

sent to Glencairn, imploring him to recall them; but Glencairn wrote that he "was laid aside as useless to the king's service." "Hereupon I put on a resolution to get out of Scotland as soon as I could," says Turner. The game was up.<sup>54</sup> The Royalists in arms surrendered, party after party; though Middleton did not leave the country till April 1655. Graham of Duchray held out longest, as became a kinsman of Montrose. "The English gave tolerable terms to them all," says Baillie. They were even empowered to levy regiments to serve friendly foreign states; but Charles forbade this method of drafting fighting men out of the country. The Border moss-troopers, Armstrongs mainly, were reduced to order; as were the Highlands, now bridled by new forts at Inverlochy, Inverness, and elsewhere. The system of Justices of the Peace was revived.<sup>55</sup> Heavy fines were imposed on the unchaste, but probably the stool of penance was discarded. "Fornicators are startled at the punishment some have received, and drunkards begin to look towards sobriety." Four hundred pounds (Scots), for the first fault, in a noble; a hundred in a burgh, were sums which the amorous found worth considering. A system of passes hampered the land-loupers and Royalist agents.

After Oliver's death, when his son Richard was proclaimed Protector at Inverlochy, Lochiel and Glengarry came in, "very hearty in their expressions of joy" (October 5, 1658). Probably they really were not sorry to be rid of Oliver.<sup>56</sup> A treaty with Lochiel, in May 1655, had conciliated him, and settled, more or less, his running feud with the Mackintoshes.<sup>57</sup> By forts and garrisons, great and small, the subdued province was kept in great order, and Richard Franck could fish peaceably for salmon, from the Eden to the Naver and Brora. Unluckily, his 'Northern Memoirs' are excessively prolix, and he gives few details of interest either about sport or society. Cromwell's short way with Parliaments prevented Scottish members of the Union from airing their ideas at Westminster. As late as March 1659, Monk is "glad to hear it is come so far that the Scotch members shall sit in the House to vote for themselves." At the same time he observes, as to Argyll, "truly I think in his heart there is no man in the three nations does more disaffect the English interest than he." \* Argyll

\* Mr Firth, to whose publication of the Clarke Papers this chapter is so greatly indebted, says "Argyll's attempt to get paid to him a debt of £12,000 owing to him by the Government he" (Monk) "answered by showing that in reality Argyll

was fallen on evil days,—deep in debt, hooted at as a traitor in the streets, on very bad domestic terms with Lord Lorne, “the hate of the country heavy upon him,” as Baillie, Nicoll, and Brodie of Brodie attest. Monk had found Argyll out, on the evidence of a certificate of Adjutant-General Smyth, of March 24, 1659, the very day on which Monk writes to express his hope that the marquis will be excluded from the Parliament of Richard Cromwell. When the Argyllshire men took the English garrisons in August 1652, Smyth, whose duty it was to provision the forts, went to Inveraray to consult the marquis, but did not like his reception. A dirk was thrown at him or his coxswain, and Smyth’s own head was broken when he entered the Castle. He was in as perilous a posture, in short, as Dugald Dalgetty, and the marquis “shut the door and went away from me,” in a manner somewhat unusual among gentlemen, while Smyth’s boatmen were set on and wounded.<sup>58</sup>

On the whole, after knowing him so long, Monk, like too many people, did not trust or love the marquis. When Monk brought about the Restoration, he secured, by documentary evidence, the condemnation of Argyll, just as, before he began his movement in favour of the king, he tried to keep that nobleman out of the Union Parliament.\* He seems to have thought the Campbell chief an untrustworthy character. The wide diffusion of this prejudice is very remarkable. Despite the assignation to Argyll of the lands of Huntly (a matter of family convenience), of the lands of the Bishopric of Argyll, of an estate of Montrose’s, and probably “caduacs and casualties,” he was deeply in debt, having guaranteed sums for the public service when he was as much in power as the Kirk would permit. His country had been wrecked by the Macdonalds, and, though he received compensation, compensation is rarely adequate. That English £40,000, due over the sale of Charles I., he never did receive; and when he went up to London in 1655, he was arrested for debt. He obtained some relief from Cromwell’s Government, but was still in London in 1656, where he was of service to the Protesters.

The struggles of the factions in the Kirk were now excessively bitter, and so ramified and entangled that it is in vain to expect

was its debtor for about £35,000” (‘Scotland and the Protectorate,’ lxi.). Referring to p. 414 (April 30, 1659), we find that Argyll really owes his Highness £3544 : 17 : 1½.

\* ‘The Cromwellian Union,’ Scot. Hist. Soc. lxxviii. note 4.

them to be interesting, or even intelligible. The preachers fought about "niggie-naggies," as Baillie says; the Protesters splitting legal hairs to prove that they contained the only genuine Commission of the General Assembly; that the St Andrews Assembly, unfavourable to them, was illegal; that they were the truly godly, and so forth. Attempts at compromise and conciliation were vain. Baillie describes the pulpit eloquence of one Protester as "a strange kind of sighing . . . as the pythonising out of the belly of a second person." Probably this may have been a case of "automatic speaking," an "inspirational address." In the west this was found very attractive, a supernormal novelty: the same country produced the wilder Covenanters, and the early Irvingites, who were levitated, and "spoke with tongues." It was time to be doing something in this way, for the Quakers were abroad, interrupting the preachers in the Greyfriars Kirk in Edinburgh; asking them to prove their calling by signs and miracles, and running about clothed only in their shirts,—even that amount of decency being a concession to popular prejudice. The curious thing is that the same sort of miracles as those of modern spiritualism are attributed, by Nicoll, to the Quakers, aided by the Devil. He "careyt them from ane place to another,"—this is manifestly levitation, as in the cases of St Joseph of Cupertino, a contemporary, and Lord Orrery's butler. "They made swallows to come down from their chimneyis, and made them to cry out, 'My angellis, my angellis.'" They heard hallucinatory voices, and, altogether, their proceedings were in strong competition with those of duly "called" Presbyterian prophets of both factions.<sup>59</sup> In Clydesdale many emotional yeomen followed after the Quakers, while Guthrie and Waristoun tried to introduce a new Covenant, omitting all the very awkward old clauses about "King, Parliament, or the liberties of the land."<sup>60</sup>

At this time, a man of sense, Lord Broghill (Robert Boyle, son of the Earl of Cork), was president of the Council for a year: he was a Presbyterian, and more popular than the rest of the English rulers. "He is very intime with Mr James Sharp," the minister of Crail, says Baillie in 1656. We first met Sharp when he was captured at Alyth and taken to England, with some other ministers, and most of the Committee of the Estates, at the time of Worcester fight. He had now been released by the English at the price, his enemies declared, of unworthy submission to Cromwell. Broghill induced the preachers not to pray for the king, "far forgot here,"



says Baillie; adding "if men of my Lord Broghill's parts and temper be long among us, they will make the present Government more beloved than some men wish." Waristoun, out of work, and out of wages, was inclined to go the English way, which he presently did, thereby making himself, next to Argyll, the most unpopular man in Scotland.<sup>61</sup>

By September 1656 Sharp had gone to London with Broghill to see Cromwell, who, in the intervals of packing, purging, and dismissing Parliaments, wished to try his hand on the Scottish clergy. But now Argyll, "who was judged to be the Protesters' agent in London," induced Cromwell to wait till some Protesters arrived to tell their story.<sup>62</sup> In 1656, Simpson, a deposed Protester, and, in 1657, Guthrie, Gillespie, Waristoun, and others arrived in London. Cromwell, with two Independent and two English Presbyterian divines, and three of the Council, heard the men dispute about their "niggie-naggies." Waristoun broke out on the Protesters for bringing the king over in 1650. "You drew up the terms of the treaty," replied Sharp. Waristoun could only reply that he had repented, as if his changes of mind were to be a rule for the Kirk.<sup>63</sup> Baillie backed Sharp by a letter to the English ministers, Ashe and Calamy. What the Protesters really wanted was to purge the Kirk of the Remonstrants.<sup>64</sup> Baillie was afraid that Cromwell would subject the Kirk to an Erastian model, itself "far more tolerable than the tyrannic Turkish yoke of the Protesters," so he wrote to Sharp. The Protesters did procure permission to renew the idiotic Act of Classes, but Sharp was privately assured "that it should do no harm."<sup>65</sup>

The factions continued to fight, and issue clouds of books and pamphlets, till, on September 3, 1658, "the Protector, that old fox, died," as Mr Row states the case. The Protesters had gained nothing by their labours, except that Waristoun was restored to his old office of Clerk of Registership (July 1657).<sup>66</sup> He raised the fees for all sorts of legal documents, and became more unpopular than ever. He repented again, later, of taking service again under Cromwell, at least so he said, when he came to be hanged. In other respects "that very worthy, wise, pious, and diligent young man, Mr James Sharp," as Baillie called him, had foiled the Protesters. Cromwell is said to have styled him "Sharp of that ilk." In Scotland all was now quiet, but money was scarce and taxes were very heavy, which Monk regretted, and tried to

relieve. When Cromwell died, the chance of the king's restoration did not seem good to Baillie. "What he minds, no man here knows, and few care" (November 11, 1658).

The times of this ignorance did not long endure. When Monk, to end the strife of Army and Rump, marched his command to Berwick and thence into England (January 1, 1660), he left Scotland tranquil behind him. On February 16, 1660, Sharp joined him in London to look after the interests of the Resolutioners, or Assembly party in the Kirk. The Covenants were revived by the Rumpish Parliament restored by Monk. Next, they who had restored the Covenant restored the king. The English domination had made Scotland a cleaner place than of yore; it had granted free trade, it had accelerated justice, except in anarchic intervals, it had bridled the Highlanders, but it had been extremely expensive to the country, which was heavily taxed for the English Army of Occupation. Merchants may have regretted the departure of the English; but national feeling, and feudal sentiment, preferred the prospect of a native Parliament, and the return of the old noble families. The Kirk desired the impossible, the restoration of the Covenants. The form of Assemblies, Presbyteries, and discipline in private morals, was finally regained under William III., but political interference by the Kirk fell into abeyance. Many things might be restored; great licence of intolerance the Kirk, some thirty years after 1660, was to recover; but the Covenant could never be brought back in all its tyranny. When we follow the ruinous course of misgovernment under the Restoration, we must remember that the administration, in many ways lawless and cruel, was trying to beat down the old intolerable Presbyterian pretensions, the immortality of the Covenant as eternally binding on the whole posterity of the generation which entered into that most mischievous of bands.

We have seen that the moral fruits of the period of fanaticism were not excellent. Despite that Presbyterian rigour, Balfour mentions a bachelor laird who had sixty-five bastards; it seems to follow that the Kirk, with all her power, could not restrain this country gentleman. Brodie of Brodie, a great laird and one much trusted by the extreme party, mentions that "my wretched sisters, one after the other," played the wanton, though he uses a harsher phrase. They "soudered sin wi' matrimony," later. Nicoll the diarist, a typical *bourgeois*, avers that unmentionable sins, for which

the sinners were burned, greatly increased during the English domination, but probably detection may have been more strict. Witches continued to be burned in great numbers, but they were also burned in England during the Civil War, under the Commonwealth, and even under the Restoration. Nicoll's remarks on the general hardness and rapacity of men at this period, merely prove that revolutionary periods are demoralising, as Thucydides shows in the case of Corcyra.

On the other hand, a singular access of private piety had its good as well as its bad side. The practice of making private Covenants with the Deity and of keeping religious diaries arose, and long continued. Though much superstition is evinced in these diaries, it can hardly be doubted that their authors were often saintly people, doing their very best to live with eyes turned to perfection.\* An example in print is the diary of Alexander Brodie of Brodie (born 1617). In 1640, moved by devotional enthusiasm, he helped to destroy two paintings of the Crucifixion and of the Day of Judgment, and the carved woodwork of Elgin Cathedral. His wife died in the same year; and though of an amorous complexion, he never married again. The indiscreet heroine of the old ballad says to the beggarman who has made prize of her virtue :

I thocht ye'd been some gentleman,  
At least the laird o' Brodie ;

but as the ballad is not dated, we cannot affirm that Alexander was the man *aux bonnes fortunes* to whom she alludes. Brodie kept notes of hundreds of sermons by Cant, Henderson, Blair, Douglas, Row, and other glories of the contemporary pulpit. He was a ruling elder, and sat for Moray in the Estates; and in 1649 he was one of the Commissioners to Charles II., and one of the Kirk's Commissioners sent to him for the Treaty of Breda in 1650. He was already a judge or Lord of Session.

He retired to the north, under the English dominance, and tried to keep out of the war of Resolutioners and Protesters. He was "sinfully inclined" to accept employment under Cromwell, and did accept a judgeship in 1658. In 1661 he visited London, "and bought some history books, but nothing

\* This impression is left on the author by a MS. religious diary of his own fifth or sixth great-grandmother in Teviotdale, kept as late as 1715-1750.

of divinity. This feared me that I was withering." He read the Koran, "but found nothing to seduce or stagger me." He found Leighton of opinion that "men in Popery, holding all their tenets, might be saved. . . . I was feared that his charity misguided might be a snare to him." The true doctrine seems to have been that the majority of Christians must be damned for a shade of opinion. Brodie saw and moralised on the Lord Mayor's Show. "Oh, learn me to die, to be crucified to all this . . ." At the celebration of the Communion in Westminster Abbey, he thought that, despite the ritual, "they might partake sparingly." But in Scotland for six years they might not, in many towns; the preachers refusing to celebrate, as we have already seen. The truth is that Brodie was attracted by the Liturgy; moreover, "I have seen, and daily, much disorder in conceived prayers and extravagancy, which does afflict me." One need not go back to 1661 to see extravagancy and disorder in "conceived prayers." Everything, down to the Lord Mayor's Show, was a subject of "exercise" with Brodie.

In January 1654, "hearing of the approach of Glencairn, his heart grew like a stone." However, there was wet weather, Findhorn was in spate, Glencairn could not cross the water, and Brodie "considered and observed the Lord's providence." Glencairn crossed next day and ravaged the lands of the Laird of Leathin, and then Brodie "observed the ignorant, hasty, wrong applying and confirming His providences of the 18th January, in thinking that the danger was past." So he appointed a private day of fasting and humiliation at Leathin. The poor laird and Francis "confessed their youthful sins of uncleanness, and their particular guilt of covetousness," and so forth. Two sermons and a new private Covenant followed. John and Joseph and old Leathin and young Leathin, and old Francis and young Francis, and James and Janet, and seven other Janets and Johns made their personal confessions: old Francis appears to have been a free liver enough, but doubtless he did not enter into details. Thus Glencairn's rising had a moral effect on the Brodies, and the laird gave a stack of oats to Leathin's unlucky tenants. This example of an educated lay Covenanter has been chosen to illustrate the psychology of such men. Brodie was seriously disheartened when some witches were acquitted at Inverness; and, in brief, was a fair specimen of a devout, canny laird of his age. Though he owns to a sinful distaste for conceived prayers, he did not like bishops, partly because they were styled "my lord"

—a title of human institution. But he lived too far north for the later persecutions to make him uncomfortable.

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NOTES TO CHAPTER IX.

- <sup>1</sup> Clark to Lenthall, Dundee, Nov. 9; 'Scotland and the Commonwealth,' p. 20.
- <sup>2</sup> 'Scotland and the Commonwealth,' pp. 333-335.
- <sup>3</sup> 'Scotland and the Commonwealth,' pp. 48, 49.
- <sup>4</sup> 'Scotland and the Commonwealth,' pp. 365, 366.
- <sup>5</sup> 'Scotland and the Commonwealth,' pp. 136, 208, 215.
- <sup>6</sup> Nicoll, pp. 65, 66, 69, 104.
- <sup>7</sup> Nicoll, p. 91.
- <sup>8</sup> Nicoll, p. 70.
- <sup>9</sup> Row's 'Blair,' p. 286.
- <sup>10</sup> Baillie, iii. pp. 190-194.
- <sup>11</sup> Baillie, iii. p. 214.
- <sup>12</sup> Baillie, iii. p. 225; Row's 'Blair,' p. 307.
- <sup>13</sup> 'Scotland and the Commonwealth,' pp. 161-164.
- <sup>14</sup> 'Scotland and the Commonwealth,' pp. 108, 109.
- <sup>15</sup> 'Scotland and the Commonwealth,' pp. 45, 46.
- <sup>16</sup> 'Scotland and the Commonwealth,' pp. 46-48.
- <sup>17</sup> 'Scotland and the Commonwealth,' pp. 50-53.
- <sup>18</sup> Turner, pp. 105, 106.
- <sup>19</sup> Nicholas Papers, i. p. 320.
- <sup>20</sup> Nicholas Papers, i. p. 319.
- <sup>21</sup> Nicholas Papers, i. p. 314; 'Scotland and the Commonwealth,' pp. 82, 83.
- <sup>22</sup> 'Scotland and the Commonwealth,' pp. 91-101.
- <sup>23</sup> 'Scotland and the Commonwealth,' p. 141.
- <sup>24</sup> 'Scotland and the Commonwealth,' p. 134.
- <sup>25</sup> 'Scotland and the Commonwealth,' pp. 120, 121.
- <sup>26</sup> 'Scotland and the Commonwealth,' pp. 165-167.
- <sup>27</sup> Baillie, iii. p. 249.
- <sup>28</sup> 'Scotland and the Commonwealth,' pp. 184-186.
- <sup>29</sup> 'Scotland and the Commonwealth,' pp. 190-193.
- <sup>30</sup> 'Scotland and the Commonwealth,' p. 221. Hist. MSS. Commission, vi. p. 617.
- <sup>31</sup> 'Scotland and the Commonwealth,' p. 248.
- <sup>32</sup> 'Scotland and the Commonwealth,' p. 254.
- <sup>33</sup> 'Scotland and the Commonwealth,' p. 257.
- <sup>34</sup> 'Scotland and the Commonwealth,' pp. 265, 266.
- <sup>35</sup> 'Scotland and the Commonwealth,' pp. 269-271.
- <sup>36</sup> 'Scotland and the Commonwealth,' p. 287.
- <sup>37</sup> 'Scotland and the Commonwealth,' p. 294.
- <sup>38</sup> Scott's 'Swift,' xvii. 450 (1884).
- <sup>39</sup> 'Scotland and the Protectorate,' Firth, Scottish History Society, pp. 120, 121 (1899).
- <sup>40</sup> 'Scotland and the Commonwealth,' pp. 308, 309.
- <sup>41</sup> Nicholas Papers, ii. p. 62.
- <sup>42</sup> 'Scotland and the Protectorate,' p. 129.
- <sup>43</sup> 'State Trials,' v. 1403.
- <sup>44</sup> Baillie, iii. p. 280.

- <sup>45</sup> Cf. 'Scotland and the Protectorate,' p. 102.
- <sup>46</sup> Row's 'Blair,' pp. 313, 314.
- <sup>47</sup> 'Act. Parl.' vi., ii. 832; Row's 'Blair,' p. 318; Nicoll, pp. 135, 136, 137.
- <sup>48</sup> Baillie, iii. pp. 258, 283, 284. <sup>49</sup> Nicoll, pp. 125, 126.
- <sup>50</sup> 'Scotland and the Protectorate,' p. 144.
- <sup>51</sup> Historical MSS. Commission, vi. p. 616; 'Scotland and the Protectorate,' pp. 145, 146.
- <sup>52</sup> 'Scotland and the Protectorate,' pp. 138, 139-149.
- <sup>53</sup> 'Scotland and the Protectorate,' pp. 149-153.
- <sup>54</sup> Turner, pp. 109, 110.
- <sup>55</sup> 'Scotland and the Protectorate,' pp. 403-405.
- <sup>56</sup> 'Scotland and the Protectorate,' pp. 384, 385.
- <sup>57</sup> 'Scotland and the Protectorate,' p. 279.
- <sup>58</sup> 'Scotland and the Protectorate,' pp. 412-414.
- <sup>59</sup> Nicoll, pp. 147, 148.
- <sup>60</sup> Baillie, iii. p. 297.
- <sup>61</sup> Baillie, iii. p. 321, 322. <sup>62</sup> Row's 'Blair,' p. 329.
- <sup>63</sup> Row's 'Blair,' p. 331. <sup>64</sup> Baillie, iii. p. 330.
- <sup>65</sup> Baillie, iii. p. 354. <sup>66</sup> Nicoll, p. 201.

## CHAPTER X.

## THE RESTORATION.

1660-1666.

THE Scottish rejoicings over the Restoration were picturesque, noisy, and convivial. Noll and the devil were burned in effigy, the Castle guns were fired, and not a little was drunk on the occasion. But the shouts died away, and where did Scotland stand? The constitutional novelties of Argyll and Waristoun expired by a natural death; Charles named his great officers of State as his ancestors had done, without calling or consulting Parliament, and the Lords of the Articles recovered power. Glencairn, who had fought for the Cause in its darkest days, was Chancellor; Rothés, who had more than the sensuality and none of the Liberalism of his father, was President of the Council; Lauderdale, now a Duke, remained with the king in London as his chief adviser on Scottish affairs, though things were done by his rivals in Scotland at which he found it safest merely to connive: his position was difficult.\*

Meanwhile we must go back, and trace the doings of a minister which were to lead to ecclesiastical changes and to all the Scottish unrest under the Restoration. On January 16, 1660, Monk, on his march to London, wrote to Douglas and Dickson, sending them, "according to their desire, a pass for Mr Sharp." He, as we know (at this time he was minister of Crail, and a "regent" in St Leonard's College, St Andrews), had lain in the Tower, after 1650, and was released, perhaps after signing a "tender" of compliance with Cromwell. He had already been the envoy of the Resolutioners to the Protector, and was again in London in 1659. Soon after Sharp's arrival in town (February 1660) Lauderdale and

\* Sir George Mackenzie, 'Memoirs of the Affairs of Scotland,' p. 78 (1821).

Lindsay were set free from the Tower, and, with Sharp, informally represented the views of the less extreme Scottish party, Sharp corresponding with Baillie and Douglas. From the first, Sharp kept expressing a desire to be recalled: he found himself in deep waters and strong currents; he had seen too much of England and the world to be a perfect Presbyterian, and to suppose that he could give his party entire satisfaction. As early as February 21 he desires to return to Scotland; again on March 27, and so on frequently.<sup>1</sup> Mr Osmond Airy, editor of the *Lauderdale Papers*, avers that, "in the most comprehensive sense of the word, Sharp was a knave, *pur sang*." That is not a certain opinion; Sharp rather yielded gradually and not without resistance to strong corrupting influences. He seems to have made the state of affairs clear enough, in his letters to Douglas. He does, on occasion, adopt the style of "the good old cause," but his genuine views are transparent in his correspondence with the men who sent him as their envoy.

"Rigid Presbyterianism," he says from the first, will not be accepted, and, though Douglas strongly objects to the phrase "rigid Presbyterianism," which apparently means, not the mere absence of bishops, but the intolerable claims of Andrew Melville's school, Sharp purposely continues to use it in writing to Douglas. This was fair warning as to the state of his own opinions. Even more clearly than the leaders of his party, he sees that the Protesters are so grave a danger to a satisfactory settlement, that matters are sure to tend to "moderate Episcopacy." He is not afraid of the words which Douglas thinks a contradiction in terms. While the Covenant endured, there could assuredly be no moderate Presbyterianism; and Baillie, for example, was more attached to the Covenant, at this time, than even to the hope of ousting Gillespie from the Principalship of Glasgow University. Sharp obviously would, even at this time, have been content with the shadow of Episcopacy implied, later, in Leighton's attempted "accommodation."

Sharp's letters of this date and onwards appear to indicate clearly enough that he saw how the world would go, and that he, unless recalled, would go with the world.\* Douglas kept informing Sharp that the new generation in Scotland "bear a heart-hatred to the Covenant," "have no love to Presbyterian government, but are

\* See 'The Correspondence of Sharp and Douglas,' Wodrow, i, 7, 8, 9, 12, 17, 18.



wearied of that yoke, feeding themselves with the fancy of Episcopacy.”<sup>2</sup> But Sharp tells Douglas that, in England, “I smell that moderate Episcopacy is the fairest accommodation, which moderate men, who wish well to religion, expect. . . . We” (the Scots) “shall be left to the king, which is best for us” (April 1660, no date of day). On April 26 Douglas wrote, saying that he wished Sharp to go and see the king; but already Monk had asked Sharp to go as his own envoy.<sup>3</sup> Mr Airy writes, “it is clear from extracts given by Wodrow that Sharp was playing the double game. He was supposed by the Resolutioners to be going to the Hague as their agent. In reality he went as Monk’s.” As Mr Airy frankly observes, speaking for himself, “it is with difficulty that we constrain ourselves to keep our hands off James Sharp,” but we must try to display the serene calm of history, and to look carefully into Sharp’s conduct.\* Sharp did not conceal from Douglas and his friends that Monk had engaged him to go to Charles while Douglas was making the request by letter that he would do so (April 26). From Wodrow’s extracts it is certain that Sharp (April 28) told Douglas that Monk was sending him to Breda, and he “is sorry he cannot stay till he have Mr Douglas’s mind.” On May 8 Douglas writes “that his motion and the General’s came together.” Sharp therefore did not deceive Douglas as to his going to Breda for Monk. Both the Resolutioners and Monk were sending Sharp to see the king. With Sharp, Douglas and four of his allies sent a letter to Charles, saying that “the principles of the Church of Scotland are . . . fixed for the preservation and maintenance of lawful authority.”

Charles knew better than any man how much truth there was likely to be found in that assertion, however sincere on Douglas’s part; moreover, which *was* “the Church of Scotland”? Were Resolutioners or Protesters the genuine Kirk? In Sharp’s instructions the five preachers in Edinburgh (whatever authority from the Kirk they may have had) remark that “we, for our part, shall not stumble if the king exercise his moderation towards them” (the Protesters), “*yet* we apprehend their principles to be such, especially their leaders, as their having any hand in affairs cannot but breed continual distemper and disorders.”<sup>4</sup> Baillie, later, suggests that as the protesting ministers can only live by preaching, and can only

\* The observation is quoted from Mr Airy’s article in ‘The Quarterly Review,’ April 1884, p. 415.

preach in English, they should be sent—to the Orkneys. Even so, James VI. sent the recalcitrant Bruce to Inverness, to be out of the way.<sup>5</sup> Such was the temper of the Resolutions: could it have been used so as to establish a harmless Presbyterianism?

Sharp did go to Breda; and at once (May 10) Douglas and his group began to move him, and Lindsay and Lauderdale in London, against Charles's use of the English Liturgy "in his family," and against toleration of Dissenters in Scotland. The case is plain: these leaders of the less frenzied party in the Kirk were already feeling their way back to their old position of intolerance. Moreover, Argyll and Gillespie, "with a world at their back," were holding a Communion—a Protesters' Communion—at Paisley (May 27). Meetings of such "slashing communicants" had already been preludes to civil war. "Neither fair nor other means are likely to do with them," groans Baillie, and, in fact, these words of his exactly express the situation, and means in no way fair were employed to little purpose. Would it have been fair to exile all Protesters to the Orkneys? Was it even possible?<sup>6</sup>

Douglas believed, and said that, at Breda, Sharp was "corrupted." He later heard that Sharp carried a letter from a noble to the king, saying that he was in favour of Episcopacy. Burnet names Glencairn as the author of the letter: we have no other evidence.<sup>7</sup> The personal question, so much debated, is merely as to the moment when Sharp decided to go with the prelatical current. If from the first—he was "a knave, *pur sang*." If at the last, he had been debased into a politician who made the best of the situation for himself. But, on the public question, what could the Government do to prevent "the inconvenients of Presbyterian despotism"?

On meeting the king, Sharp found that he had a royal memory of his preaching friends. He returned to London with the triumphant *cortège*, and (May 26) wrote that Charles "is resolved not to wrong the settled government of our Church." The editor of Baillie, David Laing, thinks it "evident that Charles entertained no such design" (of restoring Episcopacy in Scotland) "for several months after the Restoration," and if Charles did not, if Lauderdale did not (as Laing holds), it is improbable that Sharp did.<sup>8</sup> At this time he repeatedly assured the brethren that no change was intended.\*<sup>9</sup>

\* Mr Hill Burton rather wildly says that, in the summer of 1660, "Sharp was Archbishop of St Andrews"!

The Scots kept their Restoration festival on June 19, first with sermons, then with a banquet at Edinburgh Cross, the fountains running with claret. Three hundred dozen of glasses were broken after the toast to the king. Scotland was delirious with drink and joy; the nobles hastened to London—among them Lorne, who was well received. Argyll, we saw, had just been at a Protesters' Communion, tantamount, in the eyes of the Government, to a political meeting, and the protesting preachers' "study is to fill the people with fears of Bishops, Books" (the Liturgy), "destroying of the Covenant . . . and hereupon presses private meetings . . ." says Baillie.<sup>10</sup> The Protesters discerned the signs of the times, but Argyll did not. There are about seven distinct stories of second-sighted men that warned him. Dumb men had premonitions; dogs "yowled" under his window; he was seen, by a gentleman who "had the sight," "with his head off and all his shoulder full of blood," on the bowling green at Inveraray. Wodrow, Law in his 'Memorials,' and Baillie are responsible for these anecdotes. But Argyll himself, though thus warned, and conscious of his own treasonable action against Glencairn in 1654; aware, probably, that Glencairn had then asked Charles to proclaim him a traitor, and that Glencairn was now in favour; aware that, though Lorne was well received, his own curse on Lorne for taking the king's side had been handed by himself in writing to the English, went up to London, in place of staying, perfectly safe, among his fastnesses, with galleys ready for flight.

Had he been invited by the king, he must later have produced his safe-conduct. Wodrow, in his 'Analecta,' gives two stories, one, that Lorne was deceived into bringing his father to London; the other, that this was not the case. Argyll certainly showed no cowardice; he rather gave proof of audacity. Hyde refused to see him, and rebuffed him in the antechamber, probably expecting him to take the hint and escape. Undeterred by such conspicuous warnings, Argyll went straight to his undoing, was refused the king's presence, and was arrested. He was hated by the king. If any one gave Charles assurances for Montrose's safety, it was Argyll. He had tormented him with preachings, he had ruined the Engagement, he had accepted huge promises of money when Charles was at his mercy; and though much was covered by an Act of Indemnity, not thus covered was Argyll's action against the Royalists in 1652-1654. The marquis was conveyed to the

Tower, where he lay till December, being then removed to the Castle of Edinburgh.

Meanwhile Sharp, in London, rather dissuaded Douglas from coming up himself: as for "the brethren," "I am apt to think they will not get content." He added that the new English Parliament "will make all void since 1639" (June 2). This was, one might think, fair warning that, in Scotland also, all might "be void since" 1638. Sharp discouraged addresses in favour of "settling religion according to the terms of the Covenant," as Douglas desired. His position was that the intended interference of the brethren in favour of English Presbytery was a blunder; their position was that their silence might be construed into approbation. They sent Sharp a paper for the king, intimating that the use of the Liturgy, in England, caused them "grief of heart." Their tastes were to dominate the desires of the sister kingdom!

Sharp (June 5) said that, in the newspapers, a visit from Douglas and Dickson to London was announced; he "wishes it may hold." "I am desirous to be taken off, and returned to my charge." They might have taken Sharp at his word, his desire to withdraw, so often repeated, so constantly ignored by his modern accusers. Douglas (June 12) replied that he and Dickson had never intended to come up. It was untrue that Scotland was in arms for the Covenant, but English reinforcements of the garrisons there arrived daily. Sharp writes (June 9), "I can do no good here for stemming the current of Prelacy, and long to be home." He has "sad apprehensions . . . and a languishing desire to retire home and look to God, from whom our help alone can come. . . . Take me off." "I hear they talk of bringing Episcopacy into Scotland" (June 10). He, Crawford, and Lauderdale do not know whether Douglas should come up or not. "You know I am against Episcopacy, root and branch," yet earlier letters had clearly shown no insuperable objection to "moderate Episcopacy" (June 12). On June 14 the king told Sharp that he "was resolved to preserve to us the discipline and Government of our Church as it is settled among us," and at that moment perhaps he was. Charles would grant a General Assembly, after a Parliament, but desired no visit from preachers. Sharp himself "saw no shadow of reason" for Scottish meddling with English ecclesiastical affairs. Dr Crofts, preaching before the king, said that Worcester rout was a divine punishment "for the guilt he had contracted in Scotland" (by taking the Covenant),

“and the injuries he was brought to do against the Church of England.” Both sides could take that line. In any case, says Sharp, “The Protesters’ doom is dight” (June 25).

In a notable letter of July 3, Douglas writes to Sharp, “After this, Assemblies are not to interweave civil matters with ecclesiastic; and he wisheth that the king were informed of this.” But what authority had Douglas for a promise which, if accepted and kept, would have saved Scotland from her miseries under the Restoration? He throws the blame of the “interweaving” on the Protesters. But the Assembly of July 1648 had bearded the Parliament before the Protesters existed as such. The Assembly had always meddled with civil affairs, when it was in its glory. If Assemblies could have been induced to act as Douglas says that they would, all might have been happily arranged. But when Douglas throws all the blame on the Protesters, he is so manifestly wrong that it is hard to believe him to have been candid. Wodrow, and Burnet, and Sharp’s modern critics, believe that he was tricking Douglas, all through 1660. To myself he seems to have openly shown his hand at this time.<sup>11</sup>

In Scotland (July 14) efforts were being made to secure Waristoun, but he escaped to the Continent for the time. Charles entrusted the government to the Committee of Estates of 1651 (captured, of old, by Monk, at Alyth), and Glencairn entered Edinburgh, as Chancellor on August 22. The Committee, of ten nobles, ten lairds, and ten burgesses, met on the following day, and, in a neighbouring house, met ten protesting preachers and two elders, under Guthrie. This was one of the “private meetings” which Baillie said “are, to my sense, exceeding dangerous,” as showing “a resolution to keep up a schism and a party of the godly, as they will have them called, for themselves, that will obey no church judicatory further than they please.” It seems then that Douglas’s promise not to meddle with civil matters would have been of no effect. The Protesters might have called counter Assemblies, and being “the godly” would have had followers, in plenty. Peace was impossible. The private meeting proved fatal to Guthrie, who, it will be remembered, had procured the excommunication of Middleton, had troubled the last hours of Montrose, and had “preached the poor little army down,” after Dunbar. His allies, like the Covenanters at the beginning of the troubles, drew up a “supplication.” The Cromwellians, they said, had done many evil

things, including the "barbarous murder" of Charles I. But "beyond all" they had established "a vast toleration" in religion, the height of wickedness. After copious professions of loyalty to the king whom they had opposed in the Remonstrance, and in the protest against the Resolutions, they denounced Malignants who wished to bring back the Service Book. Never must "the vomit of toleration" be again "licked up." His Majesty was implored to enforce uniformity of religion (that is, Protestant Presbyterianism) in the three kingdoms, to fill all posts with Covenanters only, to "extirpate Prelacy," and abstain from the liturgy in the royal chapel; and publicly to approve of the Covenants.<sup>12</sup>

This supplication for a renewal of civil war (for it was nothing less) the Committee of the Estates instantly seized, with the men who drew it up. They were "in unlawful conventicle," "tending to disturbance . . . and if possible, rekindling a civil war." Illegal the arrest may have been, as illegal as the execution of Ladywell for "leasing-making," but something needed to be done, and probably it would have been wise to deport Guthrie to the Orkneys, as Baillie had suggested. Guthrie was for bringing chaos back again. One of the sufferers, Stirling, wrote to his kirk session, that they had only "avowed the Lord's marriage contract, in a sworn covenant, between the three kingdoms," and that they "abhorred a new war." But the "marriage contract" could be enforced at no smaller price.<sup>13</sup> Glencairn proclaimed "unlawful conventicles" and "seditious remonstrances." Guthrie's 'Causes of Wrath' and Rutherford's 'Lex Rex' were denounced, and preachers of seditious sermons were threatened with loss of their stipends. The Resolutions themselves had reason for alarm, but Sharp brought down a reassuring letter of the king to the Presbytery of Edinburgh (August 10). "We resolve to protect and preserve the government of the Church of Scotland, as it is settled by law." By *what* law? Did Charles *then* mean—did Sharp know that he meant—to "make void all before 1639"? A General Assembly was promised; Douglas and other preachers were to be sent for; and "we are very well satisfied with your resolution not to meddle without your sphere," says the king.<sup>14</sup>

Burnet has a story, from Primrose the Clerk Register, that Middleton read this letter before it left London, that he was angry with the concessions, till Sharp explained that they were merely meant to quiet the Presbyterians; a rescissory act would leave the

law where it was before the Revolution. Middleton was a soldier; he acquiesced in but disdained the paltry equivocation. So Primrose told Burnet, but Burnet says that Primrose was "a man with whom words went for nothing."\* Primrose was only to be believed when he abused Sharp! We cannot be sure that the prevarication about preserving the government of the Church "as settled by law" was already determined upon, and was known to Sharp.

At "the end of 1660" Sharp writes to Lauderdale, in London, advocating a General Assembly "immediately after the Parliament of 1661." Are we to believe that Lauderdale, the secretary for Scotland, was now being deceived by Sharp in a matter where Middleton, according to Primrose's story, was correctly informed?<sup>15</sup>

The certain facts as to the psychology of Sharp are, that from the time of his arrival in Scotland he was suspected and accused of forwarding the cause of a change to Episcopacy. He was, during the Scottish Parliament which opened on January 1, 1661, in constant attendance on Middleton, the Royal Commissioner. He was at the same time in correspondence with Patrick Drummond in London, a Presbyterian minister in attendance on Lauderdale; and Lauderdale, as he knew, would see his letters.† In these he protests that he remains "a Scot and a Presbyter," and has not touched on Church government in "sermons or conferences" at Holyrood or elsewhere. These letters go on till March 21, when he says that his inference is that they must come to "Erastianism in its worst form," or to "constant commissioners, moderators, or bishops," "a change in which I would be very loth to have a hand." Sharp then went up (April 29) to London, and thence, on May 21, wrote to Middleton. He had seen Clarendon, and learned that

\* Burnet, 'History of his Own Time,' i. pp. 192-200; cf. 'North British Review,' vol. xlvi. pp. 402-404.

† Mr Airy points to a difference "in tone" between a letter to Lauderdale "and other letters of Sharp's sent" (later) through Drummond, a London Presbyterian "in communication with Lauderdale," in fact his chaplain. But *this* letter asserts to Lauderdale Sharp's belief in an Assembly and Presbyterian peace, *after* the date when he is reported to have told Middleton that Presbyterianism was to be abolished. I cannot believe that Sharp and the king, in August 1660, were conspiring behind Lauderdale's back, while Middleton knew what was going on. Lauderdale was still Presbyterian; Sharp says that he himself is "a Scot and a Presbyter," and tells Lauderdale at the end of December 1660 that all Estates think Episcopacy should not be forced by Parliament on Scotland. 'North British Review,' *ut supra*, 430-435, June 1867, not 1848, as Mr Airy cites it.

what Middleton "did often tell me was not without ground," namely, that Episcopacy would be introduced. Here it is Middleton who, in Scotland, tells Sharp; not Sharp who, in London, tells Middleton, according to Primrose's anecdote, that Episcopacy would be introduced. Sharp's letter of May 21 need not contradict what Sharp, on March 21, wrote to Drummond, that he himself had not touched on the question in "sermons or conferences." Private talk with Middleton is not, in the sense here used, a "conference," whether in the French or English meaning of the word. I incline to suppose that Sharp did what he could, in the early months of 1661, to hit on some scheme more moderate than actual Episcopacy, less immoderate than intolerant Presbyterianism; that he found this impossible; that, "though very loth," he could not resist the temptation to go with the tide, and finally, reckless of his honour, took his chance and an archbishopric. It is probable that he was not the only waverer. In his letter to Middleton of May 21 he ends by saying, "I am sorry if Mr Douglas, after such professions made to your Grace, shall disappoint your expectations." Douglas "got down" on the Presbyterian "side of the fence."

As for Sharp, he was now lost. His position involved him in statesmanship, for which he (as Baillie and Livingstone thought of clergymen at large) was unfit. Hated, as a clerical statesman, by his nobly born associates, just as Spottiswoode had been hated, he was also despised by them, was bullied, was a mere tool, as a prelate must needs be, when Episcopacy is only a measure of police, and bishops but screens or shields against the Presbyterian weapon of excommunication. Though he was not without some drops of gentle blood, his father had been a sheriff clerk, and now he was a pot of clay, swimming with pots of gold, silver, and iron. He had really, at heart, no superstitions about the divine right either of Prelacy or Presbytery. He was intent on destroying the anarchy resulting from the old Presbyterian pretensions, now mainly supported by the Protesters. On that essential point he was sincere if not fanatical; hence his later accession to many disgusting cruelties, though by nature, as Baillie's earlier letters show, and as his portraits indicate, he was a man of kindly nature.\*

\* The view of Sharp's development taken here is based on his letters, summarised by Wodrow, or printed in the Lauderdale Papers, i. ii., especially i. 60-90, and ii. lxx. -lxxxii. Mr Airy, and Burnet, Baillie, Wodrow, and Douglas,



It is the gradual tragedy of a soul: the history of Lauderdale is another. Beginning as a sincere fanatic in youth, very unlike his kinsman Lethington, Lauderdale suffered long imprisonment, and many other tribulations, due to the insensate follies of Presbyterianism in 1648-50. Even this did not dispose him to welcome Episcopacy, but the bloom had been rubbed off his soul, and he, an accomplished scholar and Orientalist, yielded to the claims of his powerful and sensuous temperament. There was no oath which he scrupled to take, his abundant intellect was prostituted to brigandage under the guise of government, and long before the end his prolix talk and disgusting coarseness, as Lord Ailesbury tells us, made him detested by Charles II. ('Memoirs,' i. 14-16.)

On January 1, 1661,—to return to secular affairs,—Parliament met at Edinburgh, "and never any Parliament was so obsequious to all that was propos'd to them," says Sir George Mackenzie, the "bluidy Mackenzie" of Covenanting legend. The Act of Indemnity had not yet been passed; no man knew what he might suffer, or what he might gain, and Cromwell had tamed the Scottish temper of defiance.<sup>16</sup> Middleton sat as Commissioner, and Lords of the Articles were chosen, though Tarbet opposed this practice, as "prelimiting the judgment of Parliament." *How* the Lords were chosen on this occasion we are not informed. On January 4 the House was told by Middleton that the king desired the honourable burial, at his own expense, of the mangled remains of the great Montrose. The act was graceful, whether Charles had all that he has been accused of to repent, or not. On January 7 the fragments of the marquis, and of Hay of Dalgetty, were unearthed from beneath the gibbet or recovered from the "airts" to which

hold that Sharp was a Judas from March 1660 onwards. The letters cited are marked, whether by Drummond, Lauderdale, or another, with lines and crosses at certain passages, and Mr Airy thinks that Lauderdale laid them before the king "to expose Sharp's weakness and insincerity" (Lauderdale Papers, i. x.). But if Charles was Sharp's fellow-conspirator, the exposure was superfluous. Before leaving for London, in April 1661, Sharp wrote to Baillie, "I am commanded to take a new toil, but I tell you it is not in order to a change of the Church." If Sharp then knew what he learned in May from Clarendon, his words are an unblushing falsehood. Hitherto he had but Middleton's account, which Clarendon confirmed; "I found that which your Grace often told me was not without ground": probably Sharp thought it, or tried to think it, groundless enough to justify his statement to Baillie (Baillie, iii. p. 460). In any case, Sharp was gliding to utter dishonour, but, in my opinion, the decline was gradual, a view perhaps more consistent with human nature than the theory of Mr Airy.

they had been dispersed. A coffin containing the trunk of Montrose, under a velvet pall, was borne by Atholl, Mar, Seaforth, and other peers, and by the young marquis, accompanied by 200 mounted gentlemen led by Kenmure, to the Tolbooth. Here Napier, with Inchbrakie, Gorthie, and other gallant Grahams, took down the head of the hero from its iron spike, Gorthie kissing it piously. He died that night, "a judgment," said the fanatics. The coffin was then conveyed to the Abbey Church at Holyrood, where it lay till May 11. On that day, with all possible solemnity and heraldic splendour, the remains of Montrose were carried to St. Giles's Church, where a stately and beautiful tomb, adorned by the escutcheons of his kin and his companions in arms, now marks the most sacred spot in Scotland, the resting-place of the stainless Cavalier.<sup>17</sup>

For the rest, the Parliament was so reactionary as to provoke the censures of "bluidy Mackenzie," at that time no official, but a rising advocate. They framed an oath acknowledging the royal prerogative and supremacy "over all persons and in all causes," ecclesiastic as well as civil. Cassilis retired from Parliament on this score; Balmerino, with others, also retired, when renewing the Covenant without royal consent was pronounced illegal. Here was a breach of an act of the Parliament of 1651, says Wodrow, which ordained that all members should sign the great band.<sup>18</sup> The king regained his right of appointing officers of State. After leading gradually up to it, the Parliament rescinded "all done in Parliament since the year 1638," save some private bills. They did but follow the example of the Covenanters who had rescinded the acts of all General Assemblies that were not to their liking. But Mackenzie remarks that others, as well as the fanatics, were displeased by the sweeping measures of reaction. The Parliament of 1648, which approved of "the unlawful Engagement," as the wild party called it, went by the board with the rest. As for church government, it was to be secured "as the king finds most consistent with scripture, monarchy, and peace," which did not promise well, on the second and third heads, for Presbyterianism. May 29 was appointed as a public holiday; "it was evidently framed to be a snare unto ministers," as all state holidays were. Patronage of livings was restored; it had been abolished in 1649, and remained, as we know, a stone of stumbling and an occasion of disruption. Moreover, presentees to livings had to take the oath of allegiance.

A yearly grant of £40,000 was made to the king, £32,000 being taken from the excise of ale and beer. "It lowered extremely the price of victual, because it heighten'd the price of beer and ale, . . . and it forced poor people also to leave off brewing. . . ." These seem rather salutary results, but already, in 1659, when the price of beer was raised, "God fra the hevinis declaired his anger by sending thunder, fyre, and unheard of tempests, and inundations," so Nicoll interprets the divine view of the case.<sup>19</sup> The subsidy was collected by soldiers, who were quartered on sluggish payers, a very practical grievance. Against several of the proceedings of Parliament, the brethren, such as dared to meet, made remonstrances to Middleton, who declined "to be terrified by papers."<sup>20</sup> The Synod of Fife set to work, but Rothes dismissed them, and the Earl of Galloway acted the same part in his shire. "The ministers did begin to thunder after their usual manner," says Mackenzie, but times had altered. The Synod even of Fife, the leader of old in many a struggle, was put to the door.<sup>21</sup> The Synod of Lothian was forced to censure its protesting brethren, and suspend them, and was then dismissed. "All this is but a short swatch" (specimen) of the oppressions of the times, says Wodrow.

The next event of public importance was the trial of Argyll, who, during the session of Parliament, had lain in Edinburgh Castle. He was allowed counsel,—in England a man accused of treason would not have been so fortunate,—and Mackenzie was one of his advocates. The indictment, drawn up under Sir John Fletcher, the king's advocate, wandered over the whole career of the marquis since he first took the Covenant, and included many charges of barbarity to the Macdonalds, often alleged on mere hearsay; indeed, the indictment was mainly a deluge of irrelevancies introduced to excite prejudice. Argyll was safe, by virtue of acts of indemnity, for all offences prior to 1651; where he was vulnerable was in his aiding and abetting of the English invaders during Glencairn's and Middleton's rising, when his own son, Lord Lorne, was in arms for the king. Argyll's defence on this point was that his conduct was but "common compliance wherein all the kingdom did share equally." Charles was fair enough to decree that only offences committed after 1651 should be insisted upon, and this grace was believed to be due to Lauderdale acting out of enmity to Middleton, and favour to Lorne, who had married his niece.<sup>22</sup> The restriction of the charge was no more than just, but was

thought to be practically nullified when Middleton sent Glencairn and Rothes to court to work against the interest of Argyll. Meanwhile, during the numerous sittings of the Court in Edinburgh, Middleton pressed the charge of accession to the death of Charles I. Of this there was no kind of proof, nothing beyond conjecture as to the nature of talk between Argyll and Cromwell after Preston fight; and Parliament on this head acquitted the marquis honourably.

All now turned on his alleged abetting of the English in 1654-1655. Then came a dramatic moment. Says Mackenzie, "after the debate and probation was all closed, and the Parliament ready to consider the whole matter, one who came post from London knockt most rudely at the Parliament door, and upon his entry with a packet, which he presented to the Commissioner, made him conclude that he had brought a remission, or some other warrant, in favour of the marquis, and the rather because the bearer was a Campbell." The packet really contained "a great many letters" of the accused to Monk while commanding in Scotland; and these letters proved beyond cavil that Argyll had been giving intelligence to the English of the movements of the Royalists, and even of his own son.\* Of the extant letters three are to Lilburne, three to Monk; if Mackenzie rightly says that there were "a great many letters," no doubt the proof against Argyll was more copious—it could not be more cogent—than that which we possess.† "No sooner were these letters produced than the Parliament was fully satisfied as to the proof of the compliance."<sup>23</sup>

Next day Argyll was forfeited, and sentenced to be beheaded, not hanged like Montrose. His demeanour, says Mackenzie, "drew tears from his very enemies," who were of milder mood than the foes of his great opponent. A respite was refused, but Argyll was not insulted and harassed as Montrose had been. Monk has been much blamed for sending down Argyll's letters, as if they had been private communications to a friend. But Monk and Lilburne were addressed by Argyll in their public capacity,—they were in no

\* In the 'Dictionary of National Biography,' it is said that these letters are lost.

† About the production of this incontrovertible evidence, Wodrow says not one word (Wodrow, i. pp. 130-150); nor does Kirkton. Even in 1903 the Rev. Alexander Smellie avers that the letters merely "contained some expressions of goodwill to the Commonwealth and the Lord Protector." 'Men of the Covenant,' 65.

sense his friends. There was nothing to restrain Monk except the fact that, if Argyll had been a rebel against the king, he himself was in the same condemnation. Burnet says that Monk "betrayed the confidence in which they then lived."<sup>24</sup> Monk lived in no confidence with Argyll: no one did, and Monk trusted Argyll no further than he could see him. Argyll was not staunch to the English for whom he acted as intelligencer. In October 1656, in a conference with Don John of Austria, Charles II. is reported to have said, "to tell truth I have more of him (Argyll) than of any other, and except for Cromwell himself, it is certain that he carries immortal hatred at Lambert, Monk, and all the rest of their officers, and of this evidence shall be given anon."<sup>25</sup> Monk happened to be aware of the amiable sentiments entertained towards him by Argyll: the account of the conversation between Charles and Don John was sent to him by a spy named Drummond, who was present, or was informed by some person who was present.<sup>26</sup> If the spy's report is correct, we have a very pretty picture of perfidy on all sides. Argyll (1654) betrays his son's movements to Monk, and is his "affectionate humble servant." In 1656 Argyll is apparently aiding the king with money, and "carries immortal hatred at Monk." In 1661 Monk, who knows this, sees his chance, and has his revenge on Argyll, while Charles takes the life of the rebel of 1654, of the friend who advanced money in 1656.

Argyll's reputation for courage, we know, was not good, and Burnet says that "his heart failed him," when the usual arrangements had been made for an escape. He had just put on his wife's clothes, and was going into her chair, but he feared that, if he were taken, his execution might be hastened.<sup>27</sup> Wodrow puts it that, after getting into petticoats, he said that "he would not disown the good cause."<sup>28</sup> It does not appear how escape meant apostasy, any more than in the escape of Ogilvy from St Andrews, or of the Earl of Argyll in 1681. But Argyll may have thought so, remembering the refusal of Socrates to break prison. As he said of Montrose, he "got some resolution to die," and "had a sweet time as to his soul," adds Wodrow. "I could die like a Roman, but choose rather to die as a Christian," he remarked to Mackenzie, who records the phrase.<sup>29</sup> Did he mean that he, like Montrose, could have died "in the old Roman way" (as was fabled of Lethington), but thought suicide wrong? He met his fate with perfect courage and composure, insisting that "those who were then unborn are engaged to

the Covenant.”<sup>30</sup> He may thus be regarded as a confessor, and extreme Presbyterians have proclaimed him a “martyr” of their creed.

The title was perhaps better deserved by James Guthrie, who was hanged on June 1. He had been the heart and brain, with Waristoun, of the Remonstrants, maintaining the highest opinions of the duties and privileges of ministers. With Guthrie began that hanging of preachers which, nearly a century earlier, Morton is said to have thought requisite for the restoration of peace to Scotland. A long and brutal struggle was to follow. The essence of Guthrie’s offending, in Mackenzie’s opinion, was his refusal to accept king and council “as judges to what he preached, in the first instance.”<sup>31</sup> This was the old quarrel with Andrew Melville. A preacher is accused, for example, of using the pulpit as a vehicle of seditious or treasonable libels. He will only be tried, in the first instance, by other preachers. If they acquit him, as they are likely to do, there can be no court of second instance. Apostolic authority has given its verdict. The question is, are preachers or laymen to rule the State? To ensure the supremacy of the State, a moderate Episcopacy without the Liturgy, or the Articles of Perth, was forced on Scotland. Nonconformist ministers were put out of their livings, as in Ireland by Jeremy Taylor; and as Conformist ministers had been used by the Covenanters, and were again used in 1689. Their flocks clung to them, and were persecuted. So far they were sufferers for conscience’ sake. But the worthy men whom they followed were mortal enemies of freedom of conscience in religion. They suffered what, in 1638 and in 1689, they inflicted.

We have already criticised the proceedings of Sharp in 1660, 1661. On May 21, 1661, as we saw, he wrote to Middleton from London. He had seen Clarendon, who would only consent to the removal of the English garrisons from Scotland if Scotland adopted Prelacy. Lauderdale and Sharp were to write a Proclamation on the matter, to be issued after Middleton had visited London.<sup>32</sup> It was, practically, Clarendon who hurried on the intrusion of Episcopacy. On the Scottish side, Middleton is said to have declared that the majority in Scotland was for it; and Sharp, says Burnet, assured the king that only the Protesters, and not twenty Resolutioners, were against it.<sup>33</sup> Lauderdale and the king knew the Scots better, who had been bred in the faith, says Mackenzie, that Prelacy is “a limb of Antichrist.” “The king went very coldly into the design,” writes

Burnet. The view of things that the Earl of Lauderdale had given him was the true root of the king's coldness in enforcing Episcopacy. But the Council in Scotland insisted on the change.

On the break up of Parliament (July 12), the Council became all-powerful, and the Earl of Tweeddale was despotically imprisoned for some observations on Guthrie's case.<sup>34</sup> At the end of August, Sharp, Glencairn, and Rothes returned from Court, and (September 8) issued a royal letter on ecclesiastical matters. This contained the quibble about maintaining the Kirk "as settled by law," the promise made in the previous year. After the Rescissory Act, "law" was what it had been in the last year of James VI. Bishops were therefore to be restored, and meetings of synods were forbidden. There is no possible defence of the prevarication of Government, which would have been odious in a pettifogging attorney. The king himself, in all probability, was already a Catholic as far as he had any convictions. To the north of Scotland, and especially to the Synod of Aberdeenshire, the change was welcome, and many ministers even in the south were wearying of Presbyterian unrest. But many Resolutioners and all Protesters were alienated, with the pious of their flocks, especially the zealous women of all social ranks. Of the bishops of 1638 only Sydsersf, Bishop of Galloway, survived. There were old clergymen who had been in the Episcopal Church of James VI., but Presbyterian ministers were preferred to the restored bishoprics and their scanty revenues. Sydsersf was translated to Orkney; Sharp got St Andrews with the primacy, which, as Grub, no unfriendly critic, remarks, "a person of strict rectitude, or even of high worldly honour, would never, under such circumstances, have accepted."<sup>35</sup> Fairfoul, minister of Dunse, took Glasgow, and the insignificant diocese of Dunblane fell to the saintly Leighton. The deanery of the chapel royal enabled him to use the Anglican Book of Common Prayer. It is, perhaps, still the popular opinion that the liturgy was restored with the bishops, but Dr M'Crie, in a review of 'Old Mortality,' writes, "at the Restoration . . . public worship was left to be conducted as it had been practised in the Presbyterian Church." \*

\* According to Dr M'Crie, Episcopacy was established because Charles thought that Presbyterianism "was not the religion of a gentleman." This is absurd; Episcopacy was established for the reasons which have been given, not for its "gentlemanliness," nor because "aspiring churchmen . . . were satisfied with seating themselves in their rich bishoprics." Wodrow remarks that the

To return to the bishops, Montrose's Wishart (a profane drunkard, says Wodrow, borrowing from Kirkton), got Edinburgh. The others, less notable, are impartially abused by Wodrow; Leighton's besetting sin was "an over extensive charity."<sup>86</sup> On December 15, 1661, the prelates were ordained at Westminster Abbey, being "rushed" through deacon's and priest's orders, to the discontent of Sharp.\*

It was inconsistent that the bishops, on their return to Scotland, did not re-ordain such Presbyterian ministers as now adhered to Episcopacy. Leighton found, says Burnet, that Sharp had no scheme at all for getting rid of "conceived prayers" and introducing a liturgy. To Sharp, Burnet attributes quite another scheme—the prohibition by Council, on January 9, 1662, of all meetings of synods, presbyteries, or kirk sessions, until authorised by the bishops.<sup>87</sup> For reasons obvious to the Presbyterian conscience,<sup>88</sup> this precipitancy and the great increase of power allotted to bishops widened the breach between the preachers and the State. In Parliament (May 27, 1662), Episcopacy was restored, the Covenants declared unlawful, ministers who would not attend the *new* synods (synods under bishops) lost their livings; and patronage, abolished in 1649, was restored. All ministers appointed after 1649 were ordered to be presented afresh by the patron, to the bishop for collation, on or before September 20, and this struck, as Kirkton remarks, at the younger preachers.<sup>89</sup> The bishops sat in this Parliament, to the disgust of David Leslie, the victor of Philiphaugh, who attended as a peer.<sup>40</sup> All acts giving jurisdiction to kirkmen independent of the royal supremacy were rescinded; but the prelates were "restored to all the commissariats," the judgments, practically, of probate and divorce. All persons in places of public trust had to take an oath declaring it unlawful to enter into leagues and covenants, or to take up arms against the king. "Some compared this declaration to the receiving the mark of the beast in the right revenues of all the Scottish bishoprics "came but to £4000 or £5000 sterling a year, much of their rent being in victual" (Wodrow, i. p. 235). Wodrow took this from Kirkton's MS., to which he makes a general acknowledgment of obligations (Kirkton, 135). The richness of the bishoprics and the gentlemanly tastes of the king were not the causes of the establishment of Episcopacy; it is amazing that a learned historian should express such a theory. But Dr M'Crie repeats that Presbyterian writers of the time "repeatedly admit that they had no such grievance" as the imposition of the detested book (M'Crie, 'Works,' iv. 17; 1857).

\* Compare Burnet's very interesting and generous account of Leighton, 'History of his Own Times,' i. pp. 242-253.



hand," says Wodrow. Lauderdale, at whom, as having been of old a very precious Covenanter, this act was thought to be aimed, said that he would take "a cartful of such oaths."<sup>41</sup> The working of the Act of Indemnity, which had been delayed to terrify possible recalcitrants, was also aimed at Lauderdale in a futile and perplexing fashion.

The affairs of Scotland, at this juncture, needed the most sagacious and delicate handling. But power was not concentrated, the members of the Government "fought for their own hands," and Middleton in Scotland aimed at money from fines and at the estates of Argyll. In London, Lauderdale counteracted him; Lorne was saved from the consequences of some hasty phrases in a private letter; and Middleton's objects were to settle the religious difficulty with the high hand, to oust Lauderdale by a scheme for excluding twelve persons from office,—these twelve to be selected by an unheard-of system of ostracism ("billeting") in Parliament,—and to extort fines to an enormous extent. His first plan culminated (October 1) in a foolish and fatal order of Council at Glasgow, whereby all preachers who did not conform by November 1 were to be ousted, and deprived of their stipends. Nearly 300 ministers went out, and the Council, terrified by a kind of ecclesiastical strike, extended the period of submission to February 1, 1663. The Presbyterians, when they ousted Conformist preachers in 1689, had plenty of old hands and of young enthusiasts to take their places, but the Council, at this juncture, had no such supplies of any value.

The affair of "billeting," after complex intrigues (Lauderdale being kept informed of what passed in Edinburgh by Sharp's brother, William), ended in Middleton's discomfiture. He had led Parliament to believe that the king desired the ostracism, and the king to suppose that it was the wish of Parliament. Charles, after receiving able and lawyer-like memoirs from Lauderdale and Middleton (published by Mackenzie), threw the billets of ostracism into his cabinet. Lennox's "billet" ostracised Crawford (Lindsay), Cassilis, Lauderdale, Lothian, Loudoun, Tweeddale, Sir Robert Murray, and Brodie of Brodie, among others. The leaven of the old Covenanting party among the lords and lairds was threatened. Lauderdale, however, secured the aid of Clarendon in frustrating a conspiracy of the clumsiest kind, but Middleton got leave to continue in Scotland, where his conduct in postponing a royal

proclamation as to the fines of some seven or eight hundred persons excepted from the Act of Indemnity was represented to the king as an infringement of royal prerogative. Middleton's counsellors had, it is said, often deliberated in drink, and had not revised their proceedings when sober.

On March 10, 1663, Middleton was recalled, and the Keepership of the Castle of Edinburgh was bestowed on Lauderdale.<sup>42</sup> Meanwhile preachers like Livingstone of Ancrum, Nevoy or Neave, of the Dunaverty Massacre, and Donald Cargill, later so notorious, had been exiled, or sent north of Tay. Apparently Baillie would have sent them to Orkney. The bloodthirsty Nevoy, author of "a very handsome paraphrase of the Song of Solomon," says Wodrow, died abroad.<sup>43</sup> Such ministers as were determined to practise passive resistance left their manse and flocks in the winter months of 1663. "Parish churches, generally speaking, through the western and southern shires, were now waste and without sermon," says Wodrow. In the prime of the Covenant, many parishes had seen their "Conformist" and Engager ministers ousted, but no wail is made by history over the sorrows of Conformists. The vacant parishes, in 1638 and after the Engagement, were readily filled with fiery and godly young Covenanting preachers; but in 1663 there was a sudden demand for Episcopalian preachers on the part of Government. Jeremy Taylor, when he "ousted" Irish Presbyterians, had an easy source of supply of preachers from England. Nobody was likely to leave England for a Scottish parish, and, according to Kirkton, the north was ransacked for "a sort of young lads, unstudied and unbred." "We cannot get a lad to keep cows, they turn all ministers," said a local humourist, but Kirkton admits that "most of them were of two or three years' standing."<sup>44</sup> In their new parishes "the curates" were received, here with tears, elsewhere with curses, "strange affronts and indignities," barred doors, empty belfries, and ants' nests emptied into their boots—a pious waggishness of a shepherd's boy. In other cases the godly stoned the new preachers, and resisted the soldiers who escorted them. Women, "bangster Amazons," took the lead, as in the historical riot about the Liturgy. Kirkton attributes the wilder outrages to "the profane and ignorant." "I have known some profane people, if they had committed an error at night, thought affronting a curate to-morrow a testimony of their repentance."

Ten years later Leighton wrote to Lauderdale, "the negligent and

indifferent throwing in upon them any that came to hand was the great cause of all the disquiet that hath arisen in these parts, filling all places with almost as much precipitancy as was used in making them empty." In a draft of a paper for Leighton, made by Burnet, the archbishop says that they had first made a desert and then peopled it with owls and satyrs.<sup>45</sup> Burnet, then very young, was offered any church he pleased, but the wisdom of the serpent dictated his refusal. He says that the livings were well endowed, and the manses well built and in good repair.

The ousted preachers were "a grave, solemn sort of people," "their spirits eager, and their tempers sour," but they commanded respect. They were of good families, "either by blood or marriage." Thus, in the Presbytery of Jedburgh we find Scotts, Elliots, and Kers, probably cadets of these families, but in all the Maxwell country only two Maxwells "wagged their paws in a pulpit"; they were a godless clan. In Fife gentle names are more frequent: taking Wodrow's whole list, however, it does not seem that the preachers, as a rule, "came of a gentle kind."<sup>46</sup> Still, they were the men to whom the parishioners were accustomed to look up; and they had taught the serious convinced vessels to pray almost or altogether as well as themselves. "I have often overheard them at it," says Burnet, "and though there was a large mixture of odd stuff, I have been astonished to hear how copious and ready they were in it." Such graces in private outpourings before small assemblies had not been welcome to the majority of the early Covenanting preachers, who, as we have seen, disliked and discouraged conventicles. But many of the now ousted ministers then inclined to favour such exercises. At meetings on Sunday nights the people discoursed on their "cases of conscience," a practice which partly satisfied that love of talking about ourselves that could no longer find an outlet in the confessional. Indeed, judging not only from Burnet but from Covenanting diaries, confession was informally practised, "the people very oft being under fits of melancholy, or vapours, or obstructions, which, though they flowed from natural causes, were looked on as the work of the spirit of God. . . ." Such phenomena will occur wherever religion is a matter of serious concern.<sup>47</sup>

From palatable political sermons, and pious assemblies to talk over sermons, and from informal confession to adored preachers, the faithful were now cut off, and their case is not less deplorable than

that of Catholics after the Reformation, or of Episcopalians under the Covenant or the Commonwealth or the Revolution. Not only the serious of all classes, but the profane and ruffianly, were banded against the "curates," and preferred "to share the family exercises of the younger ministers who were ousted but sojourned among them," or to leave their parish kirks for those of really sound divines of older standing than 1649.<sup>48</sup> The assemblages would often overflow the limits of the kirk or minister's house, and thus large conventicles were held in the open air. The kirk of the curate was deserted. "He, only he, *were* my parishioners," writes a poetical curate in praise of his laird. "Going to hear those profane hirelings would take you to hell as soon as idolatry, witchcraft, adulteries," said the Prophet Peden, in a sermon preached at Glenluce.<sup>49</sup>

This condition of affairs greeted the Parliament of June 18, 1663. It met under Rothes as Commissioner: Lauderdale accompanied him to Scotland. Rothes intimated the king's desire that the Lords of the Articles should be elected in the manner "used before these late troubles." Many manners had been used: but the method now was the election by the clergy of eight nobles, who chose eight bishops, the sixteen electing eight from the barons, eight from the burgesses. This "packed" the Lords of the Articles for the crown. Rothes's niece was the young heiress of Buccleuch, she was married to James, whom Charles supposed to be his son by Lucy Walters; and on July 10, "James, Duke of Monmouth," was created Duke of Buccleuch.<sup>50</sup> On August 21 was passed an act for constituting a National Synod or Assembly, under the Primate, but the Synod never met.<sup>51</sup> On September 23 "an humble tender" of 20,000 foot and 2000 horse was made, to be ready to serve against invasion or rebellion in any part of the three kingdoms.<sup>52</sup> The force was employed, in part, during the risings which soon followed. Already (July 10) an act had been passed "Against Separation and Disobedience to Ecclesiastical Authority." Persons not attending their parish kirks were to be severely fined, at the discretion, within limits, of the Privy Council; and preaching by ousted ministers was to be held seditious. Thus many Presbyterians were placed in a position like that which Catholics had long occupied.<sup>53</sup>

During this Parliament, Waristoun, who had been captured in France, was tried, and received sentence of death. He was, or more probably feigned to be, idiotic. Lauderdale (July 2) describes to Sir Robert Murray his abject demeanour. "I have often

heard of a man feared out of his wits, but never saw it before; yet what he said was good sense enough, but he roared and cried and expressed more fear than ever I saw."<sup>54</sup> If the caitiff was "disordered in mind" (as Burnet says), it does not appear how he could compose his own speech, read by him on the scaffold.<sup>55</sup> On July 9 Lauderdale announces that Waristoun had recovered composure and dignity.<sup>56</sup> Waristoun had been "an idol," says Burnet, of the Presbyterians; others, in their affections towards him, keep well "on this side idolatry." Mackenzie gives a deplorable account of the panic-stricken pietist who had disturbed the last hours of Montrose.<sup>57</sup>

Though, for the purpose of ousting Middleton, Lauderdale had pretended zeal for Episcopacy, his old training, and the inveterate jealousy and contempt of bishops which he and all Scottish nobles entertained, made him and Glencairn but lukewarm supporters of Sharp. The bolder apostate despised his low-born and timid comrade. In 1664 Sharp went to London, asking, practically, for a Court of High Commission. Burnet, who was about twenty-two at the time, says that he remonstrated with Lauderdale, who replied that he was only giving Sharp line. The eager Burnet then expostulated with Sharp, who became "jealous" of him.<sup>58</sup> The Court of High Commission, or "Crail Court" (so called from Sharp's old parish), put more power into Episcopal hands, a quorum of five, including one bishop, being entrusted with the work of punishing nonconformity.<sup>59</sup>

Our old friend, the cheerful Turner, now Sir James Turner, was the "secular arm" to which recalcitrant Whigs were handed over. He knew no "other rule but to obey orders," says Burnet, who claims to have been of his acquaintance. Years later, in 1668, a committee of the Privy Council reported many outrageous deeds of Sir James, but it had been determined to make a scapegoat of the gallant and learned officer. The accusations, with such replies as the knight deemed it prudent to make, are to be found in Wodrow.<sup>60</sup> In his memoirs he declares that he was all for leniency, "never came the full length of his orders," sometimes did not exact fines, and often exacted but a part of the legal amount. The character of Sir James was notably merciful; he had saved many lives of prisoners, and pled hard with Leslie for the captives butchered at Dunaverty. But "drinking, I confess," he writes, with honourable candour, "hath brought me in many inconveniences." Burnet puts

the case more strongly: "he was mad when he was drunk, and that was very often."<sup>61</sup> Admitting, as Burnet does, that Turner "was often chid" for leniency, "both by Lord Rothes and Sharp," even so the inconveniences of an intoxicated commander, still more the excesses of his soldiers when quartered on recusants at a distance from him, must have been intolerable. We have a report of Turner's brutalities in a minister's house, from one who, as a child, was present. If Turner was really there in command, he must have been drunk, and should have been broke.

The outbreak of the war with Holland (1664), the closing of Dutch ports to Scots trade, and the "inconveniences" of Turner were well calculated to provoke insurrection. The letters of Rothes to Lauderdale, in 1665, are a long lament over the poverty of the country, the difficulty of collecting fines, the dangers of holding a financial Convention, when "griffinses" (grievances) so abound, and the spread of conventicles.<sup>62</sup> The idea of disarming the Whiggish west may have been adopted as much to procure arms as to pacify the recalcitrant, for there were neither men nor weapons to resist an invading force, and on many sides it was reported that invasion would be the signal for rebellion. Either "cess" (land-tax) or other taxation would prove as unprofitable as unpopular. On the news of a naval battle with the Dutch in June 1665, many suspected gentlemen were seized and imprisoned, among them a brother of Lord Eglintoun, Maxwell of Nether Pollock, Muir of Rowallan, a brother of Halket of Pitfirrane, and Sir George Monro.<sup>63</sup> On December 7 a severe ordinance against conventicles was issued by the Council,<sup>64</sup> and Turner was very busy in Ayrshire and Galloway. On November 24, Rothes, in spelling almost unintelligible, gave Lauderdale an account of the conventicles, secretly assembled, addressed by ousted ministers in lay costume, "at the side of a moss or a river," with scouts and sentinels to give warning of hostile approaches. The women are the chief cause of the trouble, being "influenced by these fanatic knaves."<sup>65</sup>

Ever since the death of Glencairn, in 1664, the Chancellorship had been vacant, and Sharp, with Alexander Burnet, now Archbishop of Glasgow, had been intriguing. They well knew that the nobles in power hated and despised them, and had no more love of Episcopacy than Montrose. Even the recall of Middleton, as Chancellor, is said by Burnet to have been aimed at by Sharp, who was also made hateful to Cavaliers by the statement that he had

diverted the fines, intended to compensate them, to the purpose of raising troops. In the summer of 1665, according to Burnet, Sharp, in London, tried to undermine Lauderdale in the king's graces, but was detected and reduced to tears, by the burly favourite.<sup>66</sup> Charles, by a view of Sharp's correspondence in 1660-1661, already criticised, was led to regard him as "the worst of men," but, if Charles was Sharp's fellow-conspirator, he knew all about him already. Despite the distress and discontent, Rothes, in March 1666, reported that conventicles would scatter before a sheriff and a couple of his officers.<sup>67</sup> Rothes was quite mistaken in his view of the temper of the godly. They were intriguing with Holland, and had a scheme for capturing the castles of Edinburgh, Stirling, and Dumbarton, in July 1666.\* On July 15 the States-General of Holland deliberated on the overtures of "the friends of religion," in Scotland, and it was determined to send assistance, arms, and ammunition as soon as the friends of religion had made themselves masters of the fortresses. A subsidy of 150,000 *gulden* was promised to the professors. The intrigue lasted till October, at least, and the rising in Galloway, commonly called the Pentland Rising, occurred in November.<sup>68</sup> From the 'Life of Gabriel Sempill,' by himself, it appears that the west country lairds, whether engaged in the intrigue with the Dutch or not, were discussing the chances of success in a rebellion.<sup>69</sup> Yet the rising, probably, arose on an accidental occasion.

On October 4, 1666, Rothes was demanding forces to overawe "the stubborn people in the west," where Turner tells us that he had not seventy men in his command, and of these all but thirteen were scattered here and there, quartered on recusants. Then the flame broke out. The lonely clachan of Dalry, in the valley of the Ken, was the scene of resistance to a few soldiers, accused of ill-treating an old peasant. One of four "honest men," who chanced to be drinking in the clachan, shot a soldier (November 13 or 14), and safety now seemed to lie in rebellion rather than in flight. A few lairds, such as Corsack, and young Maxwell of Monreith, joined the original four honest men, of whom M'Lennan of Barscobe, a local landed gentleman, seems to have been one. A tumultuary body marched down Loch Ken and so to Dumfries, where Sir James Turner, who was in bad health, was surprised and captured in

\* This appears from a MS. in the Advocates' Library, cited by Dr M'Crie, 'Memoirs of Veitch and Brysson,' p. 35, note.

his bedroom ; the fines which he had collected, and his commission, were taken by the insurgents.

Accounts of the affair differ: Turner says that M'Lennan of Barscobe, at Dalry, shot a corporal of his, for refusing to break the law by taking the Covenant—so the corporal reported. The captain of the rebels was one Andrew Gray, who soon left them,—Turner could get no information about him; a report, printed by Symson, a conformist minister, accuses him of running away with the money.\* According to Blackader, the knight's captors numbered 50 horse and about 200 foot.† Poor Sir James was dragged up and down the country on a sorry nag, and knew that the wilder fanatics advised his death. "This notion of pistoling him was slighted, alas, it is to be feared too much," says Wallace, who led the rebels. Nelson of Corsack resisted this proposal, and Turner, later, did his best (as we learn on Covenanting evidence) to save the life of Nelson.<sup>70</sup> Sir James did not lose heart or humour, and stood beer to the preachers who attended the mob, for the amusement of hearing them say grace before they swigged it. Of the infantry he speaks in high praise: "I never saw lustier fellows or better marchers," and the horsemen executed their manoeuvres handsomely.

Wallace, a trained soldier from Edinburgh, an old blade of the Covenant, now commanded a force of over a thousand men.<sup>71</sup> Among the ousted preachers who rode with them was the famous prophet, Peden, who, foreseeing the hopelessness of their enterprise, deserted them when they approached the Clyde. Wallace, who thought himself no mean strategist, hovered between Edinburgh and Glasgow, ready to strike at either. In Edinburgh the Council (Rothes being on his way to London) had news of the rising by November 17, and summoned the loyal in all directions. On November 21 they issued a proclamation with no promise of indemnity, and they secured the passages over Forth against the malcontents of Fife.<sup>72</sup> The rebels, wandering about, were strongest at Lanark, where they renewed the Covenants "to the end we may be free of the apostasy of our times." They also refer to the

\* See Turner's 'Memoirs,' Kirkton, pp. 229-232. Wodrow, ii. pp. 17-20, and the Rev. Mr Blackader's account, 'Memoirs,' pp. 121-123. Edited by Andrew Crichton, Edinburgh, 1826. 'Veitch and Brysson,' pp. 380-384.

† If we are to accept the odd theory that the Jesuits were the fomenters of the rising, perhaps we may regard the mysterious Andrew Gray as a Jesuit!



injustice of their sufferings by fines, imprisonments, and quarterings of soldiers.<sup>73</sup> Of course, the renewal of the Covenants meant a revival of civil war, and Scotland was in a strait, persecution being inevitable whoever triumphed in the contest; but victory was not long uncertain.

Tom Dalziel of Binns, a stout old Cavalier, who had been in Russian service, marched on Lanark, and pursued the rebels towards Edinburgh, whither vague news of a Dutch landing, and hopes of recruits and supplies, had lured them. Their only chance lay in an onfall of their Dutch allies, and the appearance of a fleet of Hollanders at Dunbar was reported, forty sail in all.<sup>74</sup> From Edinburgh came neither recruits nor supplies; cold, and heavy rain, and fear had reduced the little army; they wandered into the Pentland Hills, and there had a scuffle with part of the royal army, who retreated to a steep hillside. In this affair fell two Irish Presbyterian preachers, "main instruments of the attempt," says Wallace.

His account of the battle of Rullion Green is obscure. "The enemy runs" is a phrase that occurs frequently; the Covenant seems to be victorious, yet somehow it is the Covenanters who retire, beaten and in great disorder, exposed to the attacks of the local peasantry. The facts may be explained if we prefer the account of Maitland of Halton, who fought on the Cavalier side.<sup>75</sup> Sir James Turner joined his friends unhurt, after the victory, and Wallace made his escape to Holland. The soldiers and country people took many prisoners, both laymen and preachers. So ended (November 28) a rising which appears to have been unconcerted. Probably the devout persons who had designed to seize, or betray to the Dutch, Edinburgh, Stirling, and Dumbarton castles, kept out of the rebellion. Their names have never been ascertained. They had, of course, quite as good a right to appeal to Holland as the Jacobites later had in their acceptance of French, Spanish, or Swedish assistance.

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#### NOTES TO CHAPTER X.

<sup>1</sup> Wodrow, i. pp. 7, 17.

<sup>2</sup> Wodrow, i, pp. 15, 16; 20, 21.

<sup>3</sup> Lauderdale Papers, i. p. 25; Wodrow, i. p. 20, 21; Mr Airy's note, Lauderdale Papers, i. pp. 25, 26.

<sup>4</sup> Wodrow, i. p. 22, note.

- <sup>5</sup> Baillie, iii. p. 459.  
<sup>7</sup> Wodrow, i. p. 28.  
<sup>9</sup> Burton, vii. p. 134.  
<sup>11</sup> Wodrow, i. pp. 26-35.  
<sup>13</sup> Wodrow, i. p. 73.  
<sup>15</sup> Lauderdale Papers, i. pp. 56-60.  
<sup>16</sup> Mackenzie, 19.  
<sup>18</sup> Wodrow, i. p. 91. As to the ambiguities in the oath about supremacy, cf. Wodrow, i. pp. 92, 93.  
<sup>19</sup> Mackenzie, pp. 31, 32; Nicoll, p. 247.  
<sup>20</sup> Wodrow, i. p. 112.  
<sup>23</sup> Mackenzie, pp. 37, 38.  
<sup>24</sup> Burnet, 'History of his Own Times,' i. p. 226, Oxford, 1833.  
<sup>25</sup> The Heads of a Discourse, etc., Act. Parl. Scot., vi. pt. 2, pp. 904, 905.  
<sup>26</sup> Thurloe, State Papers, v. pp. 602, 603.  
<sup>23</sup> Wodrow, i. p. 152.  
<sup>30</sup> Mackenzie, p. 44.  
<sup>32</sup> 'Archæologia Scotica,' vol. ii. pp. 103-107.  
<sup>33</sup> Burnet, i. p. 236.  
<sup>34</sup> Wodrow, i. pp. 219-221; Burnet, i. pp. 231-234; Mackenzie, p. 60.  
<sup>35</sup> Grub, 'Ecclesiastical History of Scotland,' iii. p. 192.  
<sup>36</sup> Wodrow, i. p. 238.  
<sup>37</sup> Wodrow, i. p. 249, note; Burnet, i. pp. 255, 256.  
<sup>38</sup> Burnet, i. pp. 258-260.  
<sup>39</sup> Kirkton, 'Secret and True History,' p. 144.  
<sup>40</sup> Wodrow, i. p. 259.  
<sup>42</sup> Mackenzie, pp. 64-113; Burnet, i. pp. 258-278, 364-370; Lauderdale Papers, i. pp. 106-134.  
<sup>44</sup> Kirkton, 'Secret and True History,' p. 160.  
<sup>45</sup> Lauderdale Papers, ii. p. 225.  
<sup>46</sup> Wodrow, i. pp. 324-329.  
<sup>48</sup> Kirkton, 'Secret and True History,' p. 163.  
<sup>49</sup> C. K. Sharpe, note to Kirkton, p. 164.  
<sup>50</sup> Act. Parl. Scot., vii. pp. 449, 454.  
<sup>52</sup> Act. Parl. Scot., vii. pp. 480, 481.  
<sup>53</sup> Act. Parl. Scot., vii. pp. 455, 456.  
<sup>54</sup> Lauderdale Papers, i. p. 145.  
<sup>56</sup> Lauderdale Papers, i. p. 152.  
<sup>58</sup> Burnet, i. pp. 375, 376.  
<sup>60</sup> Wodrow, ii. pp. 101-104.  
<sup>62</sup> Lauderdale Papers, i. pp. 218-240.  
<sup>63</sup> Wodrow, i. p. 425.  
<sup>65</sup> Lauderdale Papers, i. pp. 233, 234.  
<sup>67</sup> Lauderdale Papers, i. pp. 235, 236.  
<sup>68</sup> M'Crie, *op. cit.* pp. 377-380.  
<sup>70</sup> Law's 'Memorials.' Wodrow MSS., p. 17.  
<sup>71</sup> Wallace left a narrative, in M'Crie's 'Veitch and Brysson,' pp. 355-432.  
<sup>72</sup> Wodrow, ii. p. 20.  
<sup>74</sup> Wallace, in 'Veitch and Brysson,' p. 409.  
<sup>75</sup> Lauderdale Papers, i. pp. 248-252.  
<sup>6</sup> Baillie, iii. p. 404.  
<sup>8</sup> Baillie, iii., lxxv.  
<sup>10</sup> Baillie, iii. p. 404.  
<sup>12</sup> Wodrow, i. pp. 66-71.  
<sup>14</sup> Wodrow, i. p. 81.  
<sup>17</sup> Napier, ii. pp. 825-837.  
<sup>21</sup> Wodrow, pp. 112-128.  
<sup>23</sup> Mackenzie, pp. 39, 40.  
<sup>27</sup> Burnet, i. p. 224.  
<sup>29</sup> Mackenzie, p. 47.  
<sup>31</sup> Mackenzie, p. 50.  
<sup>41</sup> Mackenzie, pp. 64, 65.  
<sup>43</sup> Wodrow, i. p. 317.  
<sup>47</sup> Burnet, i. pp. 279-284.  
<sup>51</sup> Act. Parl. Scot., vii. p. 465.  
<sup>55</sup> Burnet, i. pp. 370, 371.  
<sup>57</sup> Mackenzie, pp. 134, 135.  
<sup>59</sup> Wodrow, i. pp. 384-395.  
<sup>61</sup> Burnet, i. pp. 384, 385.  
<sup>64</sup> Wodrow, i. p. 430.  
<sup>66</sup> Burnet, i. pp. 386-390.  
<sup>69</sup> M'Crie, *op. cit.* p. 384.  
<sup>73</sup> Wodrow, ii. pp. 25, 26.

## CHAPTER XI.

## THE STRIFE WITH THE COVENANTERS.

1667-1679.

FROM the skirmish of Rullion Green to the Revolution the melancholy and tedious chronicles of Scotland are the records of vacillating attempts, first, to reconcile irreconcilables, and secondly, to break down the spirit of the Kirk, or to do both at once.\* The story might be told very briefly. Severity and attempts at compromise alternated. While the country, left to itself, might have acquiesced in arrangements by which Episcopacy was reduced almost to the shadow of a name, the extremists, especially some exiled ministers in Holland, Browne and M'Ward, would not be satisfied while the name of "bishop" endured. They must have "parity of ministers," "Christ's kingdom," as in the prime of Andrew Melville's day,—that and nothing less. The various and veering Governments could not grant these demands. They cared little or nothing for bishops, except as ecclesiastical policemen; nay, they cherished the old jealousy of the noble against the prelate, and they ruthlessly subdued the priestly pretensions of their clerical tools. All that Government wanted was to keep the Presbyterians in as good order as Cromwell had done. The Protector had allowed Presbyterianism to exist, *minus* the General Assembly, always the focus of seditious disturbance.

But Cromwell was backed by Monk and the garrisons; perhaps the Restoration Government could not have existed while every pulpit rang with denunciations of men in office under the names of Haman, Judas, and Ahab. The bishops were therefore

\* Our most useful authority is Wodrow, minister of Eastwood, writing about 1715-20. He is the Calderwood of the period, very industrious, but, of course, not unprejudiced.

maintained as police; and while bishops existed, peace was impossible. Every attempt at leniency seemed weakness to the Presbyterians, and encouraged resistance. In every offer of compromise the trap was detected, and the pious feared that "the dead carcase of the prayer-book" would be revived. The king's ministers were corrupt, and divided by private quarrels; the Presbyterians also were divided, but, on occasion, followed the lead of the extremists; and a dismal series of futile indulgences and irritating ferocities lead us to Bothwell Bridge, the Revolution, and at last to compromise and peace, the majority persecuting a helpless minority.

Nobody had a policy for Scotland, unless Dalziel's proposal to hang all rebels is a policy.<sup>1</sup> The conduct of Rothes and Sharp, of the military and clerical party, had caused the Pentland Rising. If the landed leaders of the aggrieved Presbyterians had joined that rising openly, the spirit of their party might have been crushed by forfeitures and executions. But no leaders of much social importance could be discovered. The search for them was not helped by the use of torture, which had not been openly and judicially employed in political cases—in trials for witchcraft it was usual—for thirty years. Among the sufferers was Mr Hugh Mackail, a young divine who, at the age of twenty-one, in 1662, had denounced the rulers, in a sermon, as Haman and Judas. He joined the rebels from Edinburgh; and, though he did not remain with them till their defeat, he was supposed to be able to make disclosures. He was put in the boot, a frame into which wedges were driven, crushing the leg.\* "The executioner favoured Mr Mackail," says Kirkton, "but Corsack" (whom Turner vainly tried to save) "was cruelly tormented." They told nothing—probably they had nothing to tell. In Edinburgh some fifteen men were hanged. Like the Cavalier prisoners after Philiphaugh, some of them maintained that they had surrendered to quarter on the field. It was briefly replied that they were rebels. As far as evidence goes, perhaps thirty-five men were capitally punished.<sup>2</sup> Dalziel, in the west, is accused not only of extortion and torture, but of shooting one Finlaw without trial.<sup>3</sup> The story sounds incredible, as the authors of 'Naphtali' say (Stuart of Goodtrees, and Stirling, minister of Paisley), but Sir

\* Kirkton, p. 250. Cf. Note by C. K. Sharpe. Dumas gives the same account of the boot, as used in France, in 'La Reine Margot.' The wedge might merely squeeze the calf, or might, more cruelly, crush the shin bone. For Mackail see the contemporary 'Naphtali,' p. 238.

Robert Murray wrote to Lauderdale that the "damned book" "tells exactly the whole story, as I have heard it related."<sup>4</sup>

Many prisoners lay in "Haddock's Hole" (named after a Royalist prisoner, Gordon of Haddo) and Bishop Wishart, who himself had been in prisons often, sent food to the captives, as became the companion of Montrose.<sup>5</sup> While these prisoners lay expecting death, forfeiture, or exile to Barbadoes (which had no terrors for them), Sir William Ballantyne is accused of rapes of women, roastings of men, and of actual murder, in the south-west. "Turner was a saint to Ballantyne."\* The rebellious district was ruined, for the time; and, while the preachers and leaders kept concealed, small bands rabled the houses of conformist ministers, whom they hated as spies, even more than they detested their religious principles. Dalziel, no doubt, had a policy, that of "Thorough"; but he also expected, and received, forfeited estates, while Rothes and other commanders enriched themselves on every hand.

Meanwhile the Royalist opponents of Burnet (Archbishop of Glasgow), Sharp, and Rothes, men like Bellenden, and Tweeddale, kept writing letters to Lauderdale, in town, deprecating the violence of the Church and Army party, and especially avowing hatred and contempt of Sharp. There was a dispute about the bestowal of forfeited lands, and Rothes perhaps exaggerated, while his opponents minimised the dangers and disorders of the time. Bellenden found "the burden of a priest too heavy for my shoulders," and the moment came when Sharp was "snibbed" (January 1667).<sup>6</sup> At a Convention of Estates, the Duke of Hamilton superseded him as president, and he was put under ecclesiastical arrest, condemned not to move out of his diocese. An old intrigue of his to reconcile Rothes and Middleton, through Dumfries, as against Lauderdale, was remembered against him; "he is strangely cast down, yea, lower than the dust," says Rothes to Lauderdale. Till he submitted and adopted a policy of leniency, he was baited and derided, becoming the tool of the Lauderdale party.†

\* The story of the murder in Wodrow, ii. p. 65, is not authenticated, as far as I am aware.

† Mr Hume Brown writes (*op. cit.* ii. p. 398) that, by Gilbert Burnet's story, Sharp kept back a royal letter, desiring that no blood should be shed on account of the Pentland Rising. But Sharp did not go to London at the time preceding Mackail's execution, and Gilbert Burnet tells the tale of the royal letter, not about Sharp, but about Burnet, Archbishop of Glasgow. 'History of his Own Time,' i. p. 435. Oxford, 1833.

The financial convention of January 1667 voted the king £6000 a month, for a year, with every appearance of loyalty. Throughout 1667 Lauderdale's allies in Scotland keep mocking at the bishops as a futile set of men, and at Sharp as a knave, but a useful knave. On July 1, 1667, Sir Robert Murray, who had come down in Lauderdale's interest, wrote to him a long letter on the "fleeings" of the Church and Army party, on their desire to fix themselves in a military despotism, and on their exaggeration of the spirit of revolt.<sup>7</sup> This was ever the burden of Murray, Tweeddale, and Kincardine. But when government came into their own hands, they discovered that the soldiers and prelates had not been wrong, and themselves pursued, but in a vacillating style, the policy of suppression.<sup>8</sup>

Early in September 1667 Lauderdale let Sharp know that bygones might now be bygones, and the king was induced to write to the repentant prelate, who (January 18, 1668) confesses to Lauderdale his joy at the sight of an impression of that "diamond seal," which Prince Charles Edward was to lose in the Highlands.<sup>9</sup> \*

Sharp being now tamed and made useful by Lauderdale, Rothes had to be removed from his posts as Royal Commissioner, Commander-in-Chief, and Treasurer. Sir Robert Murray's errand was to make Rothes accept the Chancellorship, resign his offices, including the Treasurership, and, if possible, forswear sack and live cleanly. Rothes in vain pleaded his ignorance of law and of Latin. He was obliged to accept a post for which he was totally unfit; and the desirable thing was to make him demit his other appointments before he visited the king in London. Murray kept reporting the financial corruption of the party that had been in power: on the other hand came in accounts of cruelties to conformist ministers; and the Archbishop of Glasgow was trying to move Sheldon, Archbishop of Canterbury, in favour of the Episcopal order in Scotland. But, on September 24, Rothes resigned, and meanwhile Murray had invented one of many futile forms of religious compromise. Murray's proposals were an indemnity (with exceptions), the persons indemnified to give securities for keeping the peace. Gentlemen were to be sureties for their retainers; the militia was to be settled as the king might appoint; it was to be decided whether

\* Sharp seems to have suggested that Rothes and Dalziel purposely caused the Pentland Rising, at least this appears to be the sense of Sir Robert Murray's letter to Lauderdale, Dec. 10, 1667. Lauderdale Papers, ii. pp. 86, 87.

or not the persons under vow to keep the peace must sign the declaration against the Covenant (September 13, 1667).<sup>10</sup>

By this time peace had been made with Holland, the army was disbanded, and the Episcopal party felt defenceless. The Presbyterians, or some of them, averred that the attacks on the "curates" had been made by soldiers in disguise; but that was by no means the opinion of the Archbishop of Glasgow.<sup>11</sup> The prelates insisted that the declaration should be taken by persons coming into the king's peace; but, after a long debate, and a repeated miscalculation of votes in the Council, Murray's party carried their point—only a promise to be pacific was demanded.<sup>12</sup> In an earlier list of persons excepted, some dead men's names were entered, and in the new list, "some still remain dead," says Wodrow, with unexpected frivolity. The bishops wrote to Lauderdale (September 16) hoping that "signs from heaven," such as ever attend good Episcopalians (they say), may be multiplied upon the burly person of the earl! They hope, however, that the security of "the clergy may be provided for by the Minister."<sup>13</sup> This Episcopal epistle much amused Murray and his friends: "S.S" (Tweeddale) "and I laughed till we was weary"; it was managed by a trick of Sharp's, for Archbishop Burnet was far from complaisant.<sup>14</sup> Murray's game now was to minimise all the disorders; even at Pentland fight, he heard, the Whigs had not above sixty muskets, and scarcely slew two men. The Covenanters described their doings as much more terrible, and the attempts of the moderate party to smooth matters over were always contradicted by new outbreaks.

In February 1668 our old friend, Turner, was deprived of his office, a scapegoat of greater men, Rothes and the Archbishop of Glasgow. Turner had lost his vouchers and other papers: Gilbert Burnet says that they were privily sent, sealed, to his rooms; "but he was by this time broken; so, since the Government had treated him hardly, he, who was a man of spirit, would not show his vouchers, nor expose his friends."<sup>15</sup> Ballantyne was exiled out of Scotland, and, after an alleged plan for killing Lauderdale, was slain by a cannon shot at a siege in the Low Countries. In spite of these sacrifices to public opinion, it is admitted by all parties that illegal conventicles increased more and more. "They grew very insolent," says Burnet. "The clergy was in many places ill-used by them. They despaired of any further protection from the Government." They even allowed themselves, in the wild west, to be bought out

by their parishioners. Burnet could not find out what to believe about the "curates" in the Glasgow diocese. Too much mud was thrown by their enemies; yet the aggrieved parishioners had scruples about accusing them before the bishops,—this they called "homologating Episcopal power."<sup>16</sup> Leighton went to London, and found the king tolerant, as he was both by nature and policy. At this time (1668, 1669) Charles was conducting, unknown to his ministers, the negotiations with Louis XIV. which ended in the secret treaty of Dover, and he was professing to the General of the Jesuits his belief in the old faith.\*

The king, himself a Catholic by conviction, was anxious for toleration on all sides, and Leighton was the friend of religious peace at almost any price. He was ready to reduce the Episcopal power to a residuum which almost escaped analysis, "observing the extraordinary concessions made by the African Church to the Donatists, who were every whit as wild and extravagant as our people were."<sup>17</sup> But, though meek as a dove, Leighton did not lack the wisdom of the serpent. "He thought it would be easy afterwards to recover what seemed necessary to be yielded at present." The fanatics, of course, easily saw through Leighton's policy. "They said this was visibly an artifice to lay things asleep with the present generation; and was one of the depths of Satan to give a present quiet, in order to the certain destruction of Presbytery," an institution odious to the fallen Archangel.<sup>18</sup> It was too obvious that the Satanic designs of Leighton would prove futile. His plan was to mix bishops and preachers in the Church judicatories, a majority deciding in each case, and the preachers being allowed their favourite enjoyment of a protestation, to the effect that they only submitted for the sake of peace. They were also to be permitted the old joys of "heckling" or censuring bishops, as in the palmy days of Andrew Melville. Bishops were to lose their negative vote, but Leighton said that "bishops generally managed matters so that they did not need it." Really, if Burnet does justice to Leighton, he was little better than a serpent in our national Eden, though the good man merely desired the blessing promised to peacemakers. Kincardine, who knew his countrymen, opposed dealing with them as if they would submit to any compromise, any "selling of Christ's kingdom and his prerogative." Already the exiles in

\* See the papers between Charles, his eldest son James de la Cloche, and Oliva, in the author's 'Valet's Tragedy,' Longmans, 1903.



Holland, especially Browne and M'Ward, had sent over letters against signing a simple bond to keep the peace, "a burying of all Covenanted Reformation work," which, indeed, never was pacific.<sup>19</sup> "Touch not, taste not, handle not," was the word, says Burnet. Kincardine wished, not to treat, but to pass a law with concessions; but Lauderdale, afraid of the English cry of "the Church in danger," would not consent.

Leighton's plan of treating with the recusants was therefore adopted. Conventicles were increasing; Bruce, an outed minister, was wounded and taken—no harm befell him later. Burnet visited the Duchess of Hamilton in the west, and found frenzy prevalent. The duchess advised putting moderate "outed" preachers into vacancies, to check the power of "the furiouses." Hutchison, a renowned "outed" minister, did not much encourage the scheme of indulgence, but Tweeddale clung to it, when (July 11, 1668) one James Mitchell shot at Sharp, who was in his coach, giving alms to the poor. The scoundrel missed Sharp, and badly wounded Honeyman, Bishop of Orkney, as he was entering the vehicle. "Mr Mitchell was a preacher of the Gospel, and a youth of much zeal and piety," says Wodrow.<sup>20</sup> Hickeys says that he had been a familiar of the loathsome Major Weir, of whose sins witchcraft was the most venial. Turner met Mitchell in the Pentland Rising, and his zeal is at least as certain as his piety. Kirkton calls him "a weak scholar"; he was a cool hand at murder. He fired his pistol, walked away (or ran, according to Ramsay, writing on the day of the event), went into a house, changed his dress, and appeared in the street. "The cry arose, a man was killed. The people's answer was, *it was but a bishop*, and so there was no more noise." Thus Kirkton, a man of the day, whose manuscript Wodrow used as he chose, writing "some *rogues* answered *it was but a bishop*, and all was calmed very soon." We observe that Wodrow, in the next generation, is rather less truculent than Kirkton.<sup>21</sup>

The natural result of this assault was that Tweeddale told Lauderdale that the "planting of churches" must be deferred. Witnesses were vainly sought for, and Rothes saved a woman, Mrs Duncan, from the torture, saying "it was not proper for gentlewomen to wear boots."<sup>22</sup> By July 1668 Tweeddale had to tell Lauderdale that order could with difficulty be preserved. The fanatics were irreconcilable; a committee of them, it seemed, had planned the attack on Sharp.<sup>23</sup> But one set of Presbyterian rumours averred

that the deed came from the Cavalier party!<sup>24</sup> The Government, however, found out that Mitchell was the guilty man: for the present he skulked. Meanwhile the policy of "indulgence" was not laid aside. The "outing" of the ministers had been easy; now every effort was made to restore them to pulpits. "The indulgences must not be reckoned part of our sufferings in this Church," writes Wodrow, to the grief of his editor, the Rev. Robert Burns (1836). But the indulgences did more to split the Kirk into hostile parties than the sword of Claverhouse did to break the spirit of Presbyterianism. Tweeddale worked on Robert Douglas and other outed preachers, went to London, and (June 7, 1669) obtained a letter from the king, which he presented to the Council on July 15. Peaceable outed ministers were to be restored, or appointed to vacancies, receiving stipends, if collated by bishops; if not, having manse and glebe. If they will not "keep presbyteries" (which were now under Episcopal sway), they must be confined to their own parishes. To their parishioners only may they preach, and only among them baptize or marry, except with licence of the ministers to whose parishes the incoming aliens belong.<sup>25</sup> \* Ministers not replaced were to receive a dole. Conventicles were to be dealt with severely.<sup>26</sup>

In Scotland, a committee of the Council took the royal letter into consideration. Sharp made certain natural criticisms as to the precise meaning of "peaceable and orderly," and as to the kind of Presbyteries that were to be attended, urging that "as between 1592 and 1638" should be added. He was accused by Tweeddale of "debating the king's pleasure and frustrating the king's design"; the Archbishop of Glasgow, too, was bullied. The warrants for replacing outed but peaceable preachers were then signed (July 29).<sup>27</sup> Eighteen ministers "made their leg" before the Council, and Mr. Hutchison's speech seemed "discreet and pertinent" to Kincardine.<sup>28</sup> All did not like it so well; and the high-flying Presbyterians deemed it "not a sufficient testimony against the plain Erastianism" of the procedure. Reinstated preachers were in future allowed no opportunities to deliver sufficient testimonies. Two and forty preachers are reckoned to have been indulged at this time, including Robert Douglas. A considerable proportion served parishes named "kil"

\* A preacher had doubted the validity of baptism if administered by conformist ministers. "I fear all the bairns that are baptized by curates, God reckons them as children of whoredom."

—this or that,—and more or less Celtic. Wodrow and Burnet agree in saying that the compromise was, at first, accepted joyfully by Presbyterians.<sup>29</sup>

But peace was not desired by the truly godly, and the exiles in Holland. The reinstated men “preached only the doctrines of Christianity,” they did not “preach to the times.” Their sermons were not topical leading articles, or personal attacks on local gentlemen. There was nothing in them of this kind of eloquence, drawn by C. K. Sharpe from a sermon by (or attributed to) the Rev. Michael Bruce. “The devil has the ministers and professors of Scotland now in a sieve, and O as he riddles, and O as he rattles, and O the chaff he gets!”<sup>30</sup> The churchgoing of our ancestors was enthusiastic, because the prayers and sermons, “to the times,” were often lively examples of party journalism. The reinstated preachers, at first, did not supply the article on demand; their flocks followed other orators to conventicles, and so the indulged reverted, says Burnet, to “servile popularity.” The people would not receive angels if they kept presbyteries, a horrid crime, Leighton wrote later. Wodrow takes a more favourable view of the successes of the reinstated evangelists, whose consciences probably pricked them, for they had dallied with Erastianism—not a doubt of it. Burnet, in a letter based on Leighton’s papers, says that “there are a store of people in the churches of those whom the Council indulged, but it is too notorious that most run thither either out of custom or vanity.” The people objected to a bishop as a distinct and unscriptural officer, without whose sanction ex-communications could not pass. The Kirk was thus deprived of her terrible old weapon, still hankered after. Moreover, to endure a bishop was to break the Covenant. Leighton vainly replied that the new kind of bishops was not the kind barred by the Covenant, and that the English Presbyterians approved of his arrangement, as in Bishop Usher’s ‘Reduction’ (1656).<sup>31</sup>

Whatever else the Indulgence might be, it was obviously illegal, in a sense odious to prelates,—admitting preachers who would not accept Episcopal collation. The conformist Synod of Glasgow, therefore, in September, made “a sputter,” says Wodrow,—that is, drew up, but did not present, what the king called “a new Western Remonstrance” against the Indulgence. A copy came into Lauderdale’s hands, and Archbishop Burnet was in danger, like Balmerino at the beginning of the troubles, from the elastic law

against leasing making.<sup>32</sup> The Glasgow Synod, in case "no further use" was made of the papers in which they expressed "their humble resentments," recorded it in their Register, leaving Archbishop Burnet to lay their grievances before Parliament, or the Council.\* The Council found the document "most illegal and unwarrantable," and the archbishop was forbidden to come to Parliament, at which Lauderdale was Commissioner. He had bided his time, hitherto, in London; as a *quondam* Presbyterian of the most zealous, he could not easily take part in the early repressive measures; he allowed Sharp and Rothes time to run their course, undermining them at Court. A man of violent temper, and of the loosest life, he was perverted, it was said, by his mistress whom he presently married, Lady Dysart, the daughter of the inscrutable Will Murray, who had been regarded as a traitor by all parties. She was a woman of strong intellect, and of many accomplishments, a famous beauty, who was even said to have beguiled the virtue of Cromwell. But she was jealous of Lauderdale's moderate allies, such as Murray; and is accused of avarice as insatiable as that of Arran's Countess in the youth of James VI. The temper of Lauderdale, who was pining for the pleasures of Whitehall, could not resist the provocations of the Covenanters, and he soon passed from indulgence to fury. He was, or may be guessed to have been, in the secret of the king's and the Duke of York's religion, and of their plans for tolerating Catholics. To this result tended a scheme for the union of the two countries, which we need not dwell on, as it was to the taste of neither nation. The new scheme for the Militia gave Charles 22,000 men, ready to march wherever they were ordered, as Lauderdale wrote to Charles; and a new and stringent Act of Supremacy not only enabled the king to deal with religious recalcitrants of either party, but was reckoned favourable to any royal design for introducing Catholicism.† "His Majesty hath the supreme authority and supremacy over all persons, and in all causes ecclesiastical within this his kingdom." This struck both the prelates and the "low and mean persons of the clergy, which consisted now of the sons of servants or farmers," says Mackenzie.<sup>33</sup>

On November 2, 1669, Lauderdale wrote to Murray from

\* The paper, undated, is in Lauderdale Papers, ii. Appendix, lxiv.-lxvii.

† Lauderdale Papers, ii. pp. 140, 141, 164. Hamilton got possession of these letters on the death of Murray, and Lauderdale was in danger of impeachment.

Holyrood, on the matter of the supremacy in Parliament. Sharp, when he saw the Bill, "said wild things" to Tweeddale. "All king Harry VIII.'s ten years' work was now to be done in three days." Later he submitted, but tried to introduce a salvo which would have ruined the Act. Next day he repented and "snapped up" the Bishop of Ross for making the same proposal. The Bill was passed by the Lords of the Articles, unanimously, Burnet of Glasgow being absent perforce.<sup>34</sup> The idea of union, however, was universally detested, owing to the cruel restrictions already placed by England on Scottish trade.<sup>35</sup>

On December 2 Charles wrote to Lauderdale, demanding Archbishop Burnet's resignation, as he was mainly responsible for the western disorders and for the Synod's remonstrance. He might be an archbishop in the Universal Church, Lauderdale declared, but in Glasgow, not!<sup>36</sup> Leighton was chosen to supply Burnet's place. He was anxious to decline, but was recommended by personal virtues which Presbyterians could not deny, except by citing the text about Satan's powers of appearing as an angel of light. But Leighton knew that an actual angel, if guilty of "keeping presbyteries," would be rejected by the westland Whigs, at a time when "ministers had their houses robbed, and were nightly pursued for their lives in all the western shires."<sup>37</sup> The Presbyterians asserted that the criminals were vulgar robbers merely, but this view did not prevail among the clergy. Thus Leighton was aware that he was being put on a task for which old Tom Dalziel was better fitted; however, on his visit to London, his resistance was overcome.<sup>38</sup> He would take his part in what he later called "a drunken scuffle, in the dark" (1674).<sup>39</sup> By way, probably, of conciliating, the Kirk, Catholics, and Quakers (including Sir Walter Scott's ancestors, Swintoun and Scott of Raeburn), were persecuted (March 1670) and imprisoned. Wodrow often complains of leniency towards these offenders, but does not record this example of severity, one good deed in a naughty world of Prelacy.<sup>40</sup>

In London, Leighton had placed on paper his ideas of a scheme of "accommodation," and the king, to whom the pacification of Scotland was important, at this juncture of his secret alliance with Louis XIV., ordered Lauderdale to make an experiment in toleration. The offer of the declaration against the Covenant was to be restricted. Sharp was to be made to "allow and authorise the transportation" to vacant pulpits, "of such ministers as shall be

lawfully presented to any of the churches within the diocese of Glasgow, and approved by the Bishop of Dunblane" (Leighton). Bishops must understand that no minister was to be "molested for his private opinions," as long as he behaved peaceably and orderly, (July 7, 1670).<sup>41</sup> At the same time conventiclers were to be punished by banishment, or imprisoned till they gave security, and the necessary militia were to be supported by the shires in which unlawful assemblies were held.

These conventicles were now used not merely in houses and barns, but in the open moors, and were attended by armed men. There was an important assembly of this kind at Beath Hill above Dunfermline, under the Rev. Mr Blackader (June 18, 1670). Barscobe, of the Pentland Rising, with wild Whigs from Galloway, was present, and many of the multitude slept on the hill the night before the preaching. Whether morality profited as much as pure religion may be doubted. A tent was set up, and the Rev. Mr Dickson preached and prayed: "Mr Blackader lay at the outside . . . to see how watch was kept." After three hours of devout exercise, the appearance of the lieutenant of militia was the signal for a brawl; Barscobe and another devotee rushed at the gentleman with pistols cocked. Mr Blackader interfered, and bade the people restore the lieutenant's horse, which they had taken. Blackader preached, and by his own account, which is followed here, the assemblage was quite orderly. "Public thanks were given in the Scots congregation at Rotterdam for this victory over usurped supremacy," and thus the affair might and did seem serious to the persons charged with the government of the country.<sup>42</sup> Meetings of this kind went on, and culminated at Drumclog, and in the rising which followed, nine years later. Welsh, Cargill, Blackader, and others passed through the country, rousing the passions which Leighton was trying to allay. Men detected as having attended their meetings were fined and imprisoned, or banished.

Parliament sat in July-August 1670, and passed "a clanking act," by which holders of field conventicles were to be punished by death.<sup>43</sup> Another Act ordered "subjects of the reformed religion" to attend the regular clergy's ministrations, and this, as Wodrow remarks with horror, amounted to "a real toleration of Papists." Burnet says that Lauderdale himself inserted this obnoxious clause, probably to please the Duke of York, and Murray told Burnet that the king "was not well pleased" by the death

penalty on preachers who held conventicles. But the words of Morton's prophecy, made a century earlier, were to be fulfilled, namely, that there would never be peace in Scotland till some ministers were hanged. The king, however, "said that bloody laws did no good, and that he would never have passed it, if he had known it beforehand." Only Cassilis voted against the bloody law; but Leighton, who was not present, expressed his shame and abhorrence to Tweeddale, who assured him that there was no idea of putting the Act into force.<sup>44</sup> In Leighton "the cunning of the fox," says Wodrow, "went before the paw of the lion." Leighton was so singular as to think that a life of goodness and devotion, not a perpetual battle about unessentials, was the essence of Christianity.

As a matter of fact, religious persons too frequently rejoice in "hating each other for the love of God," and the westland Whigs were quite unmoved by the preachers of peace and goodwill, such as Gilbert Burnet, Charteris, Nairne, and Aird, whom Leighton sent about among the Whiggish congregations. Burnet was then for a short while Professor of Divinity at Glasgow. He tried to be all things to all men, but the Whigs loved the preacher no more than Dean Swift esteemed the historian. The "bishops' evangelists" found the peasantry learned in texts which prove Presbyterianism to exist by right divine, and "full of a most entangled scrupulosity." The itinerant missionaries were followed, as we saw, by men of the stamp of Welsh and Blackader, who confirmed the faithful in their opposition to compromise. It is not worth while to describe long negotiations with irreconcilables. "We were willing to make even unreasonable steps towards them on our side, and would they abate nothing on theirs?" No, they would not; it must be "parity of ministers" or nothing, except among the indulged.<sup>45</sup> The attempt at a treaty ended in disaster "to the great joy of Sharp and the rest of the bishops," says Burnet. Who can blame the precisians for declining to be under the rule of such bishops? The real question was not whether Scotland should be Presbyterian or Episcopalian, but whether Presbyterianism was to maintain such of her pretensions as are inconsistent with the freedom of the individual and of the State. After some twenty more years of the "drunken scuffle in the dark," Presbyterianism was established, but her fangs were drawn.

Presently the second Indulgence was driven like a wedge into

the Presbyterian body. In 1671 Burnet was in London, and suggested a scheme to Lauderdale for putting two outed ministers, coupled, into vacancies, and adding a colleague to each minister already indulged. They were to divide the stipends; on this parishioners would voluntarily make up the full support of both preachers—and would soon weary of well doing. The preachers were to be tethered to their parishes, and the natural result would be “to create quarrels” among precisians.<sup>46</sup> Leighton approved of these worthy proposals, which took shape after Lauderdale’s Parliament of June 1672; the last Parliament, except “a short maimed meeting,” for nine years. As to religion, Acts were passed against “pretended ordinations,” without Episcopal sanction, and against “disorderly baptisms.” A renewal of the Act for keeping May 29 as a holiday was bitterly resented. “Presbyterians continued in their opinion that no human authority hath power to appoint constant returning anniversary holidays,”—accompanied, that is, by religious services enforced under fines. The renewed anti-conventicle Act forbade outed ministers to conduct family worship except in their own families. The “prayers” thus forbidden were obviously expected to be political harangues.<sup>47</sup> Before this Parliament in May 1672, Lauderdale had expected petitions for such toleration as at this time was extended in England to dissenters. But the Presbyterians suspected that the thin edge of toleration for them was only meant to introduce toleration for Catholics, of which they stood in deadly terror.<sup>48</sup>

Meanwhile the houses of conformist ministers were broken into, they were wounded, and forced to swear that they would cease to officiate. Some of the bullies were hanged. Burnet visited them in prison, and saw in them “the blind madness of ill-grounded zeal.” One fanatic justified all they had done, “from the Israelites robbing the Egyptians and destroying the Canaanites.”<sup>49</sup>

This intolerable state of things, commonly overlooked by Covenanting historians, is emphasised in a draft made by Gilbert Burnet “for Leighton’s use.” “The incumbents whom he sends” to vacant parishes “are beaten and stoned away, which cannot be got punished.” Leighton therefore suggests two alternatives, that Episcopacy “should be given up,” or that “offences against churchmen should be punished,” and that the existing laws, as “too severe,” “should be revised and made practicable.” It is added that the fatal first expulsion (in which the Restoration copied



the bad example set by the Kirk in 1638, and at the time of the Engagement) was followed by "stocking again that desert we had made with a great many howles and satyres," the curates. But there had been "extreme neglect of exercising due authoritie, and so exposing it to be despised and trampled on."<sup>50</sup> Leighton had begun by enjoining on his robbed and insulted clergy the spiritual weapons of fasting, prayer, and joy in "crosses."<sup>51</sup> Leighton had never been rabbled himself; he might have hugged the "cross"—his clergy did not. It is plain that the "severities" of Government had been to a great extent merely verbal; so outrages continued and increased. It was a choice between executing the despised laws, or laws more "practicable" because less ferocious, or yielding Episcopacy in face of mob violence. That violence, we repeat, at this stage, is usually overlooked by historians. It does not appear in Wodrow and Kirkton, yet Burnet's report, and the draft cited, let in light upon the temper of the extremists, and partly account for the severities of Government.

The capture of the papers of the celebrated William Carstares, or Carstairs, who came over from Amsterdam, showed that the Dutch were intriguing for a Covenanting rising.<sup>52</sup> Many fines were exacted, and Lauderdale told Burnet that he wished the discontents to come to a head in a revolt, to be crushed by an army from Ireland. This was the natural impatience of a violent man, irritated by the pin-pricks of conventiclers and curate-rabblers. He now thought of Burnet's plan for coupling outed ministers and confining them to parishes—a cynical scheme of which Leighton approved. But the coupling part of the plan, to Burnet's grief, was neglected; the new Indulgence for single preachers was negotiated in August and September 1672, and, after many searchings of hearts, doubts, disputations, and disagreements, a number of preachers did come in.<sup>53</sup> The details may be read by the curious in 'The History of the Indulgence' on one side, and the 'Review' of it, and 'Balm from Gilead,' on the other. The Presbyterians "did now divide, and the sear of this wound is yet continuing among us," writes Wodrow as late as 1719.

At first the non-Indulged did not sunder themselves from the weaker brethren as from unholy men, though the exiles in Holland excited discord. "They were persuaded every point of truth ought not to be brought to the pulpit at all times," says Wodrow; his editor, the Rev. Mr Burns (1836), remarks that this view is "agree-

able to corrupt nature." Later, the precisians in congregations arrived at the pitch of prescribing to ministers "the matter, subjects, and the very text they would have preached upon."<sup>54</sup> Gentle King Jamie hardly went to this length, even when a preacher refused either "to speak sense or come down." In short, a kind of mob Erastianism arose, if we believe Wodrow, the wildest saints dictating to preachers; "and then the flame broke out terribly."<sup>55</sup> The Indulged, in brief, fared ill. "Some had no peace, some scattered the flock, and in some places none at all came." Wodrow, in his jottings called 'Analecta,' tends to believe that there was a pious plot for a Bartholomew massacre of the Indulged.

The Kirk was now a house divided against itself, a fact which weakened attachment to the Covenant and the old Presbyterian pretension. But Lauderdale's marriage to Lady Dysart (1672), and the increasing violence of his temper, alienated from him Tweeddale. Murray died in this year, and opposition to Lauderdale arose under Hamilton, who had always been discontented, and Tweeddale himself, with many other nobles and gentlemen, among whom Sir George Hume of Polwarth was conspicuous. In the brief Parliamentary meeting of November 1673 Hamilton proposed that grievances should be expressed before money was voted; Polwarth spoke boldly; "I met with such a spirit as I never thought to see here," Lauderdale wrote to the king.<sup>56</sup> Charles agreed to alter the system of monopolies on salt, tobacco, and brandy, but Polwarth's demands of constitutional reforms, a Committee of Grievances (*Domini ad Querelas*), and the practical abolition of the Lords of the Articles, by the admission of all members of the Estates, were refused.<sup>57</sup> (This Laird of Polwarth is the Sir George Hume whom Macaulay so bitterly censured at a later part of his Whiggish career.)

Hamilton had a private interest to serve: the king was childless; his brother, the Duke of York, was a Catholic; setting him aside, the Hamilton claim to the Scottish crown would revive. Lauderdale, himself a duke, thought that Gilbert Burnet had worked mutiny in Hamilton's heart at London; and that Shaftesbury, whom Charles, in England, had deprived of the Seals, was intriguing with the Scottish opposition, "The Party." Lauderdale therefore adjourned the Parliament, and ruled henceforth as he chose, with a new Privy Council. His opponents, however, were many, and numbered the noblest names in Scotland—Morton (Douglas), Roxburgh (Ker), Queensberry, Drummond,

and Dumfries. They raised a storm against Lauderdale in the English Parliament; he was to be forbidden the king's presence for ever. Kincardine represented Lauderdale at Court, the king and the Duke of York took his part, the English Commons "could pretend no jurisdiction over Scotland," as Kincardine plainly told them, and Lauderdale returned to London undefeated in April 1674.<sup>58</sup> His brother, Haltoun, Master of the Scottish Mint, was accused of debasing the coinage, in collusion with Lauderdale himself. The accumulation of several offices in one man's hands—Lauderdale holding seven, Haltoun three, Atholl four, and Kincardine being, like the rest, an extraordinary Lord of Session, as well as Vice-Admiral of Scotland—was another cause of complaint. A small family party dominated the administration. Once more, Lauderdale was accused of profanely saying to Sharp, "My Lord, sit down at my right hand till I make all your enemies your footstool," and of mimicking the sermons of Covenanting preachers. Again, his Indulgence confined ministers to their parishes, and put three or four of the outed into one parish, an exaggeration of Burnet's scheme of coupling, which was not thoroughly put into practice.

These and others were the humble resentments set forth in a wonderfully ill-printed pamphlet by Stewart of Goodtrees.\* Hamilton's next plan (May 1674) was to capture a majority in the Council, and vote that the suggestions of various synods for a national synod on Church questions should be laid before the king.<sup>59</sup> Leighton seems to have backed this proposal, but Lauderdale (June 18, 1674) replied in a letter moderate in tone, and sensible in its arguments. The dissenters would not respect such a national synod as the existing laws permitted, for bishops would sit in it. Conformists, obedient to bishops, needed no synod. The motion was only meant to play into the hands of Hamilton's party in London. Lauderdale remembered the results of the Assembly of 1638; then, as now in 1674, women were the most turbulent agitators. Lauderdale here refers to a petition by women, who mobbed Sharp, threatened him with death, and probably frightened him. "The late mad pranks" (the stoning and rabbling of conformist ministers already noted) prevented Lauderdale from yielding to his inclination to mildness, as they "evidently threatened a rebellion." On June 20 Leighton expressed his dislike of the petty janglings of all

\* 'An Account of Scotland's Grievances by reason of the D. of Lauderdale's Ministrie.' (*s. l., et a.*)

Assemblies, but, on June 25, represented that the dissenters might be offered another chance of "a free and full hearing." The proposed Assembly, however, might tend "rather to disparage the Government."<sup>60</sup>

On December 17, 1674, Leighton resigned, "from a great contempt of our unworthy and trifling contentions," little better than "a drunken scuffle in the dark." The Kirk is doing its best to destroy itself and religion "in furious zeal, and endless debates about the empty name and shadow of a difference in government, and in the meanwhile not having of solemn and orderly public worship as much as a shadow." Leighton was ill, weak, and desired a retirement in England, and the consolations of the Anglican religion. He had the soul of a devout Neoplatonist, he lived for charity, contemplation, and devotion, for peace and communion with his God. Christianity sufficed for him; the differences of the Churches, from that of Rome to that of Knox, were to him trifling. He could not see that the tumults arose about all that to a Welsh or a Cargill made religion valuable. "Christ's Crown honours" were at stake, these men thought. The rights of equal ministers to excommunicate, to browbeat the civil magistrate, to set up an *imperium in imperio*, to pry into and censure private life, to persecute all who did not hold their beliefs, to conduct bald services of which, whether in lecture, sermon, or prayer, the voice of the preacher was everything, and common worship was next to nothing: these things were "the Crown honours of Christ." For this great cause brave men would fight and die.

To the representatives of the State it was equally momentous that such desires should not be granted to the Welshes and Cargills: the State saw no means of preventing a recurrence of the old seditions, except by the imposition of a bastard and odious Prelacy. Leighton, much as he contemned this earthly life, had none of the spirit of the martyr. He might have lost his life, but he would have won an immortal crown, if, when a Commissioner of the General Assembly (1646), he had stood up and denounced the cries for blood. Again, he might have publicly denounced, as archbishop, the Act making conventicling a capital crime. He took neither opportunity, and acquiesced in the violences of the Covenant; and then, renouncing his covenanted oath, acquiesced in the violences of the Government. He was a saint, but neither martyr nor hero. When his

adversary, Row, calls him "a pawky bishop," we can scarcely deny, remembering the revelations of Gilbert Burnet, that the epithet has its appropriateness. There was, in that fierce age, no help in Leighton, and he fled, physically broken and sick at heart, from the evils that were to come.

Both Wodrow and Burnet independently assure us that Lauderdale about this time connived "at the insolence of the Presbyterians," in Burnet's phrase.<sup>61</sup> There was ever a vacillation between connivance and severity, which encouraged disorder, and probably induced hot-headed young preachers, unepiscopally licensed by outed ministers, to think that audacity was the winning game. The presbyteries of the diocese of Glasgow drew up a set of charges against the extremists. Unlicensed men hold and preach at their assemblies. The Indulged ignore the rules under which they are permitted to hold benefices: they preach sedition, and introduce it into their prayers. Sheriffs and magistrates of burghs do not enforce the laws. Horrid crimes, of which adultery is the most venial, are committed at conventicles, "as our Registers more at length bear." Where are these Registers? In brief, the west was a land of anarchy, armed men acting as bodyguard to the preacher Welsh, a firebrand. It is not beyond belief that the promiscuous excitement of great "Holy Fairs" in desolate places tended to the reverse of strict morality.<sup>62</sup> Wodrow is reminded of the scandals brought against primitive Christians.

Scuffles occurred between soldiers and "slashing communicants," "so that the country resembled war as much as peace."<sup>63</sup> So Wodrow avers, yet censures the raising of forces by the Government as both needless and illegal. Garrisons were placed in and about the country houses of the dubious gentry in disturbed districts, and the expense of supporting men insolent and unruly as Frank Bothwell in 'Old Mortality' added to the miseries of the time.<sup>64</sup> The Bass Rock was crowded with captive ministers: gentlemen like Lord Cardross, Hume of Polwarth, Baillie of Jerviswoode, and Mr Kirkton the historian were involved in technical guilt by the perjuries and violences of a Captain Carstairs, said to have been a creature of Sharp's. The wives and sisters of gentlemen attended conventicles, which their husbands and fathers were charged to suppress. The Council made it penal to "intercommune" with or harbour a long list of suspected preachers and their attendants; but the lairds resisted a proclamation making them liable for illegal acts

committed in their districts. Any three men of a commission on which Sharp and Alexander Burnet, restored to Glasgow, sat, could deal summarily with persons charged with offences.

In 1677 we find Richard Cameron and Robert Hamilton of Kinkel insisting on separation from the Indulged; another ill-omened name of "a Saint to prelates surly," John Balfour of Burley, now begins to appear.<sup>65</sup> Meanwhile Gilbert Burnet, in London, revealed Lauderdale's friendly confidences to himself, for which Swift calls Burnet "Dog," "Scotch Dog," and "treacherous villain." But Lauderdale overcame opposition, and Burnet was glad enough to retire from Court, and the scenes in which he was a busy and blabbing dealer. "The best of his friends acknowledged him to have betrayed friendship."<sup>66</sup> More and more affairs were left to Lauderdale and his brother, Haltoun, and to Sharp: Kincardine even was out of favour. Sir George Mackenzie, known to tradition as "Bluidy Mackenzie," became Lord Advocate (August 1677); he had pleaded for Argyll, he had been no courtier, and he usually writes in a calm and judicial style about the events of the time. To strengthen himself, Lauderdale procured that officers of State should not hold their offices for life, but during the royal pleasure—that is, his own.<sup>67</sup> In short, this violent and corrupt but intelligent minister held despotic power, which his cunning and ill temper prevented him from using in any consistent policy of "Thorough." He might persecute, he might connive at Presbyterian breaches of the law; one thing he could not be—just.

An extraordinary and hardly credible, indeed scarcely intelligible example of misrule, was given in the case of James Mitchell, who shot at Sharp and hit Honeyman. In the beginning of February 1674 Mitchell was caught. Burnet avers that Sharp observed a man eyeing him very closely, thought he recognised his would-be assassin, and had him arrested. Two long pistols of Scottish make, carrying a bullet almost of musket calibre (as we learn from Mitchell's indictment), were found on him. Sharp is said to have induced a friend of Mitchell's, by adjuring God that he would secure his pardon, to persuade the assassin to confess—"no hurt should come to him." Here Burnet's evidence must be hearsay; he personally hated Sharp, and cites no authority for his tale. Mitchell's friend saw him, and said that Mitchell would confess "if a promise were made under the king's name."<sup>68</sup>

Here we leave Burnet's story for the moment. Haltoun's

account, in a letter of February 10, 1674, is that Sharp's brother, Sir William, and two of the archbishop's servants arrested Mitchell; that on February 10, before the Lord Advocate (Nisbet), the Chancellor, the Lord Register, and himself, Mitchell "stoutly denied the accusation"; that the Chancellor then took him aside, and gave assurance of his life, and that he then confessed, all present signing the confession.<sup>69</sup> Mackenzie denies that Mitchell asked or was promised his life. Haltoun's letter of February 10 proves, however, that life was promised to Mitchell, in Haltoun's presence. Burnet, to return to his version, says that the Council ordered Rothes, the Chancellor, Haltoun, and Primrose (Register), to examine Mitchell, and that Lauderdale allowed them to promise him his life. He confessed. Some were for cutting off his right hand; others said that he might learn to shoot with his left, and voted for cutting off both hands. Rothes, who was not always cruel, prevented this, by a jest which was Rabelaisian but to the point, and the jape was later called to mind, "and made the whole matter to be remembered." Primrose moved for Mitchell's life-long imprisonment in the Bass. It is evident that Primrose was Burnet's source, and we may remember that Burnet has described Primrose's word as worthless. At all events, Haltoun wrote, on February 12, that Mitchell was to be remitted to the Justice Court for sentence, . . . loss of his right hand and forfeiture, *not* perpetual imprisonment.<sup>70</sup>

On March 2 Mitchell's indictment was drawn up. His movements during the Pentland Rising were traced. He was accused of saying to Barscobe and others, after his attempt on Sharp, that he would "make the fire hotter." He then wandered in England, Holland, and Ireland, returned, and was married to his wife by the famous preacher Mr John Welsh. He next took a shop close to the archbishop's house in Edinburgh, and carried pistols; these he wore when arrested.<sup>71</sup> Sharp thus really went in danger. Brought on his signed confession before the Lords of the Justiciary, Mitchell disowned his confession, moved thereto, says Burnet, "by the judge, who hated Sharp"—"a rare judge," writes Dean Swift. Lauderdale and the Council then protested that "they were free," and that their promise of life was annulled. But Mitchell was resolute on his denial of his signed confession (March 25), and was sent to the Bass. On February 16, 1674, he had written a long letter "vindicating his practice"—his pistol practice?—but Wodrow does

not print it. In January 1676 he was tortured—why was this not done at first? James VI. was not so dilatory! Tortured he was, and he denied any share in the Pentland Rising. On January 1678 he was tried; Primrose had by this time lost his place as Lord Register, and now hated Lauderdale, says Wodrow.<sup>72</sup> It was decided that Mitchell's signed confession could not be retracted, but that the promise of safety, if really given, "secured him of life and limb."

Witnesses to whom Mitchell had, later than February 10, 1674, repeated his confession, were brought in; one of these was the Bishop of Galloway. Rothes gave evidence to the confession, but denied remembering the promise of safety. Haltoun also, despite his letter already cited, remembered nothing of it, nor did Lauderdale, nor did Sharp, who, however, on Mitchell's arrest, promised, he swore, that he would do his best for him, "or else leave him to justice." The accused then asked for the production of the books of Council, which contained the revocation of the promise of life, thus proving that the promise had been made. The Lords of the Justiciary said that the demand came too late, and would not allow the books to be produced.<sup>73</sup> Primrose, says Burnet, had previously examined the books, knew the facts, told Lauderdale that "many thought there had been a promise," but had the inconceivable wickedness not to let his enemy know that the fact was certain. "He said within himself, 'I have you now.'" <sup>74</sup> "Primrose did most inhumanly triumph in this matter, and said it was the greatest glory of his life, that the four greatest enemies he had should come and consign their damnation in his hands." It is a most extraordinary fact that the four witnesses, or at least Lauderdale and Rothes, had really forgotten their assurance to Mitchell. Kincardine could not find Haltoun's letters, already cited as positive proof of the promise; and, though he warned Lauderdale that the assurance had been given, as he had not Haltoun's letters, Lauderdale despised his warning. "Poor Mitchell," as Wodrow's editor calls him, was hanged on January 18, 1678.\*

\* On this affair see Fountainhall, in Kirkton, p. 384, note. Fountainhall says that Mitchell left a paper justifying himself by the example of Phineas, to which Knox also appealed, though, says Fountainhall, the doctrine of murder is asserted by no sober Presbyterian.

"Of all the hellish crew let Mitchell rest,  
Of all the pack (bad as he was), the best,"

says a contemporary ballad. The account of Mitchell's business in letters from



Conventicles, during 1678, had increased, and, at the end of 1677, the bishops had drawn up a paper of advice as to their suppression. A Committee of the Council, with an armed force, should patrol and disarm the west, the soldiers being quartered on the guilty. Meeting-houses of Presbyterians should be pulled down, and landlords obliged to take a bond that their tenants would live orderly. Garrisons should be established.<sup>75</sup> The action of Lauderdale went beyond these suggestions of "bad men"; he arranged for a force to come over from Ireland, "if the phanatticks in the west should rise in arms" (Nov. 8, 1677).<sup>76</sup> He also warned the Highland lords and lairds to have their clans in readiness, Atholl and Perth were chiefly employed, Linlithgow was to command in chief. The Commission for raising the Highlanders was dated Dec. 26, 1677, and contained powers so ample that no spoilers were likely to be brought to justice for their excesses.<sup>77</sup> Glenorchy, then Earl of Caithness (now represented by the House of Breadalbane), with Mar, Murray, and Airlie, mustered his claymores. Nobles were forbidden to leave Scotland without licence—an order disregarded by Hamilton and several others of "The Party" opposed to the administration.<sup>78</sup>

By the end of January the plaids had occupied Glasgow, nearly 8000 in all, and "the bond" by which landlords were to bring to justice or evict conventicling tenants was offered. Cassilis refused it as illegal and impossible, but the arrangement was so far legal that it was of a kind frequently enforced in the Highlands. It was, however, averred that tenants at a rack rent, in the Lowlands, were not analogous to clansmen bound to services, and that lairds would not be responsible for farmers, as chiefs were for clansmen. The refusal of the bond by the nobles and gentry, beginning with Lord Cassilis, was almost universal. An attempt was then made to constrain them by "law burrows," the Scots equivalent for binding one man or family to keep the peace with another. The king was now to be placed under this form of protection, those who refused being put to the horn, or outlawed.<sup>79</sup> But the age for such antiquated engines of the law was over, and western Scotland, gentle or simple, was in a state of "passive resistance." Doubtless

Dr Hickey, who was with Lauderdale, is contemporary, but untrustworthy: he says nothing of the promise of life. See Ellis, 'Original Letters,' series ii. vol. iv. pp. 48-56. Hill Burton argues that Mitchell was mad—an impossible theory. (Hill Burton, vii. p. 206.)

Lauderdale hoped for a rising in arms, and was anxious to bring the discontents to a head; but the west, suffering intolerable things from Highland marauders, would neither sign the bond nor rise in arms.<sup>80</sup>

By the end of February the "Highland Host" was ordered home, laden with the loot of a thousand cottages, seizing horses, plate, wool, linen, and whatever was not too heavy to carry. Conventicles broke out again immediately.<sup>81</sup> The hot-headed young men, encouraged by the exiles in Holland, separated from, and, at least in one case, misused Indulged ministers. Meanwhile not only were Hamilton and his party in London, intriguing with members of the English House of Commons, but Atholl and Perth had joined them, and conventicles were frequent in Perthshire. Charles, however, who knew Scotland, averred that the gentry there could guide the peasantry as they pleased. If they raised a rebellion, it would spread to England, a Commonwealth might follow, and Scotland would be a conquered province within the year. "He thought they would not like that well."<sup>82</sup> The party feud of Hamilton and Lauderdale raged in London, but Lauderdale cleverly called a financial convention in Edinburgh while his enemies were in town, and £1,800,000 (Scots) was voted to the king.<sup>83</sup> The money was raised by tax, or "cess," and the Presbyterians were once more rent in twain by a feud, fomented from Holland, as to the lawfulness of paying cess for an end which their consciences did not approve of—a newly modelled militia. However, by dint of quartering soldiers on passive resisters, cess came to be paid, and here Wodrow first mentions the exertions, in Galloway, of John Graham of Claverhouse.<sup>84</sup>

He calls the Cavalier by the name of James in place of John, a singular slip in an historian so minute. John Graham of Claverhouse came of the same blood as the great Montrose, and, on the spindle side, had an ancestor in Robert III. of Scotland. His paternal property, Claverhouse, is now in the spreading suburbs of Dundee. The year of his birth is uncertain, but, as he entered the University of St Andrews in 1665, he was probably rather under than over seventeen at that date, and was a man of about thirty when he first appears in Scottish history (1678). He apparently did not complete his academical course, but, despite his bad spelling, very common among the nobles and gentry of his time, he is credited with proficiency in mathematics and languages. He went young to

France, where he studied the art of war; and in 1674 entered the Horse Guards of William, Prince of Orange. At the battle of St Neff (August 11, 1674), when William was defeated by Condé, Claverhouse distinguished himself. It may be mere tradition which avers that he dismounted, in the retreat, and gave William his horse, but a rhymer of 1683 sings:

I saw the man who at St Neff did see  
His conduct, prowess, martial gallantry.

He was the more conspicuous as the only wearer of a white plumach. In 1677 he resigned his commission, perhaps in jealousy of Mackay, over whom he was to win his fatal final victory. William probably recommended Claverhouse to his father-in-law, the king's brother, James, Duke of York; and the Marquis of Montrose, on the duke's request, offered Claverhouse a commission in the duke's regiment of horse (Feb. 19, 1678). In November, Montrose superseded Atholl as commander of the Royal Horse Guards in Scotland, and gave Claverhouse a troop.

Late in December 1678 he took his post at Dumfries, with some 300 horse. His duties were to disperse conventicles, and arrest outlawed preachers and others. His letters of December 1678, January 1679, attest his anxiety to preserve discipline (endangered by the negligence of the administration in forwarding supplies), and his respect for the law as it stood. "I am forced," he writes on February 8, 1679, "to let the dragoons quarter at large. . . . I have visited their quarters, and find it impossible they can subsist there any longer without a locality. What prejudice the king's service may receive by this I know not, but I am sure it is extremely improper to be thus quartered." Government supplied neither money nor fodder, and, despite his military instincts and sense of legal obligations, Claverhouse had to permit quarterings which he could not prevent.<sup>85</sup>

Meanwhile Wodrow avers that, though sober Presbyterians merely attended conventicles in their desire of "ordinances purely dispensed," and Gospel truth, things were running "to sad heights" in the great armed assemblages of the extremists. The Presbyterian party was rent by the separation from the Indulged, the cess controversy, and the controversy about "indefinite" or "unlawful" ordination of preachers. A kind of armed force patrolled the country, protecting huge conventicles, from December 1678 to May 1679. Welsh is said to have preached elsewhere, to smaller

gatherings ; but the Government held him the chief fire-brand, and offered £500 for his apprehension. Two soldiers were brutally murdered, on April 20, while in bed, at night, and the chief ruffian was said to be one Scarlet, a polygamous tinker, who declared that he had taken service, as an armed guard, with the Rev. Mr Welsh, but had been with him for a fortnight only. He was also said to have been one of the guards of the notorious Richard Cameron ; and Robert Hamilton, a bloody fanatic, was credited with a share in the murder of the soldiers. This Hamilton tried to purge a conventicle of Cameron's by dismissing all payers of cess and hearers of the Indulged. He held poor Mitchell's principles about daring to be a Phineas, and murder idolaters. The lawless, distracted, incompetent Government had brought wild men to the front, and, of course, in the anarchy, reivers like Scarlet would find congenial occupation as "soldiers of Christ."

Meanwhile the Government was putting to the horn the flower of the Galloway gentry,—Gordons, Maxwells, and Macdougals, with a brother of the Earl of Galloway. New forces were raised, 5500 horse and foot of the militia were mobilised, and Claverhouse, Johnstoun of Westerhall, Grierson of Lag, and others, were made Sheriffs Depute extraordinary, with powers to disperse armed conventicles, to shoot if necessary, to take prisoners, and to seize the plaids of devotees, as evidence of their identity. The testimony of the miscreant Titus Oates, during the "Popish Plot," was used as a reason for disarming Catholics, and a priest was sent to the Bass. The infamous sham "Popish Plot" had been raging since October 1678, and though the king well knew the crazy absurdity of Oates's and Bedloe's tales, he probably had not the power, certainly had not the courage, to check a people demented by groundless terror. Thus Jesuits and Presbyterians, idolaters and lovers of the pure Gospel, were simultaneously persecuted. The Catholics, however, were not marching about England in armed multitudes, like the Scottish devotees.

To check these the Council, on May 1, ordered horse, foot, and dragoons to follow the parties headed by Welsh, Cameron, Kid, and others, "and, in case of resistance, to pursue them to the death." Carmichael of Thurston was also made a Sheriff Depute in Fifeshire, where he gave much offence. Thus the powder was ready, and the match was put to it in May and June 1679. Already (April 21) Claverhouse, in a letter to Lord Linlithgow, had said that Mr

Welsh was organising armed rebellion, that the peasants had taken possession of the arms of the militia, and Lord Ross added that they had provided halberts, with a sharp "cleek" for cutting the bridles of the dragoons, while Claverhouse's men had only obsolete and worthless weapons; such was the fashion of the Scottish War Office.<sup>86</sup>

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NOTES TO CHAPTER XI.

- <sup>1</sup> Lauderdale Papers, ii. p. 11.  
<sup>2</sup> Mr Mathieson reckons thirty-three, but others put the number above forty Mathieson, 'Politics and Religion,' ii. p. 215.  
<sup>3</sup> Naphtali, p. 246.  
<sup>4</sup> Lauderdale Papers, ii. p. 88, Dec. 10, 1667.  
<sup>5</sup> Burnet, History of his Own Time, i. p. 433.  
<sup>6</sup> Lauderdale Papers, ii. pp. xiii.-xv.  
<sup>7</sup> Lauderdale Papers, ii. pp. 11-16.  
<sup>8</sup> Lauderdale Papers, ii. pp. 11-16.  
<sup>9</sup> Lauderdale Papers, ii. p. 93; also ii. pp. 17, 22, 31, 84.  
<sup>10</sup> Lauderdale Papers, ii. pp. 52, 53.  
<sup>11</sup> Wodrow, ii. pp. 88, 89.  
<sup>12</sup> Lauderdale Papers, ii. pp. 55, 58, 63; Wodrow, ii. p. 90.  
<sup>13</sup> Lauderdale Papers, ii. pp. 59-61.  
<sup>14</sup> See Scottish Review, July 1884, pp. 20, 21; Mr Airy's article on Sharp.  
<sup>15</sup> Burnet, i. p. 451. <sup>16</sup> Burnet, i. p. 452.  
<sup>17</sup> Burnet, i. p. 503. <sup>18</sup> Burnet, i. pp. 517, 533.  
<sup>19</sup> Wodrow, ii. p. 108.  
<sup>20</sup> Lauderdale Papers, ii. p. 109; Wodrow, ii. p. 115.  
<sup>21</sup> Wodrow, ii. pp. 115, 116; Kirkton, pp. 277-279; and C. K. Sharpe's note.  
<sup>22</sup> Wodrow, ii. p. 118; Kirkton, p. 283.  
<sup>23</sup> Lauderdale Papers, ii. pp. 113, 114.  
<sup>24</sup> Wodrow, ii. p. 113, note.  
<sup>25</sup> Kirkton, p. 305; note by C. K. Sharpe from 'Prelacy an Idol,' a sermon by Mr Frazer of Brae. <sup>26</sup> Wodrow, ii. p. 131.  
<sup>27</sup> Lauderdale Papers, ii. pp. 189-191.  
<sup>28</sup> See the speech. Wodrow, ii. p. 133.  
<sup>29</sup> Burnet, i. p. 516; Wodrow, ii. p. 135.  
<sup>30</sup> Kirkton, p. 271, note 1.  
<sup>31</sup> Butler's 'Life of Leighton,' pp. 422-432 (1903).  
<sup>32</sup> Burnet, i. pp. 518, 519; Wodrow, ii. p. 143.  
<sup>33</sup> Wodrow, ii. p. 137, and notes; Act. Parl. Scot., vii. p. 554.  
<sup>34</sup> Lauderdale Papers, ii. pp. 151-154.  
<sup>35</sup> Lauderdale Papers, ii. p. 154; Mackenzie's 'History of Scotland,' p. 138.  
<sup>36</sup> Lauderdale Papers, ii. pp. 166, 167, 172, 175.  
<sup>37</sup> Mackenzie, p. 163.  
<sup>38</sup> For his resistance, cf. Lauderdale Papers, ii. pp. 181, 182.

- <sup>39</sup> Lauderdale Papers, iii. p. 76.  
<sup>40</sup> Lauderdale Papers, ii. pp. 179-181.  
<sup>41</sup> Lauderdale Papers, ii. p. 187.  
<sup>42</sup> Crichton's Life of Blackader, pp. 144-150.  
<sup>43</sup> Wodrow, ii. pp. 169, 170.  
<sup>44</sup> Burnet, i. pp. 534, 535.  
<sup>45</sup> Burnet, i. pp. 536-542.  
<sup>46</sup> Burnet, i. pp. 547, 548.  
<sup>47</sup> Wodrow, ii. pp. 197-201.  
<sup>48</sup> Wodrow, ii. pp. 201, 202.  
<sup>49</sup> Burnet, i. p. 621.  
<sup>50</sup> Historical MSS. Commission, xi.; Appendix, vi.; Hamilton MSS., pp. 148, 149. I owe the knowledge of the passage to Mr Butler's 'Life of Leighton,' pp. 476 (1903).  
<sup>51</sup> Burnet, i. p. 529.  
<sup>52</sup> Burnet, i. p. 621.  
<sup>53</sup> Wodrow, ii. pp. 201-210.  
<sup>54</sup> Wodrow, ii. p. 211.  
<sup>55</sup> Compare Kirkton, pp. 330-336.  
<sup>56</sup> Lauderdale Papers, ii. p. 241.  
<sup>57</sup> Mackenzie, pp. 250-260.  
<sup>58</sup> Lauderdale Papers, iii. pp. 1-35.  
<sup>59</sup> Lauderdale Papers, iii. pp. 42-44.  
<sup>60</sup> Lauderdale Papers, iii. pp. 52-59.  
<sup>61</sup> Wodrow, ii. p. 267; Burnet, ii. p. 45.  
<sup>62</sup> Wodrow, ii. pp. 262-266.  
<sup>63</sup> Wodrow, ii. p. 279.  
<sup>64</sup> Burnet, ii. p. 104.  
<sup>65</sup> Wodrow, ii. pp. 347, 371.  
<sup>66</sup> See his own account, shabby enough, and that of Sir George Mackenzie, pp. 315-317.  
<sup>67</sup> Mackenzie, p. 325.  
<sup>68</sup> Burnet, ii. pp. 127, 128.  
<sup>69</sup> Wodrow, ii. p. 248.  
<sup>70</sup> Wodrow, ii. p. 248.  
<sup>71</sup> Wodrow, ii. pp. 249-252.  
<sup>72</sup> Wodrow, ii. p. 459.  
<sup>73</sup> Wodrow, ii. p. 470.  
<sup>74</sup> Burnet, ii. p. 130.  
<sup>75</sup> Lauderdale Papers, iii. 95-98.  
<sup>76</sup> Lauderdale Papers, iii. 89.  
<sup>77</sup> Wodrow, ii. p. 379, note.  
<sup>78</sup> Wodrow, ii. p. 381.  
<sup>79</sup> Wodrow, ii. pp. 406, 407.  
<sup>80</sup> Wodrow, ii. p. 412.  
<sup>81</sup> Wodrow, ii. pp. 418-421.  
<sup>82</sup> Lauderdale Papers, iii. pp. 99-102.  
<sup>83</sup> Wodrow, ii. p. 490.  
<sup>84</sup> Wodrow, ii. p. 492.  
<sup>85</sup> See Napier's wandering and rhetorical 'Memoirs of Dundee,' 'The Despot's Champion, by a Southern,' 1889, and Mr Barbé's 'Dundee,' dateless, but of 1903.  
<sup>86</sup> Barbé, pp. 42, 43.

## CHAPTER XII.

## BOTHWELL BRIDGE.

1679-1680.

THE events which are to be recorded in the following chapter are, perhaps, more widely known to the world than any others in Scottish history. The tragedy of Mary Stuart, and the war and wanderings of Prince Charles, are also popular topics, but the end of Archbishop Sharp, and the sufferings of the Covenanters between 1679-1688, even yet thrill the hearts of the country people in the Lowlands. The memories of what both parties might well call "the killing time" are kept alive by conventicles held at the graves of the sufferers, and are the themes of preachers and of rhetorical popular historians. When one of these tells us that the Argyll executed for treason in 1661 "was baptised into the forgiving ruth (*sic*) of Calvary, and that the younger brother" (Argyll) "reminds us of the elder and His exceeding grace," we appreciate the firm and enduring hold which the fond legend of the "martyred" marquis exercises. Nor is he alone in this privilege. "Who will deny that they" (the men who passed three-quarters of an hour in shooting, slashing, and galloping a horse over the body of Archbishop Sharp), "knew the secret of our Lord?" Thus writes the Rev. Mr Alexander Smellie, M.A., in the year of grace 1903.<sup>1</sup> Against such determined credulity, and such a conception of "the secret of our Lord," criticism is powerless.

The state of society and of parties in the last ten years of the scuffle on which we now enter has been rendered with almost Shakespearian genius in 'Old Mortality.' It is true that Scott made some unexpected slips, such as leaving it to be understood that the liturgy was commonly used in the churches of conformist ministers. But his errors were probably like that voluntary mistake which

represents the kettle-drums of Claverhouse sounding on a night march. The kettle-drums did not clash in fact, but they do so with much effect in art. Sir Walter was writing fiction, not history; he introduced picturesque though "unwarrantable" details; but his novel gives the colour of the times so truly and so vividly that we need only point to his romance, and say *Tolle, Lege!*

Torn by intestine controversies and personal disputes, the wandering bands of Covenanters were also given to subjective experiences which they could only interpret as of spiritual origin. Even the learned and prayerful Cotton Mather in the next generation was visited by a strange phantasm which entertained him with literary criticism. Men like Peden had similar experiences, angelic or satanic, which culminated in the case of "Muckle John Gibb," a fanatic who ended his career as a tribal medicine-man among the Red Indians. Cold and hunger on the wet moors, mist and clouds, wind and rain, aided the assaults of the Enemy. The Covenanters were also well informed about the diabolical accomplishments of their adversaries, such as Sharp's early prophetic dream, and the appearance of his wraith to two of his servants at St Andrews while he was in Edinburgh,—a case of "bilocation" common in the biographies of the saints. The 'Analecta' of Wodrow are rich in such anecdotes, though the narrator usually guards himself with "a very sincere Christian told" this or the other circumstance, or some equivalent remark. The wandering preachers of "the honest party," on the other hand, are credited by their admirers with powers of prevision, of healing, of shining in a light not of this world (N rays?), and were even occasionally attended by rappings and knockings. The Covenanters, in defiance of their distaste for good works, and distrust of a righteousness that is but filthy rags, styled many of the brethren "saints," and their records are now and then as rich in miracles as those collected by the Bollandists. Pious men had "great outpourings"; and a text that haunted the memory was regarded as a supernal monition, borne in upon the spirit. The doctrine of the lawfulness of tyrannicide was cherished by many; it could be justified by scriptural and classical parallels, by the cases of Phineas, Harmodius, and Aristogiton. Knox had been of this mind, though approval of murderers was certainly not a tenet of the "sober Presbyterians" of 1679. To them the death of an enemy was "a gracious providence," while the murderer need not be a good man. But among the more spiritually minded were many men not



thoroughly sanctified, it is feared, who avenged personal sufferings with the carnal weapon, and justified themselves by the examples of Phineas or Jehu.

By the faction of Balfour of Kinloch (called Burley) and his kinsman Robert Hamilton (of the House of Preston), as, indeed, by Covenanters of both sexes in general, Sharp was above all men hated. A contemporary 'Life' of Sharp, which is not without hostile bias, tells us that his grandfather was a piper, and suggests that he should give the pipes to a church, "to save the expense of a pair of organs." His wife, a Miss Moncrief of Randerston, is spoken of by our author as "an ordinary swearer, tippler, scold, and prophaner of the Sabbath day." "The treachery of Judas, the apostasy of Julian, and the cruelty of Nero did all concenter in him."<sup>2</sup> "He was by all that knew him taken to be no better than a flat Atheist," says Kirkton, "a man of flagitious life, and not only a debauched palliard, but a cruel murtherer." As a student at St Andrews, Sharp became the father of an illegitimate child, and "strangled it with his own hands." "Many believed him to be a demoniack and a witch." Kirkton was one of the more temperate of his party, and, when he could make these assertions in cold blood, we may guess at the beliefs of the left wing of the Covenant. While Mr Osmund Airy does not press the charges of atheism, witchcraft, diabolical possession, debauchery, murder, and descent from a piper grandfather against this father in God, he shows that, by such precisians as Lauderdale and his gang, Sharp was reckoned "a poltroon of serviceable ability, and a liar whose lies could be reckoned upon. . . . When dirty work had to be done he did it really well."<sup>3</sup>

Even on this gentler estimate by the modern historian, Sharp was no admirable character. He was in 1679 more than ever hated. Poor Mitchell accused him of keeping back a clement letter of the king which would have saved bloodshed after the Pentland Rising. It does not quite seem certain that Sharp had the chance to do this, as, according to Gilbert Burnet, his own namesake, Archbishop Burnet of Glasgow, brought down the letter from London, and himself kept it secret till after the executions. But Sharp's evidence at Mitchell's own trial in 1678 bears, Mr Hill Burton says, marks of "crooked prevarication." "There was no assurance of life given him, or any sought by him *there*," said Sharp, —namely, at the Council bar,—when Mitchell "acknowledged his

confession made before the Committee of the Council." Sharp spoke only as to that of which he was a personal eye-witness; he had not been on the Committee of the Council which examined Mitchell.<sup>4</sup>

Concerning Sharp's own murder on May 2, 1679, there is a needless controversy as to whether it was or was not the result of a premeditated plot, like the slaughters of Cardinal Beaton and Riccio. If these were pious deeds, as Knox held, why should they *not* be premeditated? Are we only to do good by impulse? The Presbyterian author of the popular 'Hind Let Loose' vindicates such actions as "lawful, and, as one would think, laudable."<sup>5</sup> "Several worthy gentlemen, with some other men of courage and zeal for the cause of God, and the good of the country, executed righteous judgment upon him."<sup>6</sup> Kirkton gives the case for non-premeditation away when he says that Sharp received "some warnings" at Kennoway, where he lodged on the morning of his death.<sup>7</sup>

Among the narratives of the deed, that of James Russell, "in Kettle," one of the doers, who later divided his party by the preciseness of his opinions, and the niceties of his conscience, is notable. He regarded the use of heathen names of days of the week, Thursday or Wednesday, as sinful, and a ground of separation.\* Russell begins with an account of a meeting of the brethren near Rathillet (April 8, 1679), when much was said about recent armed and successful resistance to the troops of the Government in Fife. On April 11 Russell and his friends met again, and decided to "take some course" with Carmichael, the Sheriff Depute, who was accused by them of torturing people, and other ferocities. If they found Carmichael in Sharp's house "all present judged duty to hang both over the port." "Other worthy Christians had used means to get him" (Sharp) "upon the road before." The intended double murder was referred to a later meeting (April 18). Hackston of Rathillet was to be asked to command the party. He was known to be at enmity with Sharp about a civil lawsuit. On April 29 messengers were sent to collect the opinions "of other ministers and Christians." After more consultations, Rathillet fixed up a paper in the town of Cupar, threatening all who bought the distrained goods of passive resisters to cess, or to summonses before courts. Balfour of Kinloch

\* 'Faithful Contendings Displayed,' p. 114; Glasgow, 1780. The subscribers to this book are ploughmen, farmers, weavers, shoemakers, and other artisans, who kept up the zeal for the good old cause.

(called Burley), Rathillet's brother-in-law, noted for active resistance, was summoned. On Friday, May 2, twelve men met, Balfour on a bay horse, and Rathillet on a gray; their idea was to kill, or perhaps to terrorise Carmichael. Rathillet and Balfour were the only landed men present. They hunted for but missed Carmichael; however, Balfour, "having inquired the Lord's mind" recently, thought of the text, "Go on and prosper." This was corroborated by another text, "Go, have I not sent you?" These answers to prayer left no doubt as to the divine purpose.

According to depositions taken after the murder, two days earlier, Mrs Black, wife of the farmer at Baldinny, had kissed one of the conspirators, and requested him to "lay long Leslie," minister of Ceres (St. Cyres), "on the green also," beside Sharp (or Carmichael?). This lady now, says Russell, sent a boy "to ask how they had sped?" The boy returned to Mrs Black, and was sent back by her with the happy news that Sharp's coach was on the road. "Truly, this is of God," they said, and Russell, who had recently enjoyed "more than ordinary outlettings of the spirit," was of the same mind. He had mentioned the spiritual voice which counselled him, to various godly men, who had twice already lain in wait to kill Sharp, so unpremeditated was the deed! Rathillet, as being at private enmity with the prelate, would not "mar the glory of the action," and so refused to lead, while Balfour took the command. They came within sight of Sharp's coach near Magus, perhaps three miles from St Andrews. They pursued, firing into the coach, where Miss Sharp was sitting with her father, for the space of half a mile. Russell wounded the postilion, who behaved with courage; Russell stopped the horses, pistols were fired into the carriage. Russell and Balfour now made speeches to the unhappy archbishop in the style of the slayers of Cardinal Beaton. Balfour then shot a pistol at him, and Sharp said, "I will come to you, for I know you are a gentleman and will save my life; but I am gone already, and what needs more?" He and his daughter came out and knelt, Balfour slashed him across the face, Henderson cut off his hand, Balfour rode him down, and Russell, hearing the poor daughter say to her servant that the archbishop yet breathed, "hacked his head to pieces." The servant, Wallace, with extraordinary valour, resisted the plundering of the coach, and was cut across the face by Russell. Another saint then stabbed the dead archbishop, while Rathillet looked on

“with his cloak about his mouth.” About half an hour or more was occupied in this glorious action.

One Guillon appears actually to have interceded with the pious doers of the deed; and he, with Rathillet, were the only members of the company who were taken and hanged. There are many other accounts of the action, but that of Russell is probably not the least valid and accurate. There is also a letter of Sharp's son, William, written on May 10. He asserts that twenty-seven men, in three parties of nine, watched for the archbishop. The archbishop received sixteen wounds; his daughter was robbed of her money, and cut in the hand as she begged her father's life.<sup>8</sup> Wodrow, who possessed Russell's plain and detailed narrative, publishes a different version, at second hand from Guillon. The archbishop is here represented as very cool, refusing to pray, offering money for his life, impervious to bullets, but terrified by cold iron, which cannot be warded off by magic, a belief as old as the scholiast on the *Odyssey*. A bumble bee, found in a box, not mentioned by Wodrow, was thought to be the prelate's familiar spirit. Yet another account, given by Wodrow, says that Miss Sharp was wounded in the thigh as well as the hand; William Sharp would have mentioned this had it been true.

Sharp, of course, was no more a martyr than Argyll. He had given much provocation to pious and determined persons, and they took his life. The circumstances of the deed, however, speak either to deliberate prolonged cruelty, or to clumsiness. Russell's narrative, of course, proves “premeditation,”—proves several designs to kill Sharp, though the actors did not, it seems, expect to meet, on May 2, the man whom they had purposed to hang over his own gate. A stately monument to Sharp, in the Dutch taste, with a relief representing the pursuit and death, was erected in the Town Kirk of St Andrews, and a cairn stands on the supposed scene of his fall, now covered by a dank plantation.

Judging from the opening part of Russell's narrative, the party of resistance, in Fife, had the better in their skirmishes with the soldiers. In Galloway and Dumfriesshire, Claverhouse had much disturbed conventiclors; few dared to sleep in their own beds, he wrote; and he made some prisoners. On April 21 he wrote that he could not send them to Edinburgh at once, because one, an old and infirm minister named Irwin, was “much troubled with the gravel.” It is melancholy to think of a soldier employed in catching ministers; but

Claverhouse here does not show the "cold-blooded cruelty" with which he is credited. Of Mr Welsh he speaks in another tone; "he is accustoming both ends of the country to face the king's forces, and certainly intends to break out into open rebellion."<sup>9</sup> On the day of Sharp's murder, Lord Ross, at Lanark, wrote that he had put in irons some soldiers who had been robbing and assailing the country people. One of them had confessed, "and is in effect the Dr Oates in the case." Ross heard vaguely of many charges against his men, but this was the first that had come to his knowledge. On May 5 Ross wrote about the arrest of an enlisted soldier of the preachers; he had not yet heard of Sharp's death, and had doubts as to whether the enemy would ever appear in force. By May 6 Claverhouse was equally ignorant of what had occurred in Fife, and was riding distances of fifty miles on the hills, to seek men like Cameron, who vanished in the mists.<sup>10</sup> No letter from Claverhouse on the murder of Sharp is extant. The Council (May 4) vainly offered 10,000 merks and an indemnity to any of the assassins who should "discover his complices" in a deed repudiated by all Protestant churches. This document was written in the tone of belief in Oates's Popish Plot.<sup>11</sup> Wodrow gives examples of lawless imprisonment on suspicion of guilt in Sharp's murder, and of a man shot by a soldier who thought that he was attempting to escape. On May 29 Claverhouse wrote from Falkirk to Lord Linlithgow, that he had news of a huge conventicle of eighteen parishes, to be held on Sunday; and in seeking for the conventicle he suffered the notable rout of Loudoun Hill, or Drumclog.

We now follow the slayers of Sharp. Their next act was to thank the Lord for "leading them by His Holy Spirit in every step that they stept in that matter," says Russell.<sup>12</sup> The Lord replied to one of them, "well done, good and faithful servants." Making north towards Perth, they heard of the shooting of a Christian, young Inchdarnie, by a soldier, as described by Wodrow. In the inquest on the murder of the archbishop at Cupar, it was deponed that papers proving a long conspiracy against Sharp's life were found on young Inchdarnie, and in Russell's chest.\*

Skulking through the country, the murderers pretended to be militiamen, for at Dunblane they were among people who were sorry for Sharp. They succeeded in reaching the western devotees, who were up in arms, and on May 29, that impious royal holiday,

\* C. K. Sharpe, note to Kirkton, p. 423.

they, under Robert Hamilton, entered the little ancient burgh of Rutherglen, near Glasgow, burned copies of a number of Acts of the Government at the Cross, and affixed their written testimony.

What followed is told by Claverhouse himself, writing from Glasgow, to which he retired after his defeat. His despatch is soldierlike; he makes no excuses for his disaster. He had left Glasgow on Saturday to inquire into the "insolency" done at Rutherglen; had taken a few prisoners, and a preacher named King; and then "made a little tour, to see if we could fall upon a conventicle, which we did, little to our own advantage." He found the enemy drawn up in battle array, in a strong position, "to which there was no coming but through mosses and lakes"—probably small lochans. Claverhouse now sent to Ross, at Glasgow, for reinforcements, which looks as if he was outnumbered; but he was beaten before they came.<sup>13</sup> There were four battalions of foot, with fusils and pitchforks, and three squadrons of horse. He had the better of some preliminary skirmishes, when the enemy advanced and attacked the foot in the first line. The conventiclers stood a discharge at ten paces, and "came to the shock," killing "the Cornet Mr Crawford and Captain Bleir," and Claverhouse's sorrel was stabbed with a pitchfork. "His guts hung out half an ell, and yet he carried me off a mile, which so discouraged our men that they sustained not the shock, but fell into disorder." The Covenanting horse then pursued, and though "I saved the standards," Claverhouse lost a considerable number of men, and fled to Glasgow. "The country was flocking to them from all hands. This may be counted the beginning of the rebellion in my opinion. My lord, I am so wearied, and so sleepy, that I have written this very confusedly."<sup>14</sup> So confusedly, that he seems to represent himself as having discouraged his men by his own flight!

However candid, Claverhouse cannot perhaps have meant to convey this impression. He does credit the enemy with courage very remarkable, above all in undisciplined forces; infantry charging dismounted dragoons, receiving a volley at ten paces, and coming resolutely "to the shock." As to the numbers on his own side, he says nothing, nor can we estimate certainly the four battalions and three squadrons of the enemy. An official account puts them at about 600, and Claverhouse's command at "a few and small number."<sup>15</sup> Russell makes the Covenanting forces but fifty horse, and a hundred and fifty foot, with pitchforks and halberts, with "a

few" from Lesmahagow. Claverhouse, says Russell, had a troop of horse and two companies of dragoons, then mounted infantry. He declares that Claverhouse gave the word "No quarter"; it certainly was given on Russell's side. Rathillet, Hamilton, Balfour, and four others commanded the horse (thus fifty horsemen had seven or eight commanders), and the brave Cleland, who fell later in the arms of victory at Dunkeld, with others led the foot. It appears, from Russell, that after rather tame skirmishes—Claverhouse could not charge with his horse, on account of a wide ditch—the Covenanting foot crossed it and came to the shock, as in Claverhouse's own despatch, and the horse followed and pursued. The shooting on the royal side was very bad—only six or seven of the enemy were slain; of the Royalists thirty-six died, and Hamilton, who had given the word "No quarter," pistoled one or two prisoners, "and I bless the Lord for it to this day," he adds.<sup>16</sup> He reckons the giving of quarter "one of our first steppings aside," and quotes the usual texts about Samuel butchering Agag, after he had been received to quarter. Wodrow "cannot determine" whether Hamilton played the bloody part of which he boasts.\* The Rev. Dr M'Crie says that Hamilton "appears to have been a pious man and of good intentions, but of narrow views, severe in his temper."<sup>17</sup>

By nine o'clock at night Claverhouse's remnant of fugitives had joined Lord Ross at Glasgow. Ross barricaded the streets and kept half of his force under arms.<sup>18</sup> On Tuesday the Covenanters attacked the town in two detachments, at two points; they were repulsed.<sup>19</sup> On Wednesday Linlithgow bade Ross retire to Stirling, as the Covenanters were coming together in great force, and he himself, with all his command in Edinburgh, joined Ross at Larbert on Thursday.<sup>20</sup> Their united forces were about 1800, without guns. They moved on Glasgow, but got intelligence that the enemy had occupied the town with about 7000 men. Linlithgow could not venture on an attack involving street fighting at such odds, and retired to Stirling, and thence, by order of the Council, to Edinburgh.<sup>21</sup> Wodrow says that he "finds some papers" averring that, after the repulse of the Covenanters at Glasgow, Claverhouse gave orders that dogs should eat their dead which lay unburied. Lord Ross, however, on the day of the affair, says that he can give no account of the losses of the enemy, "the town's people hurled

\* Wodrow, iii. p. 70. Mr Barbé, on grounds which seem good, estimates Claverhouse's command at about 180 men ('Dundee,' p. 49).

their bodies so quickly off the street." <sup>22</sup> Wodrow continues his tale of dishonoured dead; his authority, "some papers," is perhaps not so good as that of Ross's letter.

Meanwhile, the Council was raising the militia, and on June 11 Lauderdale wrote from London that the king was sending several regiments of horse and foot under the Duke of Monmouth, then the Protestant hero of an England still terrified by the fables of Titus Oates, Prance, Dugdale, and Bedloe, these imaginative reporters of Catholic conspiracies. <sup>23</sup> Dalziel was to act under Monmouth. The Covenanters, for their part, vainly appealed for aid to the Macdonalds and Macleans, who protest that they abhor the rebels, and are falsely maligned by Argyll. <sup>24</sup> At Glasgow, Hamilton, and in their leaguers about that district, the gathered Covenanters were quarrelling about their points of schism, such as separation from the Indulged, paying cess, acknowledging the civil courts, and so forth. Their numbers, according to Russell, were about 6000, on June 6, when Barscobe came to them at Glasgow, and went off to raise Galloway. Robert Hamilton says that his own death was plotted by some of Welsh's "rotten-hearted" party, who met at the clachan of Dalry, in the Glen Kens; and this appears to reflect on Barscobe, who, again, is said, erroneously, to have been murdered by Hamilton's faction. <sup>25</sup> It is sad to have to record these dissensions of excellent men, but when a career of pious murder is once entered upon, doubtless it is difficult to know where to stop.

"One party preached," says Russell, "against all the defections and encroachments upon the prerogatives of Jesus Christ." This, naturally, was the party headed by the men who had mangled and ridden up and down over Sharp, and had shot prisoners in cold blood after Drumclog. Opposed to these defenders of the prerogatives of Jesus Christ, "Mr Welsh and his party preached up the subjects' allegiance to the magistrate." We may hope that Russell exaggerates this deplorable defection. Welsh's armed contingent from Carrick misbehaved "in the houses of the godly, so that troopers and soldiers did not exceed them." In short, councils of war were occupied solely with text-splitting and squabbling, and minister ousted minister from the preaching place. All these things the earnest Russell recounts with perfect solemnity, and we see that "the rotten-hearted party" of Welsh wanted a free Parliament and a General Assembly, while the godly party wanted—who knows



what? "The prerogatives of Jesus Christ" are somewhat indefinite, but they appear to be inconsistent with Welsh's ideal—"allegiance to the magistrate," if Welsh really preached that subversive doctrine. "The Covenanters," a modern divine assures us, "witnessed even with their blood" (and with that of other people) "for the Crown Rights of Christ."<sup>26</sup>

The remark may be true of some Covenanters, namely of the party of the murderers and of Hamilton, Cargill and Cameron, and their associates; but Russell (who, as a murderer, ought to be a good authority) hardly seems to think that it is true of Welsh, and those who preached up "allegiance to the magistrate." However these points may be decided, the Welsh party declared that the Hamilton party were asserting "supremacy" as the Crown did, and were encroaching on the "ministerial authority," and dictating the topics of sermons. Meanwhile, the Hamilton party accused the Welsh party of bad faith in the proclamation of a document styled "the Hamilton testimony," not in full accord with the Rutherglen testimony. It is a mistake to suppose that the feud was between the Indulged and Russell's party; it was between Russell's party, and that of Welsh, who did not reckon the Indulged mere idolaters.

If the Welshites were right, the Hamiltonians were as bad as James I. or Charles II., and were claiming for *themselves* the "Crown Rights of Christ"; while, if the faction led by the Magus Moor murderers was correct in its contention, the Welshites were betraying the Crown Rights of Christ to the magistrate. The sympathy of modern Presbyterian divines who write history appears, on the whole, to be with the good men headed by Russell, Balfour, Hamilton, and Richard Cameron, who seems to have been in Holland at the moment of these faithful contendings.<sup>27</sup> There can be little doubt that if the armed brethren of both parties had now been left unmolested by persecution, there would have been a Presbyterian Armageddon. Ure, of Welsh's party, writes that Hamilton's men said "they would sheathe their swords as soon in them that owned the Indulgence as they would do in many of the Malignants."<sup>28</sup> The Welshites declined to disown "the king's interest," saying that the reputation of Scotland had already suffered enough in the matter of the treatment of Charles I.<sup>29</sup> The quarrels of the two factions, in which the Galloway men sided with Ure and Welsh, were very hot.

But the bloodhounds of Claverhouse and Montrose, the minions

of a profligate tyrant, with the militia and royal forces, did not leave the devotees to exterminate each other undisturbed, or merely to break up camp, and retire each party to its own place. The unhappy divisions of these days ramified into many subsections, so that about ten species of Presbyterians were later reckoned in Scotland. To Wodrow, Patrick Walker seemed "wild"; to Patrick Walker, John Gibb seemed "wild"; while Dissenters, about 1720, freely told Patrick, adorer of Cameron and Renwick as he was, that they looked on him as "a vile old apostate."\*

Despite their differences, the brethren are said to have delivered, in Glasgow, an emphatic testimony against the errors of Prelacy, destroying the goods of the archbishop, pulling down the ornaments of the Cathedral, and defacing monuments. They are also said to have dug up the corpses of some children of the Bishop of Argyll, in his chapel, run swords through them, and left them there.<sup>30</sup> If this be true, the deeds were probably done to avenge alleged insults to the bodies of the Covenanters who fell in the attack on Glasgow.

Actions of this kind were apt to excite the fury of persecutors.

While the brethren were brawling among themselves and quarrelling about the selection of officers, Monmouth was moving slowly westwards with the royal forces. Partly he was delayed by the inefficient commissariat; partly, perhaps, he wished to let the Covenanters, in Prince Bismarck's phrase, "stew in their own juice." On Saturday, June 21, the Welshites were in a majority, but Rathillet and Hamilton had the advantage of being more ferocious.<sup>31</sup> The Welshites were for electing the most capable men as officers, the Hamiltonians were for a purging of the less orthodox, as before Dunbar. The leaders of Hamilton's faction left the gathering; the others drafted an address to Monmouth, which Hamilton says that he signed but did not read. They had been driven to arms in self-defence, they wrote, "by unavoidable necessity." They rejoice in the arrival of the princely and clement Monmouth (much relied on by Protestants while Jesuits and innocent men, like Hill, Berry, and Green were being hanged in England). They asked leave to send in a deputa-

\* To those who have not time to read all the pamphlets of the Kirk's intestine feuds, 'Six Saints of the Covenant,' edited by Dr Hay Fleming, may be recommended (Hodder and Stoughton, London, 1901). This is an edition of the works of Patrick Walker, the original of Davie Deans, in 'The Heart of Midlothian.' Amusing as Davie is, the excellent Patrick is more copiously entertaining. The notes of Dr Hay Fleming are an inexhaustible treasure of Covenanting lore.

tion. Next day, Sunday, Monmouth was at Bothwell, his patrols being close to the bridge over Clyde. Above the bridge the river flows between the flats, called "haughs" in Scotland, but the sides of the stream are steep and craggy, and the water is narrow, deep, and swift where the bridge crosses.<sup>32</sup>

Monmouth's choice to advance across this bridge is singular, for he was advised to pass by an unguarded ford, about a mile to the left of the Covenanters' position. He might have sent a force to contain them at the bridge, and out-flanked them by way of the ford, if his numbers were sufficient.<sup>33</sup> Had they entrenched themselves and been united—for their courage is beyond cavil,—the Covenanters might at least have held their own. Their deputation was admitted to see Monmouth, who had gracious manners and was as beautiful as Claverhouse. They asked, "it seems," for a free Parliament and General Assembly—freedom consisting in no "clogs of oaths and declarations,"—and for an indemnity to all "who are or have been in arms."<sup>34</sup> This modest demand included the pardon of the slayers of Sharp and the victors of Drumclog, which, perhaps, no Government could possibly have granted. Monmouth, however, "reckoned their desires reasonable" (which they were not) "and just," but could offer no terms but unconditional surrender. They must lay down their arms before he would treat with them. They had half an hour to consider in, and their brawls were renewed. The party led by the murderers certainly could not accept of the terms. For what followed, the discrepant accounts of Russell, the murderer, and Ure, of Welsh's faction, must be studied.

In the front of Monmouth's force were four companies of dragoons, the Royal Guards, in which Claverhouse was a captain, "and Duke William's troop"; and there was a slight skirmish before the deputation crossed.<sup>35</sup> Russell avers that before the deputation crossed to see Monmouth, Barscobe, with six troops of horse and some footmen (doubtless from Galloway), "was commanded to go over and fight, but refused absolutely." A feud between Barscobe, the beginner of the Pentland Rising, and Hamilton seems to have arisen out of the disputes of the day. Russell places a skirmish before the going of the deputation to Monmouth. Both he and Ure agree that, when the deputation returned, an artillery duel began, Rathillet, says Russell, and many officers being at the bridge. Ure says no word of Rathillet, but agrees with Russell that the

Covenanting gun drove off the Royalist gunners, and thinks that if any one had given orders to charge, Monmouth's artillery might have been taken. No officer gave any orders; the cannonade was renewed, and 500 of the royal infantry advanced to the bridge, which was narrow, with a central gate tower, and was commanded, on the Covenanting side, by houses and enclosures with walls. Ure says that Lord Linlithgow's son, with 300 foot, crossed the bridge, and that he himself rallied his own men and drove the enemy back beyond the gate tower. Ure lost three men, and retreated up the moor to the main body. "In all this hot dispute our commanders never owned us."

Russell makes Rathillet the last man to retreat from the bridge. Each faction, Ure for the Welshites, Hamilton for his own side, accuses the other of cowardice, treachery, or both. Russell, who puts the Royalists at 2300 ("being called 2300, foot and horse in all") and the Covenanters at 5000 to 6000 (Ure says 4000 foot, 2000 horse), thinks that the brethren had a good opportunity at the opening of the fight, while the king's forces were on the march and the guns were ill supported. He says that the Galloway men, Hamilton's enemies, were beating a drum for a parley. Ure, of course, gives an opposite account; and it is only certain that "all presently ran away," and, according to Ure, the flight of the murderer Balfour, with his horse, troubled the foot—but Hamilton denies this.<sup>36</sup> "What a sorrow's crown of sorrow it all is!" ejaculates Mr Alexander Smellie, who differs from Kirkton and Ure in making the royal forces much the more numerous.<sup>37</sup> "When we fled there was not ten men killed of us all," says Ure, after eight hours of "fighting"!<sup>38</sup> It is only clear that the bridge, barricaded as it was, was very ill defended; that the Covenanting horse (2000) "left the foot to the mercy of our army, who pursued them with all diligence and zeal, and have killed some hundreds of them, and made many hundred prisoners," says the Privy Council (June 22).<sup>39</sup> They put the rebels at "near seven thousand."

The pursuit was a mere massacre of peasants, foot-soldiers ill-armed, of whom the more part knew not, perhaps, wherefore they had come together. If the sword of Claverhouse was busy in avenging a somewhat problematical kinsman slain at Drumclog, we have no evidence to that effect. The ferocity of the pursuit has been partly attributed to the fact, as stated by Mr Hill Burton, that Hamilton took no interest in the work, "except in the raising of a gigantic gibbet, with a few cart loads of rope piled round

it.”<sup>40</sup> The erection of this gibbet rests partly on the evidence of Captain Crichton, or Creighton, who was present with the king’s forces, but mentions only *one* cartful of new ropes. A diary of the day calls it “an extraordinary great gallows that would hang 30 or 36 persons.”<sup>41</sup> A poem of 1681 also avers that the Covenanters “prepared” a gallows for their captives, whereas Blackader’s Memoirs speak of “a gallows which stood there,” but both the cavalier Crichton and the persecuted Blackader agree that the captured rebels were guarded at that point. If Crichton himself saw the “cartful of new ropes,” it is vain to contend, like Dr M’Crie, and the editor of Blackader, that the gallows was merely a casual gibbet, which chanced to be standing on the scene. It is not the gallows itself, but the new ropes that are important. The poet of 1681 does not say that the rebels had erected, but that they had “prepared” the engine of the law.<sup>42</sup>

Another of the little points on which Cavalier and Covenanting historians do battle is “The Bluidie Banner.” In 1859 Mr James Drummond examined and copied an old banner, which its old owners declared to have been carried at Drumclog and Bothwell Bridge. They gave its *provenance*, and its pedigree, which really seems fairly probable in itself. The banner was inscribed in Hebrew characters,

JEHOVAH NISSI

FOR CHRIST AND HIS TRUTHS

NO QUARTERS FOR YE ACTIVE ENIMIES OF YE COVENANT.

The last words were in red letters.\*

The Covenanting foot fled towards Hamilton; the horse, with Robert Hamilton, Russell, and Barscobe, sped to Cumlock, and, next day, broke up, “their heats and debates being still the more.”<sup>43</sup> Yet Hamilton, Russell, and Balfour made for Earlstoun, in the Glen Kens, and Barscobe entertained some of the party at “Kenmure town,” now probably New Galloway. They skulked

\* Dr Hay Fleming proves that a tiny set of fanatics, in 1723, had such a banner, but we do not know whether this was the banner copied by Mr Drummond in 1859, or whether the fanatics of 1723 had borrowed a genuine flag of Bothwell Bridge from its owners, or had copied their banner from such an authentic piece, or whether there was no such standard in 1679, the banner seen by Mr Drummond being, in that case, the manufacture of the silly sect of 1723. Hay Fleming, ‘Saints of the Covenant,’ ii. pp. 215-217; Drummond in ‘Proceedings of the Society of Antiquaries of Scotland,’ iii. pp. 253-258.

about Minnigaff, and Castle Stewart, listening to preachers, till news arrived, a week after the fight, "that Clavers was come." Then it was "time for us to go." "All, being so affrighted, dismissed." The Galloway men deserted the murderers from Fife, and, the Rev. Mr Welsh pressing for giving battle again, they rode to meet him. But "Clavers was pursuing and within a mile," and the gentry of Carrick wrote to Welsh to say that they would abandon him if he kept company with the assassins.

Thenceforth they rambled vaguely, and had many narrow escapes. Balfour and Hamilton fled to Holland; Rathillet stayed to dree his terrible weird. Cameron soon returned from Holland, where he seems to have been ordained by M'Ward and other clerical exiles, who, for many years, had spurred on the extremists at home. With Cargill, Cameron and Rathillet were to "lift up the standard" that fell when the Whigs ran away from Bothwell Bridge, and young Renwick was to follow in their steps. But there was no longer a semblance of an united Kirk. The majority of Presbyterians had not disowned monarchy; they were coming round to the frame of mind in which they soon consented to let the Covenants be a dead letter; and, after that, peace was established in Scotland. The persecuted Episcopalians, after 1689, only fought for their faith when they fought for their king.

The action of Government, after the rout of Bothwell, was relatively lenient, and the cruelties were mainly due rather to the careless inefficiency than to the deliberate ferocity of the administration. Wodrow says, to be sure, that a Major White, Claverhouse, "and others of their cruel temper," wished Monmouth to kill many of the prisoners, plunder the west, and burn Hamilton, Glasgow, and Strathaven. Tom Dalziel, who was not present at Bothwell rout, may not have disapproved of "Thorough," but Wodrow cites no evidence for his tale. Doubtless the troops seized horses and arms, but Law, the Covenanting author of the Memorials, says that the Covenanters, after Drumclog, did precisely the same thing. The military also harassed all and sundry on suspicion of having been at Bothwell, with an eye to their share of the fines. We may conceive that the lesser gentry were always exposed to the visits of men like Frank Bothwell at Milnwood, in 'Old Mortality,' in that scene which might fire the blood of a coward. In the hunt for the murderers, whom no man, woman, or child would betray, it is highly probable that the soldiers applied torture, just as Albemarle's

officers did to the Highlanders when Prince Charles was a fugitive.<sup>44</sup> Wodrow gives examples of such atrocities by "the soldiers under Claverhouse," but does not say that Claverhouse was present, which he would do if he could; and only quotes vaguely "instances in his hands." In fact he relies, it seems, on tradition, and gives no vouchers for cases "well vouched and certain." \* We may be certain that the country endured the brutal excesses of a soldiery not found by the Government in proper quarters and supplies, and given to rob wherever they had the chance.

As to the prisoners, the king, on June 29, gave the Council leave to torture such of them as might possess valuable information. Three or four hundred were to be banished to the colonies, as was practised by the Parliament in the Civil War. The rest might be dismissed on signing a promise not to take arms again; if they attended conventicles their pardon dropped. There was no massacre of captives, as after Philiphaugh, and at Dunaverty.<sup>45</sup> Two preachers, Kid and King, were hanged on the day, August 14, when an indemnity (London, July 27) was published. In this the king spoke of those who "poisoned our people with principles inconsistent with true piety and all human society, as well as with our royal government." The ideas of the extremists, in fact, were inconsistent "with human society." With exceptions, the indemnity covered all who would promise to live peaceably.<sup>46</sup> Fifteen prisoners were sentenced to death; all but two were persuaded by the Rev. Mr Jamison, deputed by "an Erastian meeting of ministers," to sign the bond of peaceable behaviour.<sup>47</sup> The mass of prisoners, some twelve or thirteen hundred, were warded "in the inner Greyfriars Churchyard," without shelter, till huts were erected in winter. Wodrow describes the guards as brutal and licentious. About eight hundred signed the bond, and were released; about a hundred escaped by simply climbing the wall, or putting on women's clothes in the huts and walking out. Many of those who signed the bond actually argued, so Wodrow "finds it said," that "their rising was not

\* "Multitudes of instances, once flagrant, are now at this distance lost; not a few of them were never distinctly known . . ." (Wodrow, iii. pp. 120-123). An example of the worst is cited by Wodrow's editor from Sergeant Nisbet's Diary, iii. p. 122, note. The present writer, in childhood, had a Cameronian nurse, who assured him that a conventicle was held beside a burn in Selkirkshire, that Claverhouse occupied the brae above, and fired into the crowd, and that the bones of the Covenanters were still on the scene. I cannot find historical mention of this ill-sentinelled conventicle in a hollow.

against his Majesty's authority, and consequently that it did not bind them up from any such appearance when occasion offered again."

What Wodrow "finds said" is not always evidence, but, if his story be true, we must suppose that, as Oates swore, wicked Jesuits had been at work in Scotland. Candid Presbyterian minds could not surely be so "jesuitical"!<sup>48</sup> Of the prisoners who would not sign, and professedly thought "killing no murder" in the case of an archbishop, about two hundred were drowned when their ship was wrecked off the Orkneys.<sup>49</sup> The skipper is said to have been a Papist, the crew monsters of cruelty. Blackader tried to prevail on the prisoners not to sign the bond to live peaceably; "that foul compliance," says Patrick Walker. Mr Blackader was soon afterwards taken and sent to the Bass, where the prisoners "paid at a twopenny rate for a glass of the halfpenny ale."<sup>50</sup> Here he died in 1686. In November five recalcitrant prisoners were hanged on Magus Moor; not that they had been engaged in Sharp's murder—the slayers could not be caught. A rude monument to their memories is still reverently regarded.\*

After these punishments and some forfeitures (Claverhouse received, but did not much enjoy, the estate of Macdowall of Freuch), the Kirk and people might have awaited quietly the abdication of James II. But M'Ward, the exiled preacher, who "had the wyte of all the sorrows of Scotland" in these days, with others, consecrated Richard Cameron in Holland. It seems that Cameron returned in the autumn of 1679, bidden by M'Ward to raise the fallen standard, and prophetically warned that his own head should fall.<sup>51</sup> While Cameron was fanning the embers of revolt, Monmouth fell from power, when the Duke of York hurried to the sick-bed of the king. The duke may or may not have been in part responsible for the failure of a new Indulgence, the third granted under Monmouth's influence. On November 24, 1679, he was welcomed at Holyrood, and took his seat on the Council, being dispensed from taking the oaths. Cameron, who had no preacher ally save the elderly Cargill, held fasts on account of the duke's arrival, being urged thereto by letters from M'Ward, safe in Holland. The Duke of Hamilton and his party had again failed to oust Lauderdale; the Presbyterians generally were inclined to be quiet, but Cameron preached sermons

\* "I do not know of any cairn where the archbishop was killed, but I do know one to the holy men that killed him," said a farmer's wife to a lady who asked about Sharp's cairn.



in favour of renewed civil war. Some passages appear to recommend assassination. "Are there none to execute judgment upon these wicked men, who are both treacherous and tyrannical. . . . And, if it be done, we cannot but justify the deed, and such as are to be commended for it, as Jael was." On the other hand, Cameron bade hearers, if asked whether such or such a fugitive was in the house, to "beware of lying on any account."<sup>52</sup> The Rev. Henry Erskine was composing a sermon against Cameron (who was most distasteful to peaceful Presbyterians), but he heard a voice saying "*Audi! Audi!*" (Hear); "*Audi est,*" says Mr Erskine, meaning "*Hear it is!*" when the divine voice, dropping into the vernacular, remarked, "Beware of calling Cameron's words vain." Patrick Walker records this hallucination at second hand.<sup>53</sup>

Cameron is credited with prophecies less veridical than those of Jeanne d'Arc. The faithful were "to get a right Reformation." By their own confession they got nothing of the kind. In all Ayrshire and Clydesdale a man was to ride a day without seeing a smoking chimney before "the right Reformation" came. These judgments and mercies might be seen by some of the hearers. Cameron, like Knox, according to Lethington, was "a drivelling prophet," though he made the very easy prediction that after Charles I. there should not be a Stuart crowned in Scotland. It then seemed that the Act of Exclusion of the Duke of York would pass, one day or another, and the duke had no son. Cameron said that "he was assured the Lord would set up a standard against Antichrist that would go to the gates of Rome and burn it with fire, and that 'Blood!' should be their sign, and 'No Quarters' their word, and earnestly wished that it might first begin in Scotland."<sup>54</sup> So Patrick Walker lovingly declares, but Cameron was quite mistaken in his assurance from the Lord. He was not a genuine Highlander, but the son of a Falkland tradesman; and he had not the second sight. His love of blood and "no quarter" is characteristic of the extreme left of the Covenanters. Such was this "Saint of the Covenant." We are told that he and men like him fought for "freedom of conscience." His ideal, on the other hand, was to persecute people whose consciences differed from his, beginning in Scotland, and carrying fire and blood and the banner of "No Quarters" to the gates of Rome. This was a vast plan of campaign, and the means were inadequate.

Cargill and one Henry Hall of Haughhead (traditionally said to

have owned "The Bluidie Banner") used to skulk and conspire near Queensferry. One of the preachers whom these men were wont to threaten, boycott, and insult, gave information. Hall was wounded mortally in a scuffle with the governor of Blackness; old Cargill escaped, and Hall died as he was being conveyed to Edinburgh (June 3, 1680).<sup>55</sup> In his pocket was found a long unsigned "testimony," or draft of a testimony, known as the "Queensferry Paper" or "New Covenant." The king and monarchy, according to this document, were to be abjured, a Commonwealth on Mosaic principles was to be established. Presbyterianism of the strictest kind (as in 1592, and 1638, or more so) "is the only right government of the Church, and ought to be rightly exercised, not after the carnal manner by a plurality of votes. . . ." This appears to mean that the Protesters, though in a minority, and not the Resolutioners, had a right to govern the Kirk, as being more godly. The banders were to destroy "all relics of idolatry and superstition," and "exercise righteous judgment" on all Malignants, that is, Royalists. The king, and all preachers not of their own sort, these men disown, and so forth.<sup>56</sup>

On June 22 Cameron and twenty mounted men of his way of thinking rode into Sanquhar, in Dumfriesshire, and promulgated a manifesto, in which they defied and disowned the king and the Hamilton Declaration, issued by Welsh's party before Bothwell Bridge.<sup>57</sup> If we may believe Row, the son-in-law and biographer of the celebrated Covenanter, Mr Blair, Cameron's faction meant to kill Millar and Veitch, two Indulged ministers. One of the party warned Millar, who informed Sir James Cochrane, later prominent in Argyll's rising in 1685. Dalziel, who now commanded in Scotland, sent Bruce of Earlshall on the track of Cameron; there was a sharp skirmish at Airs Moss; Richard Cameron and his brother Michael fought with as much determination as the Gunpowder Plot conspirators, and, happily for themselves, died in battle. Hackston of Rathillet was taken, and he, who had looked on while an old man was slowly mangled to death before his daughter's eyes, perished by the same cruel English method of execution as the captives of Carlisle and Culloden in 1746.<sup>58</sup> "They gave us all testimony of brave resolute men," says the unhappy Rathillet, speaking of his opponents. That testimony they certainly deserved; but the majority of the milder Presbyterian party regarded these martyrs in the spirit of Row, Blair's biographer. They and their successors were "the

Remnant." The Kirk at large held aloof from them; they formed "Societies" with an organisation of their own; and, of course, were much disgusted by the "Erastian" settlement, under an uncovenanted king, William III., which followed the Revolution of 1688. Such were the people who came to be called Cameronians, a title which, in the next generation, was refracted on to the general mass of all shades of Presbyterians assembled at Bothwell Bridge.

It is not to be supposed that all Cameronians even in "The Societies" went all lengths with the framers of the crazy Queensferry Paper, whoever they may have been. To found a non-democratic hierocratic republic, in which carnal plurality of votes was *not* to decide questions, to carry the war of "No Quarters" from Scotland to the heart of Italy (as Walker says that Cameron desired), can scarcely have been the ambition of all Cameronians. Wodrow tries to split hairs about the authorship and authority of the Queensferry Paper, and tells us that the Cameronians and Society people themselves "did not pretend to vindicate every expression . . . yea, afterwards, in some of their public papers, they expressly disown it, in as far as it does anyway import any purpose of assuming to themselves a magistratical authority."<sup>59</sup> However, in 1684 a number of sufferers for the Queensferry Paper were exiled to America, and they very frankly write, "We adhere to the eight articles of the New Covenant drawn by Mr Donald Cargill, and taken of the worthy Henry Hall at the Kueens-ferrie, and does own the samin in all things as is agreeable to the Word of God."<sup>60</sup>

If we take the liberty to call the ideas of Cameron and Cargill delirious delusions, we only use the brotherly freedom which their disciple, Patrick Walker, employs in the case of another Saint of the Covenant, Meikle John Gibb. Mr. Gibb, indeed, was not even dubiously ordained, being a mariner, yet "a great professor." He drew about twenty-six women and three men after him, "the greater part of them serious, exercised, tender, zealous, gracious souls." Their nonconformist consciences rebelled against "all Crown dues, excise, and customs," wherefore they consistently abstained from "ale, tobacco, and other fool things." They retired to the Pentlands "to see the smoke and utter ruin of the sinful bloody city Edinburgh." Here they confessed to each other "sins that the world had not heard of," which argues extreme originality in vice. As they skulked in a great moss called The Deer Slunk, Mr Cargill visited them, though Gibb said that they did much better without

ministers. Gibb carried pistols to use on husbands who came seeking their gracious exercised wives.

Cargill decided that Gibb was "an incarnate devil," for Gibb had outgone even Cargill. When he and his ladies were taken, the Duke of York "rejoiced," and, being set at liberty again, Gibb burned a Bible, apparently because the *versified* psalms are not "inspired," a point about which doubt is impossible. On the night before, a light shone round Gibb and another man as they prayed in the moss; just as "a strange light surrounded" Mr Welsh while he walked in the dark. Mr Gibb, like many another sufferer, was sent to America, where, says Walker, "he was much admired by the heathen for his familiar converse with the devil bodily,"—in fact, he seems to have become a *Joss-a-keed*, or medicine man, or was so held and reputed.<sup>61</sup> Mr Gibb has been accused of taking freedoms with his flock not unusual among prophets; he was also even more exclusive than Cameron and Cargill, holding aloof from them, as they did from the Indulged. As to burning the Bible, that was a mere protest against the human admixture of the Table of Contents, and the rhymed psalms. Walker does not charge Gibb with immoral license, and the admiration of the heathen for Gibb may have been misunderstood. On the whole, Gibb only went a little further than the other saints, being less educated than they in mere book-learning. His "strong delusions," as Wodrow calls them, were not more delusive than "the assurances from the Lord" which Cameron uttered in his prophecies, according to his admirer Walker. On Gibb's showing, it only "seemed good to the Holy Ghost and to us to take out of our Bibles the psalms in metre."<sup>62</sup> Gibb denounced "making a tyrant patron of the Church," as Cameron and Cargill did. He also, most commendably, objected to "putting horrid pictures" into illustrated Bibles. He denounced the preachers for "making their books their God and their leader," "and their saying that learning is essential of a minister, without grace."<sup>63</sup> Gibb was a "Dopper": the preachers did not go far enough for him, as Welsh did not go far enough for Cargill, and Wodrow did not go far enough for Walker, and Walker did not go far enough for the brethren who called him "a vile old apostate."

Meanwhile the majority of Presbyterians were wearying of all these excesses. Nearly a century of religious violences had fatigued the country, and the day of a compromise between Kirk and State was approaching.

## NOTES TO CHAPTER XII.

- <sup>1</sup> 'Men of the Covenant,' by Alexander Smellie, M.A., pp. 66, 243.
- <sup>2</sup> See elegant extracts by C. K. Sharpe, in Kirkton, p. 82, note.
- <sup>3</sup> 'Scottish Review,' iv. pp. 29-30.
- <sup>4</sup> 'State Trials,' vi. 1257; Hill Burton, vii. p. 203.
- <sup>5</sup> 'Hind Let Loose,' p. 635; Wodrow, iii. p. 48, note.
- <sup>6</sup> 'Hind Let Loose,' p. 123. <sup>7</sup> Kirkton, p. 83.
- <sup>8</sup> Narrative of Russell, and letter, in Kirkton.
- <sup>9</sup> 'Memoirs of Dundee,' Napier, ii. 202. <sup>10</sup> Napier, ii. pp. 203-207.
- <sup>11</sup> Wodrow, iii. p. 52, note. <sup>12</sup> Kirkton, p. 422
- <sup>13</sup> Lauderdale Papers, iii. p. 169. <sup>14</sup> Napier, ii. pp. 221-223.
- <sup>15</sup> M'Crie, 'Veitch and Brysson,' p. 441.
- <sup>16</sup> Hamilton's letter of Dec. 7, 1685; 'Faithful Contendings Displayed,' p. 201.
- <sup>17</sup> 'Veitch and Brysson,' p. 452. <sup>18</sup> Napier, ii. p. 220.
- <sup>19</sup> Ross to Linlithgow, June 2 (Lauderdale Papers, iii. p. 166).
- <sup>20</sup> Cf. Wodrow, iii. pp. 83, 84.
- <sup>21</sup> Linlithgow's Account, Lauderdale Papers, iii. pp. 167-170.
- <sup>22</sup> Lauderdale Papers, iii. p. 166; Wodrow, iii. p. 71.
- <sup>23</sup> Wodrow, iii. pp. 86, 87.
- <sup>24</sup> The petition of the loyal clans is published by Wodrow, iii. p. 88, who, of course, discredits their veracity.
- <sup>25</sup> 'Faithful Contendings,' p. 188; Kirkton, p. 452 note, 453; Law's Memorials.
- <sup>26</sup> The Rev. Mr Butler, 'Life and Letters of Leighton,' p. 574 (1903).
- <sup>27</sup> See the Rev. Professor Herkless's very sympathetic 'Richard Cameron,' p. 79. Cameron was in Scotland early in May 1679 (see 'Claverhouse to Linlithgow,' Napier, ii. p. 206). For a Welshite view of the quarrels, see Ure, in 'Veitch and Brysson,' pp. 456-474.
- <sup>28</sup> 'Veitch and Brysson,' p. 470.
- <sup>29</sup> Ure, in 'Veitch and Brysson,' p. 468.
- <sup>30</sup> Pamphlets of 1679 and 1682, and Indictment in the High Court of Justiciary, November 10, 1679, cited by Napier, ii. p. 229, note.
- <sup>31</sup> Wodrow, iii. p. 104. <sup>32</sup> Hill Burton, vii. p. 233.
- <sup>33</sup> Aiton, 'The Rencounter at Drumclog,' p. 72 (1821).
- <sup>34</sup> Wodrow, iii. p. 106. He cites no authority, and the demands are not in the written address, iii. p. 105.
- <sup>35</sup> Wodrow, iii. p. 106. Ure in 'Veitch and Brysson,' p. 476.
- <sup>36</sup> 'Veitch and Brysson,' p. 481.
- <sup>37</sup> 'Men of the Covenant,' p. 248. <sup>38</sup> 'Veitch and Brysson,' p. 483.
- <sup>39</sup> Lauderdale Papers, iii. pp. 171-173. <sup>40</sup> Hill Burton, vii. p. 232.
- <sup>41</sup> 'Saints of the Covenant,' ii. p. 217.
- <sup>42</sup> Kirkton, p. 469, note. M'Crie in 'Veitch and Brysson,' p. 459, note.
- <sup>43</sup> 'Memoirs of Blackader,' p. 229, note.
- <sup>44</sup> Russell, in Kirkton, p. 469.
- <sup>45</sup> Albemarle Papers, New Spalding Club.
- <sup>46</sup> Wodrow, iii. p. 110, and note. <sup>47</sup> Wodrow, iii. p. 118, and note.
- <sup>47</sup> Patrick Walker, 'Six Saints of the Covenant,' i. p. 54.
- <sup>48</sup> Wodrow, iii. p. 126. <sup>49</sup> Wodrow, iii. pp. 130, 131.

- <sup>50</sup> 'Blackader's Sufferings,' Crichton's Blackader, p. 267, note.  
<sup>51</sup> 'Six Saints of the Covenant,' i. p. 225; ii. pp. 110, 163.  
<sup>52</sup> See Herkless, 'Richard Cameron,' pp. 107-109.  
<sup>53</sup> 'Six Saints of the Covenant,' i. pp. 227, 228.  
<sup>54</sup> 'Six Saints of the Covenant,' i. p. 230.  
<sup>55</sup> Wodrow, iii. p. 206. <sup>56</sup> Wodrow, iii. pp. 207-211, note.  
<sup>57</sup> Wodrow, iii. p. 212, note.  
<sup>58</sup> Row's 'Blair,' pp. 569, 570; Wodrow, iii. pp. 218-223; 'Six Saints of the Covenant,' ii. p. 165.  
<sup>59</sup> Wodrow, iii. p. 208.  
<sup>60</sup> MS. cited by Dr Hay Fleming, 'Saints of the Covenant,' ii. pp. 223-231.  
<sup>61</sup> 'Saints of the Covenant,' ii. pp. 17-26.  
<sup>62</sup> Wodrow, iii. p. 350, note; Gibb's Testimony.  
<sup>63</sup> Wodrow, iii. pp. 350-353, note.

## CHAPTER XIII.

## THE KILLING TIME.

1680-1685.

WE have seen that, to Cargill, the Gibbites appeared to be extremists. He himself, after Airs Moss, "without any concert, and to the surprise of many," excommunicated the king, and many other gentlemen, at an assemblage in the Torwood. That Charles deserved excommunication is not to be doubted, but that Mr Cargill should take upon himself the function of a Church "was approved by none that I know of," says Wodrow, "but his own followers," who now set themselves up in distinction from the rest of the Presbyterians in Scotland, and "refused to partake in ordinances dispensed by any Presbyterian minister, till Mr Renwick came home to them from Holland, about three or four years after this."<sup>1</sup> In the following year Cargill was captured by "wild Bonshaw," of the fierce border clan of Irvine or Irving (July 12, 1681). One or two of his persecutors were smitten by "judgments." "Die what death I will, your eyes will not see it," he said to Rothes,—according to Patrick Walker. Rothes, already very ill, grew worse, and confessed to Mr Carstairs,<sup>2</sup> that he found Cargill's sentence of excommunication "binding upon me now, and will bind to eternity." If this be truly reported, Rothes exaggerated. Rothes and Cargill had signed the Covenant together, when at St Andrews, where the document exists. Rothes, we have seen, had been dangerously ill just before Cargill's alleged prophecy, which is thus open to criticism. He died on July 26; Cargill with four others was hanged on July 27, 1681. Lord Fountainhall reports timidity on Cargill's part. He declined to answer the Council on the "merely ecclesiastical question" of excommunicating the king and others. The truth is that he gave evasive replies, and asked for time to consider his answers. He

advocated the Jael and Phineas doctrine of the right of individuals to kill people,—“the Lord giving a call to a private man to kill,”—as warranted by Scripture. Lethington would have replied that these are unusual motions of the Spirit, and that the subjective opinion of a private man to the effect that “the Lord has given him a call” is hardly evidence.<sup>3</sup> In a last document, Cargill, like John Gibb, denounced “the ministers of Scotland.” “How have they betrayed Christ’s interest and beguiled souls!” Unluckily this “interest” (as understood by Knox, Andrew Melville, and Cargill), seems to be incompatible with the existence of human society, and the extreme Presbyterian view throughout had been the cause of the miseries of a century.

According to Walker the Council would have sent Cargill to the Bass, as being old and incapable of further mischief, but Argyll’s vote for death turned the scale.<sup>4</sup> Argyll was presently in trouble himself. Parliament met the day after Cargill’s death, and framed “the cursed Test,” which Argyll would only take with a qualification.

The Duke of York was Royal Commissioner, and his interest, of course, was to secure his own succession to the throne, much imperilled by Protestant alarms in England, and by the Exclusion Bill; but secured by the conduct of the king, and the reaction against the insanity of Oates’s pretended plot, with its reign of terror. The creed of James, and his infatuated behaviour when king, not the vagaries of the Camerons and Cargills, were to cause his abdication, or flight, in 1688.

Sir George Mackenzie, the Lord Advocate, exhibited in office about as little scruple as Scroggs did when a judge during the fury of the Popish Plot in England. In an unofficial capacity, however, Sir George wrote, “it fares with heretics as with tops, which, so long as they are scourged, keep foot and run pleasantly, but fall so soon as they are neglected and left by themselves.”<sup>5</sup> Nevertheless, Mackenzie, less wise than witty, now helped the Government to whip the fanatical tops. At this time it seems that the Government might wisely have offered the most extensive Indulgence, and neglected the fanatics of Cargill’s kind, as they were “left by themselves,” and became negligible after the Revolution. But Claverhouse, a clear-headed man, was strongly opposed to a new Indulgence. “I hope nobody is so mad as to advise it,” he writes (April 1, 1682). We must remember, too, that the Government, for political reasons in England, could not abandon Episcopacy in



Scotland. But, after 1688, Episcopacy was abandoned in Scotland, Episcopal ministers were "rabbled," and the Kirk was allowed to persecute Episcopalians. So the Kirk, after 1688, was contented enough, and the Cameronians could safely be left by themselves. Nothing short of what William III. conceded to the Kirk could have left the fanatics in a negligible condition, and what William gave, Charles, though by temperament averse to persecution, could not possibly give. Thus it was inevitable that the Scottish Government should continue, in Mackenzie's phrase, to whip the tops, and incur perpetual odium.

The king's message to Parliament urged remedies for the cure of the "violent distempers," which, at this distance, seem to have deserved mere contempt. Executions, as of two women who defied authority, merely won for the sufferers the reputation of martyrs, and the sympathy of the public. Into the act ratifying Protestantism, Argyll is said to have wished to introduce (and Dalrymple of Stair did introduce) an approval of the old Confession of Faith, and other matter unpalatable to the Catholic Duke of York, "so that nothing but his blood would satisfy him." Argyll, thenceforth, becomes, rather late, a Saint of the Covenant.<sup>6</sup>

After Worcester, and before the Restoration, Argyll, then Lord Lorne, had taken the royal side, and was "out," while his father, the marquis, stayed at home, and gave Monk information about the Royalists' movements. When the marquis had suffered for this, his son, after a period of distrust, was restored to the rank of earl, and held the wide heritable jurisdictions, as of a principality, whereby his descendant helped to hang James of the Glens in 1752. Argyll was thus a noble of vast influence, and, as he remained steadily loyal, he had, so far, no claim to be a Scottish worthy—rather, he persecuted the saints. As against the doctrine of the Protesters he fought at Worcester; he was "out" till Middleton retired from his opposition to the Cromwellian invasion. During the Pentland Rising he seized all the doubtful gentlemen of Kintyre, and raised 2000 men for the king; and he was waiting for Dalziel's order when the Covenanters fled from Rullion Green. He put down the Macleans, who, though disorderly, were not godly, and, if Patrick Walker tells truth, he gave the casting vote that hanged Mr Cargill.<sup>7</sup> There is no documentary evidence to this effect, as that part of the Register of Council has been lost or destroyed. Walker was familiar with the leaders of the Remnant, and reports what they believed.

Argyll himself, after the Pentland Rising of 1666, wrote from Edinburgh to Lauderdale (January 28, 1667): "The outed ministers that meddled in the late rebellion I think deserve torture."\* How little Argyll guessed that, for "meddling in rebellion," he himself would be sentenced to suffer torture, though, luckier than the Rev. Mr Mackail, tortured in 1667, he escaped the boot! Argyll rebuked Sharp for calling him a Presbyterian: "I was a while bred under Presbytery, but I had been in other parts of the world, where church government was not made so great a matter of as by some in this country; but whatever was past, I took it not well to go under names" (Edinburgh, Feb. 2, 1667).

Not till he was most iniquitously condemned to death, escaping into exile, do we see any trace of the staunch Presbyterian in a nobleman who approved of the torture of the martyred Mackail. Yet this Argyll, soon after Cargill's execution, perhaps came near to sharing Cargill's fate. The circumstances are more or less mysterious.

The Duke of York, before the Parliament in which he was Commissioner, had made himself popular with the nobles, and—the saints excepted—with the people. He was an excellent golfer, and, as he writes himself, "I live here as cautiously as I can, and am very careful to give offence to none."<sup>8</sup> He was on good terms with Argyll, but Burnet avers, and Wodrow (in his gossiping 'Analecta') has a note to the same effect, that Argyll warned the duke that he would oppose the restoration of Catholicism. An opposition to the Duke of York's appearance as Commissioner was intended, but the party of Hamilton were faint-hearted. A general confirmation of the old laws against Papacy was passed, with an Act confirming, as a thing of divine right, the succession to the throne of the next representative of the Stuart line, that is, the Catholic Duke. "Argyll ran into this with zeal," says Burnet,—curious conduct in an earnest Protestant.

Haltoun (Charles Maitland, Lauderdale's brother) was accused of perjury in the case of poor Mitchell. Haltoun had denied, as we know, that promise of life had been given to Mitchell; but his own letters in proof of the fact (which have been already cited) were produced against him. The letters had been written to Kincardine, whose widow now made them public. Lord Auchinleck, father of

\* 'Letters from Archibald, Earl of Argyll, to John, Duke of Lauderdale,' p. 56. Edinburgh, 1829.

Dr Johnson's Boswell, and himself grandson of Kincardine, writes that the Duke of York got copies of the letters of Haltoun from Lady Kincardine, and showed them to the king, "who was stunned at the villany, and ashamed he had employed such a minister; and immediately ordered all his posts and preferments to be taken from him."<sup>9</sup> On August 31 an Act was passed as to religion. Charles is represented as zealous for the Confession of Faith made law in the Parliament of 1567. At that hour a queen had been deposed and imprisoned, and the creed of Knox was at its highest flight. That Charles, a king and, by conviction, a Catholic, should be zealous for this Confession seems a truly preposterous assertion. All manner of Papists and fanatics are denounced, and everybody is to be driven to church by ministers, magistrates, and bishops. A test oath is imposed, to keep Papists and fanatics out of every conceivable office; and this is done while a Papist holds the highest of all offices, that of Royal Commissioner. It is said that Dalrymple (Stair) had the Confession of 1567 put into the Test Act, thinking that it would be opposed, and that the Act would be dropped. But apparently nobody had ever read the Confession, which approves of resistance to tyrants. The takers of the test had to swear both to the Confession (which makes Christ head of the Kirk) and also to the headship of Charles II. They had to declare all Leagues and Covenants unlawful, and promise never to try to alter anything in Church or State! Finally, they had to swear that they took the oath, "in the plain genuine sense and meaning of the words," which are a set of plain genuine contradictions in terms. They made "no mental reservation or any manner of evasion."<sup>10</sup>

They might as well have sworn, in a phrase of John Stuart Mill's, that "Humpty Dumpty is Abracadabra." So elastic and incomprehensible a test was later applied as a means of persecution. No man could take it who had not a much stronger sense of humour than of honour. No man could keep it, for "the end of its commonwealth forgetteth its beginning." Gibbites and Cameronians were accurate and tranquil logicians compared to the framers of this test, which was passed in a day; and the members of the Royal Family, to make a *combe* of absurdity, were excepted out of it. A Catholic, the Duke of York, when he became king, would apparently be free to introduce his own creed, and the takers of the test would have to choose between adherence to the Confession and adherence to the rest of the paralyzing document. Argyll had more logic than

humour (his poem on the subject proves that point), and he opposed the exception of the Royal Family, except, indeed, of the Duke of York.<sup>11</sup> Many of the conformist ministers (eighty, says Burnet) are for once applauded by Wodrow; they put forth their objections to the monstrous absurdity, and resigned their livings.

Explanations and attempts at reconciling contradictories were made by the Bishop of Edinburgh, and admitted by an Act of Council.<sup>12</sup> Argyll took the test with a qualification, "as far as it is consistent with itself, and with the Protestant religion."<sup>13</sup> On November 8 the Council wrote to the king, accusing the earl of "gross and scandalous reflections, . . . depraving your Majesty's laws, misrepresenting your Parliament . . . teaching your subjects to disappoint all laws and securities," and so forth. The perjured Haltoun, with Sir George Mackenzie, and Airlie, keeping up the Ogilvy feud, were among the writers of the letter.<sup>14</sup> Argyll was indicted of "leasing-making"—that elastic offence,—of treason, and other crimes, and sent before a jury. Montrose, Claverhouse, and Airlie were among the fifteen jurors, Ogilvies and Grahams had a Campbell at their mercy, and an unanimously voted verdict brought the earl in guilty. The king's pleasure in the matter had to be waited for; and Argyll, perhaps rashly, escaped in the dress of a footman, holding up the train of Lady Sophia Lindsay, who had visited him in prison. Every one has heard how he dropped the train in the mud, and how the quick-witted lady slashed him across the face with the wet and dirty garment.

Argyll fled to London, where the king knew his place of retreat, but would not disturb him, and, later, retired to Holland: his adventures, with the useful dreams that are sent to save saints, make a stirring page of romance. But escapes of this kind are almost always, if not always, collusive. Fountainhall asserts that Melfort deliberately permitted Argyll to walk off,<sup>15</sup> though elsewhere he seems to contradict this. Probably the Council simply wished to frighten Argyll away: indeed, it was believed at the time that he was merely meant to lose the power implied in his wide jurisdictions. The Duke of York writes, during the trial by judges, "that little lord will be once again at his Majesty's mercy" (December 13, 1681).<sup>16</sup> Burnet remarks that it was said, "Lauderdale had restored the family with such an extended jurisdiction that he was really the master of all the Highlands, so that it was fit to attain him,

that, by anew restoring him, these grants might be better limited. This, as the duke wrote to the king, was all he intended by it, as Lord Halifax assured me."<sup>17</sup>

The king knew, as we saw, where Argyll lurked in London, "but he would have no search made for him, and retained still very good thoughts of him,"—of his brave ally at Worcester fight. On the whole, the design probably was to terrify Argyll, and have his power reduced; but to place Airlie, Montrose, and Claverhouse on his jury was "simply iniquitous," as an apologist of Claverhouse frankly remarks.<sup>18</sup> None of us is perfect, and Grahams and Ogilvies could have escaped the post of jurors by paying a fine. The feud of Clan Diarmaid with the Stuarts, to whom, from Sir Nigel's day to 1638 they had been loyal, burned up again, and it was not the Stuarts who won the victory. The whole affair is conspicuous even among the mean rascalities of the Restoration.

Meanwhile the Duke of York was regarded as likely to prove "a terrible master" when he came to the throne. Already the Edinburgh students had insulted him by burning the Pope in effigy. The schoolboys tried their watch-dog for licking the butter off a copy of the Test, and not swallowing it whole (as Argyll took the Test "with a qualification"), but there seems reason to hope that the tyke was not hanged till he was dead. Haltoun escaped from the consequences of his perjury and peculations by paying £20,000, part of which went to Gordon of Haddo, who was later made chancellor, and first Earl of Aberdeen in the present line.

"The new chancellor exceeded all that had gone before him," says Burnet.<sup>19</sup> In summer Lauderdale died; his picture is drawn by Lord Ailesbury, in his memoirs, where he appears as a coarse buffoon by taste, and as the detested butt of Charles II., who hated to have Lauderdale's fingers in his snuff-box. To escape this infliction, Charles invented a snuff-box on the lines of a pepper-caster! The Duke of York, after Argyll's escape, was wrecked, and hardly escaped, on a voyage to England. Whether he displayed cowardice and neglect of the crew is disputed; if so, it was against his previous character as a brave naval officer, and in consonance with his want of courage during the Revolution. Courage apparently may be lost, as "nerve" may be lost by hunting men.<sup>20</sup> With Aberdeen as chancellor and Queensberry as treasurer, the exaction of fines and compulsory church-going were more rigorously exacted. As Monmouth, Hamilton, and others had not taken the

Test, there were new appointments to their jurisdiction, Claverhouse succeeding to those of Kenmuir (a family always engaged in all losing sides), and Agnew of Lochnaw (January 1682). Government and Claverhouse averred, with truth, that the deposed magistrates had connived at the safety of rebels, and murderers of soldiers; and Claverhouse was to punish all disturbances and church irregularities—pretty duty for a man of the sword!<sup>21</sup> Several commissions of this kind were granted, and David Graham, Claverhouse's brother, who "held courts in Galloway and Nithsdale," is accused of many severities.<sup>22</sup> Claverhouse's orders were to seize persons who would not go to church, and "a soldier only has his orders." As to Wodrow's tales of persons tortured by the soldiery, we do not find them in the contemporary 'Historical Notices' of Lord Fountainhall. We do find an appeal by Cheisley of Dalry (a murderer) against life-guardsmen who invaded his premises, and wounded him and his servants ("hamesucken"), to which the soldiers replied that they were requisitioning fodder, and were attacked by Cheisley. One guardsman was banished for life, the other was cashiered, and had to find sureties for good behaviour.<sup>23</sup> Thus soldiers could be checked, but Cheisley was a laird; the persons (anonymous usually) who are said to have been tortured were poor and powerless.

Claverhouse's letters, and a report by him, before the Committee of the Council, give his version of his proceedings. Galloway was in such a condition that, for many months, the Government "had looked on it as almost in a state of war, and it was thought unsafe for anything less than an army to venture into it." Claverhouse himself, a little later, had no apprehensions of a rising. But the flight of the Covenanters from Bothwell Bridge had left all their mounted men (some 2000, according to Russell) at large, with perhaps 3000 foot—men who were ready, in the Jacobite phrase, "to do't again." The escaped rebels of position, some 300 or 400, owning between 30,000 and 40,000 merks a year, were left undisturbed by Kenmuir and Vans Agnew, and other magistrates. "The churches were quite deserted,—no honest man, no minister, in safety."

Claverhouse first provided magazines of corn and fodder, and quartered on the rebels. His report (undated) is a summary. From his frequent letters to Queensberry, we learn that he was pained to find Kenmuir in relations with Barscobe. The inveterate rebel was living at home undisturbed. There should

be a garrison at Kenmuir Castle, "a mighty strong place," standing on what looks like a very high artificial moat or mount, above the marshes, at the junction of Ken with Loch Ken. The house had suffered in Cromwell's time. Claverhouse meant to begin with rebels, accessories, and harbourers of these (such as John Brown, the Christian carrier, later shot), also to deal with field conventicles, or armed "demonstrations." What remains of the laws against the fanatics, he would try to enforce by threats "rather than severe execution." This means that he would enforce attendance at church,—as, indeed, the Kirk did by its officers, far into the eighteenth century. He had not so much as called at Freugh (forfeited to him), nor, apparently, had he drawn any profits therefrom. The Sanquhar exploit,—excommunication of the king and all,—had just been repeated at Lanark, and the town was fined.<sup>24</sup>

For dealing with such things, Claverhouse observed that it was usual "to put laws severely, against great and small, in execution, which is very just; but what effect does that produce, but more to exasperate and alienate the hearts of the whole body of the people? . . . in the greatest crimes it is thought wisest to pardon the multitude and punish the ringleaders." Claverhouse had called some parishes together, explained the existing state of the law, remarked that he, for one, had no wish to "enrich himself by their crimes," and advised them—to go to church. Resetters and ringleaders must expect no favour. This military beadle had some success; church was attended, but the ministers would soon unsettle the parishioners, "so mad are some of their wives." He asked for 100 dragoons, whom he would superintend "without any pay." "I should take horses here among the suffering sinners." If all failed, he must "do as others, and get as much money as I can (which I have not thought on yet), by putting the laws in execution" (March 1, 1682).<sup>25</sup>

Again he writes, "it will be of more consequence to punish one considerable laird" (he had the Dalrymples of Stair in his mind) "than a hundred little bodies. Besides it is juster." He caught the blacksmith of Minnigaff, who made the sharp steel hooks for cutting bridles; he resolved to hang the rebel armourer, as an example. Claverhouse, however, neither tried nor hanged the smith.<sup>26</sup> There were reports, not credited by Claverhouse, of a western rising. By March 25 he had taken the veteran Barscobe,

of the Pentland and Bothwell Bridge risings. Barscobe submitted and was pardoned,—“offers, if he could get a remission, he would be active and useful to me in the business of the Glen Kens.”<sup>27</sup>

This hardened rebel had been living undisturbed in his lonely peel tower, where his arms, painted and carved, may be seen above the door. He shortly afterwards died,—was killed by extremists, says Law, in his ‘Memorials,’ and so says Glen Kens tradition. He certainly died in a brawl, but it seems to have been unpolitical; and medical evidence pointed to epilepsy as the cause of death. By April the churches were thronged, and all was orderly, “without having received a farthing money, or imprisoned anybody.” “I never saw people go more cavalierly from one extremity to another than this people does,” says Claverhouse.

His report to the Committee of Council adds details about the treatment of rebels. They were pursued, quartered on; their houses were seized, their goods ruined, “their wives and children brought to starving.” All this was done to make them renounce their designs of rising in arms, and to take the oath to live peaceably and accept safe-conducts. All lairds, but two or three, including Gordon of Earlstoun, “signed a bond much to that purpose,” but not the Test. This Earlstoun, a huge and noisy man, “the Bull,” dwelt in a little peel by the Ken, a mile or two above the clachan of Dalry where the Pentland Rising began. A wasted oak tree near the house is pointed out as his usual hiding place. Now it could not conceal a rook. The tenants might sign something equivalent to the Test, but not the Test itself, “by cause of their ignorance”! As for church-going, Claverhouse had made it almost universal. He had officially assured the people that “whatever their guilt was, if they gave obedience they need fear no great severity.” Obstinate lairds he imprisoned till they found security for their fines. He “actually brought in two outed disorderly ministers.” Galloway was peaceful, “the rebels are reduced without blood,” “the ministers” (conformist) “are in safety.”<sup>28</sup> This report is probably of the middle of May 1682. It certainly shows Claverhouse combining the offices of policeman and military beadle, or “kirk-officer,” but it does not present him as sanguinary or rapacious, the epithets conferred by Macaulay. After meeting Dalziel in Lanarkshire, he escaped in June from an alleged enterprise of Clydesdale Whigs, near the inn of “The Bille” (The Crook?) on upper Tweed.<sup>29</sup>

The Sir James Dalrymple of Stair, who is said to have included



the Confession of 1567 as the Test, had been gently warned by Claverhouse to "walk warily." This Stair was author of the famous "Institutes of the Law of Scotland," and father of the author of the Glencoe massacre. His family had an interest in "regalities" and "hereditary jurisdictions," which might be compromised if their holders connived at the safety of rebels. Wodrow accuses Claverhouse, in August, of imprisoning and quartering on men merely because they were nonconformists, and would not promise to "live regularly" (whether this means to go to church, or to keep the peace and forswear rebellion).<sup>30</sup> The Bride of Lammermuir was the daughter of the elder Stair; unfortunately one man (Dr Hickeys), who heard her story from Stair's own lips, did not trust his memory, and declined to write it down. In his August raid at Glenluce, Claverhouse's jurisdiction collided with that of the younger Stair, Sir John Dalrymple. He derided Claverhouse's jurisdiction, and "offered him a sum of money not to meddle with that regality,"—so Claverhouse avers.<sup>31</sup> Failing here, and failing to thwart Claverhouse by proceedings in his own court, he found his factor and tenants heavily fined. The younger Stair brought charges against Claverhouse, who chose the offensive defensive strategy, and retorted with heavier accusations. Stair meant, he said, to stir up the people, and had behaved illegally and passionately. Claverhouse won his case, and was congratulated by Aberdeen,—“they wondered that he, not being a lawyer, had walked so warily in so irregular a country, while young Stair, though a lawyer . . . had exceeded his bounds, and had weakened the hands of his Majesty's authority” (February 12, 1683).<sup>32</sup> He was fined, and warded in the castle for a short time. His father went to Holland and intrigued, as Argyll was doing.

From his first arrival in Galloway (February 1682), Claverhouse had desired to make an example of a highly placed conniver at or shielder of rebels. He meant Stair, and, after gentle warnings, he carried through the policy of "Thorough." The lords of the Privy Council found Stair guilty of employing confessed harbourers of rebels as clerk and baillie of his jurisdiction, of imposing inadequate fines and not exacting them, of keeping people from appearing in Claverhouse's court, of falsely accusing Claverhouse of oppressions, and of other offences.<sup>33</sup> Young Stair's family, especially his awful mother, of whom tradition tells strange tales, were Whiggish, but it was his hereditary jurisdiction for which he was fighting. The Dalrymples never were loved in Scotland, and the Glencoe massacre,

with the later attempts of a member of the family to assassinate the Chevalier de St. George, are not more glorious than the policeman's career of Claverhouse.

As an example of ferocities not in Claverhouse's jurisdiction, we might select the hanging of a woman named Christian Fyfe, because "she did beat the Rev. Mr Ramsay in the old Kirk at the ending of the sermon, and the reason was, she thought he was profaning the Sabbath." She disowned all authority—there was no honest minister in Scotland; she said that she went to church "not to beat a lawful minister, but one whom she thought a Judas and a devil." A reprimand of a humorous character would have been enough, but Christian was hanged. All this would be very terrible if correctly reported, but Christian was released as a lunatic rather than a fanatic: she was not hanged.

In November half the lairds in the Glen Kens, young Knocknalling, Holme, Overton, and many others, were sentenced, but Wodrow "thinks none of them were executed."

"Persecution" kept on running its course—that is, men suspected of accession to the Bothwell Bridge rising were hunted for, and, when taken, if they persisted in maintaining a rebellious attitude, were in many cases hanged. In May 1683 Claverhouse was placed on the Privy Council: in March and April he had been at Court in England, mainly busy about a claim to lands forfeited by Haltoun, which led to a quarrel between him and Aberdeen.<sup>34</sup> We find Claverhouse pressing (June 9) for the execution of a very slippery rebel, who tried to escape, he says, by aid of "a false sham certificate,"—the word "sham" was then new. "I am as sorry to see a man die, even a Whig, as any of themselves. But when one dies justly, for his own faults, and may save a hundred to fall in the like, I have no scruple."<sup>35</sup> Two other fellows were hanged for attacking a small party of guardsmen, killing one, and wounding another. The rebels suffered during a great Circuit through the disturbed districts.

At this time, the autumn of 1683, various circumstances produced greatly increased severities, culminating in martial law, which has been called "no law at all": it permitted, or rather enjoined, the shooting of suspicious persons who declined to own the king's authority, or to pronounce the Bothwell Bridge affair "rebellion." As we have seen, many denied that a rising "for the Gospel" was rebellion, and held themselves ready to repeat the

action. The country was thus harassed by oaths, tests, and fines inflicted for even conversing with fugitive rebels, and for not denouncing them. Ladies, as Mrs Mure of Caldwell, were harshly used for merely hearing a minister preach in their own drawing-rooms, just as, long after 1688, the Duke of Hamilton was imprisoned for a similar offence in his own house. Not only peasants and tradesfolk, but gentlemen like Scott of Harden and many others, were heavily fined, often for the Presbyterian devoutness of the women of their families.

The causes which provoked an increase of persecution were the blending of the Russell and the Rye House Plots, in England, with the designs of the exiles in Holland and of Argyll, and the arrival from Holland of Mr James Renwick, to raise the standard that fell from the hands of Cameron. It not unusually happens that the respectable members of a suffering party are engaged in political intrigue, while the wilder members have a plot to assassinate some one, or to raise the rabble. Thus, after the Revolution, a plot to assassinate William III. coincided with the intrigues of Berwick and the excellent Lord Ailesbury, and, still later, Layer's plot became interwoven with Bishop Atterbury's. We thus find Monmouth, Lord Russell, Sidney, and others more or less in touch with Ramsay, Ferguson, and other would-be assassins, on one hand; and with Baillie of Jarviswoode, Argyll, the Rev. Mr Carstairs, an intimate of the Prince of Orange, on the other: and some of them were acquainted with the murder plot, while, through Renwick, who came back from Holland, more or less ordained, in the late summer of 1683, the organised "Societies" of Cameron's followers were in contact with the ramified discontents in England and Scotland. The trial of Earlstoun, in October 1683, threw no light on the Holland and other intrigues of the time; for Earlstoun, on the approach of the boot, "roared like a bull, and cried and struck about him so, that the hangman and his man durst scarce lay hands on him." He then swooned, and, reviving, accused Dalziel, whereon he was pronounced mad, and warded in the Bass, though he was only canny (November 23, 1683). Earlstoun had been examined already in July, when he implicated a few preachers and others, including Renwick. He probably told about as much as he knew.\*

\* S. P. Domestic, Charles II., vol. 427. Record Office. These papers contain nothing very important on the intrigues of Argyll and the rest.

On October 8, 1683, young Renwick was proclaimed for reviving field conventicles and for traitorous designs fostered in Holland.<sup>36</sup> Jerviswoode, Carstairs, and others mixed up with the Russell, Sidney, and Monmouth intrigues, were sent to Scotland to be tried. The irreconcilables appear to have shown themselves in the west, for (January 3, 1684) our old acquaintance, Sir James Turner, as well as Claverhouse and his brother, David Graham, were put on a commission to apprehend and try such persons.<sup>37</sup> Wodrow "scarcely thinks" that the commission at Dumfries (Claverhouse's) "would spare all who came before them," but he has no evidence on the matter, and only expresses a pious opinion.

In 1684 the Indulged ministers were again "outed," and many prisoners were sent to the American colonies. At this time Claverhouse should have been "in merry pin," like Lethington when in love, for he was wooing Lady Jane Cochrane, of the Dundonald family, which was Presbyterian and Whiggish. He was therefore accused, apparently by the Duke of Hamilton and others, of disloyalty. Sir John Cochrane (accused of betraying Richard Cameron) was in Baillie of Jerviswoode's plot. "He is a madman," wrote Claverhouse to Queensberry, "and let him perish,—they deserve to be damned who would own him" (May 19, 1684). "'Tis not in the power of love, or any other folly, to alter my loyalty."<sup>38</sup> "Had the young lady been right principled" (in the sense of the Covenanters) "she would never, in despite of her mother and relations, made choice of a persecutor, as they call me."

Meanwhile Queensberry and Aberdeen were at feud: Aberdeen had the worse of the quarrel, lost the seals, and was finally succeeded as chancellor by the Earl of Perth, who became a Catholic. On June 9 Claverhouse's wedding contract was signed, and on that very day an armed conventicle was found at the Blackloch, and Claverhouse had to leave his bride, and scour the mosses near Lesmahagow. "They might have let Tuesday pass," his wedding day, he writes.<sup>39</sup> But again he had to mount and ride, while old Dalziel insinuated, thinking of Drumclog, that "some people hazard small forces on very unequal terms." Dalziel anticipated a general rising, but Claverhouse (June 15) writes that "we have left no den, no knowe, no moss, no hill unsearched." There had been a slight skirmish with the royal foot; but, though Claverhouse "threatened terribly," he does not seem to have tried the

effect of lighted matches between the fingers, or even to have flogged peasants to extort evidence, like King George's officers in 1746. These raids opened the honeymoon of "Black John of the Battles." In July the Covenanters had a success at the pass called the Enterkin, among the hills on the way to Edinburgh through Moffatdale. Some twenty-eight soldiers were conveying sixteen prisoners; they were fired at from an ambush, and lost several prisoners, and one or two of their own party.<sup>40</sup> Claverhouse was now appointed to the command of the forces in the west; but in August he took his bride to Dudhope, near Dundee, the spoils of the Lauderdale family, lost by them for Haltoun's peculations when Master of the Mint. Claverhouse was now Constable of Dundee, where he secured the commutation of the capital punishment on small pickers and stealers, there in prison. For the future, too, the cruelty which persisted so late in English law was to be abolished, thanks to "bloody Clavers."<sup>41</sup>

Efforts were still being made to unravel the part of Scottish malcontents in the intrigues for which, on the English side of the border, Sidney and Lord Russell died. The Scottish conspirators were, many of them, lairds in the peaceful glens of Tweed, Gala, Ettrick and Yarrow, such as Hume of Polwarth, Baillie of Jerviswoode (who suffered), and Murray of Philiphaugh. A laird declined to join an intrigue with the squires of such ominous names as "Hangingshaw," on Yarrow, and "Gallowshiels" (Gala). Lord Tarras and Philiphaugh confessed, betraying their associates, and evidence was wrung from Spence and Carstairs under torture. Fountainhall records (July 26, 1684) the torture of Spence, a retainer of the exiled Argyll. He did not deny that he could read the captured letters of Argyll in cypher (June 1683), but endured the boot and the odious "waking" (inflicted on witches, as on Father Ogilvie, S.J.) with manly resolution. Then he was tried with the thumb-screws, and was next offered the boot again. Like a Highlander of 1746, who bore a hundred lashes rather than betray Prince Charles, but gave some information when threatened with another hundred before the first wounds were healed, Spence finally lost heart—who can blame him?—and read "these hieroglyphic letters." To their contents we shall return. The sight of the horrors of torture was loathsome to Privy Councillors compelled to be present, whether in the reign of Charles II. or William III. Scott (in 'Old Mortality') represents Claverhouse as looking calmly on, in 1679, when he had

nothing to do with the matter, not being of the Council, and Macaulay versifies from Burnet the "cruel eyes" of the Duke of York, "that dared to look on torture, but not to look on war."<sup>42</sup> Whether Burnet tells truth of the duke or not, we observe that torture was becoming a hateful spectacle to men. Nobody, like the lover in Molière, would have proposed the spectacle of torture as a treat to his lady. In earlier days we hear of no delicacy in the matter, whether Catholics or Protestants were being tormented.

Another victim of torture, Carstairs, gave Wodrow an account of his own conduct. He was mixed up in the intrigue with the notorious Shepherd and Ferguson the Plotter, who seems to have loved conspiring for its excitements, and he was arrested in Kent, being mistaken for Ferguson. After three months' detention in town he was sent for trial to Scotland, and languished in Edinburgh Castle for several months. He was known to be acquainted with the cyphers of the Argyll letters, but preferred torture to treachery. He also argued that, if accused in England, he should be tried by English law: in that case judicial torture would not have been administered.<sup>43</sup> This was overruled—illegally, it would seem—and he endured an hour and a half of the thumbikins, but not, as Macaulay erroneously said, of the boot. That was to be applied next day. He assured Wodrow that he and his Scottish associates had no murderous intentions; but he had certainly listened to Ferguson's proposals of murdering or seizing the king, which was sailing near the wind, as he continued to plot with Ferguson. Before he was put to the torture he was offered conditions—pardon, it seems—if he would speak out, and that "nothing I said should be used directly or indirectly against any man in trial that I should mention."<sup>44</sup> He rejected the conditions, and gallantly resolved to face the torment.

As we saw, on the sight of the boot, after an hour and a half of the thumb-screw, he faltered. What he confessed was used at Jerviswoode's trial as an "adminicle" of evidence against him. The position was that, when Carstairs shrank from a second infliction, he was offered "full pardon and remission," and "that he shall never be brought as witness against any person or judicatory, directly or indirectly, for anything contained in his answers." These are the chief parts of the conditions on which Carstairs capitulated and answered questions, and Wodrow prints them as "under the secretary's hand."<sup>45</sup> But many years later,

shortly before his death in 1715, Carstairs stated the conditions thus in a letter to Wodrow: "no person was directly or indirectly to be mentioned in any trial as to that matter, nor anything in my depositions was to be adduced against any person; which condition was openly violated."<sup>46</sup> Principal Story, in his 'Life' of Carstairs, frankly remarks that "the engagement not to use his evidence against any accused party is not so distinctly expressed as his own report" (to Wodrow) "of his agreement with Melfort would have led us to expect."<sup>47</sup>

Whether Carstairs was absolutely straightforward or not, few, indeed, can presume to blame him. Jerviswoode was hanged on Christmas Eve, 1684. There was nothing in Carstairs's evidence as published to connect Jerviswoode with even knowledge of a plot to seize or kill the king: he was merely represented as nibbling at schemes "for rising in arms for rectifying the Government." Unluckily such schemes are regarded as treasonable by most Governments. Carstairs "heard the design of killing the king and duke from Mr Shepherd,\* who told the deponent that some were full upon it." If Jerviswoode knew nothing about it, we shall see that Argyll, though absent in Holland, apparently knew very well. Jerviswoode left a last speech attributing his ruin to the faintness of his zeal for Protestantism. How still more furious zeal for Protestantism could have saved him, unless he had successfully conducted a revolution, is not apparent; but he denied that he had intended either the murder of the king and Duke of York, or "subversion of the Government"; only Carstairs puts it that "this unpleasant subject"—their plot—was not aimed at the persons of the royal brothers, or at "government by monarchy." What *he* intended may readily be conjectured. "Carstairs had some secrets of great consequence from Holland entrusted to him," says Burnet. The wind blew from the Dutch coast.<sup>48</sup> To bring in the Prince of Orange was neither to overthrow monarchy, as such, nor to murder Charles and James. But, whatever Argyll and Jerviswoode intended, their conduct was certainly treasonous.

As the Prince of Orange's hour had not yet come, the plans of Argyll and the other plotters were of the vaporous kind that cloud the dreams of exiles. They were not more coherent than most of the visions which amused the Jacobites of 1688-1786.

\* This Shepherd told what he knew, on June 27, 1683. S. P. Dom. Charles II. vol. 426.

Argyll's letter to Major Holmes,\* of June 21, deciphered by Spence, shows the state of affairs. Argyll had asked his accomplices in England to raise a sum of money, £30,000, and thought that 1000 horse would be needed for "the first brush" with the royal forces. Government had 1200 horse and 2000 foot, by way of an army in Scotland. These, when the rebellion began, would probably concentrate at Stirling, and would be aided by "all the heritors" or lairds, perhaps "50,000 men," though possibly half the number would hold back. This does not sound as if a rising was to the mind of the country. There was also the militia, 22,000 of all arms. Forces would come, too, from England and Ireland. Argyll's only hope, it is plain, was not in his clan, the Campbell claymores, but in "Browne," that is the Whig English peers.

He ends, very significantly, "some things are to be done to prevent the designs of enemies, that I dare not now mention, lest it should put them on their guard." If these phrases do not apply to a plot for murdering or seizing Charles and the Duke of York, no other interpretation was more likely to occur to the Government.<sup>49</sup> Moreover, Argyll speaks of "Mr Red" as a person whom he must consult with. Carstairs was "Mr Red," and Carstairs, through Shepherd, knew of the murder plot. Principal Story, defending Carstairs, admits that he "did not altogether withdraw from such intercourse with"—Ferguson, who sounded him about murder,—"as he deemed to be necessary in the interests of Argyll."<sup>50</sup> Meanwhile Argyll ("in the interests of Argyll") knew of "some things to be done to prevent the designs of enemies, that I dare not now mention, lest it should put them on their guard." Now Principal Story admits that Ferguson had managed, "by veiling the cowardly character of the scheme, to enlist the aid of some men of high character and principle to the extent of agreeing to an attack on the king's escort and seizure of his person."<sup>51</sup> The learned Principal is surprised by this "casuistry" among Whigs and Protestants! But to seize the king, and chance killing him, was simply the old Gowrie method, in Scotland, of changing the administration; and Argyll's letter can scarcely refer to anything else. Argyll's letter of June 21 was written while he clearly was not aware that, on June 12, the Rye House scheme had

\* Holmes was examined in the Gate House, on June 29, 1683. S. P. Dom. Charles II. vol. 426. He said that Lord Grey was to lend Argyll £10,000 towards a rising in Scotland.



been betrayed. The distinction between a plot to kill, and a plot to seize a man of spirit with armed guards, is indeed casuistry of the most fine-spun tissue. Each party, when out of power, framed such plots; and to look on Whigs as more scrupulous than Jacobites is to evince great lack of humour, and keen partisanship.

What the conspirators really had in view, if they did seize the king, is uncertain. Some hoped that Monmouth, like Absalom, would head a rising against his own father, "of which no particular method was laid down."

If the king and duke had been got rid of, then, failing Monmouth and the Duke of Hamilton, the Prince of Orange seems the likeliest person to profit by the plot; and Carstairs never, even after 1688, told the secret of the Dutch Court which he possessed in 1683-84. He wrote to Wodrow shortly before his death that the whole affair was "an unpleasant subject," and he did not exaggerate.<sup>52</sup> Taking everything into account, the long smouldering conspiracies and the renewed eccentricities of the hill folk, or extreme Cameronians, it is plain that human wisdom could not now have saved the Dynasty, that is, considering the religion of the Duke of York, the next heir to the throne, which was, after all, the main cause of the crisis. The dread of Popery was the strongest emotion of the vast majority of both nations; with the death of Charles II. the new king must, at the very least, insist on toleration, no Catholic king with a rag of honesty could do less, and once grant even toleration, and "then are we all gone!"

The result of the stormy state of the country was the beginning of "the Killing Time" strictly so called. It cannot be denied that the Government had good cause to look to its own safety, when a plot to murder was interwoven with two plans for armed risings, and with the arrival of Renwick from Holland, full of zeal, and breathing forth threats of organised assassination. Yet in a work from which more people have learned Scottish history than from any other—Scott's 'Tales of a Grandfather'—the worst deeds of "the Killing Time" are introduced before the causes of that cruel period of repression are indicated, and the main cause, the threats of Renwick, is omitted. The repression shocked a politician not famous for mildness. Claverhouse himself objected to a bond making landholders responsible for harbouring or comforting of fugitives by their people. "It is unjust to desire of others what we would not do ourselves; for I declare I think it a thing not to be

desired, that I should be forfeited and hanged, if my tenant's wife, twenty miles from me, in the midst of hills and woods, give meat or shelter a fugitive" (October 30, 1684).<sup>58</sup> Those about Renwick, in 1684, declared war, in their apologetical declaration (October 15-28). This document is attributed by Wodrow to their "General Society," for they were now organised. They disowned the royal authority of Charles, "and all authority depending upon him;" they explain that they are at war "with all in civil or military powers who make it their work to imbrue their hands in our blood, or by obeying such commands," including "viperous and malicious bishops and curates," and all witnesses who appear when summoned to courts of justice in such cases. They pretend to have courts of their own to judge offences against them.

"We are a people by holy Covenants dedicated unto the Lord,"<sup>54</sup> and, as Cromwell told the preachers, "there is such a thing as a Covenant with Death and Hell,"—a Covenant after Cameron's own heart, to begin the war of No Quarter in Scotland, and carry fire to the gates of Rome. The declaration was to be fixed on market crosses and church doors. Wodrow attributes the "forming" of the paper to Renwick, who "was forced to go in with them to keep peace, as far as might be, among themselves." "And in prosecution of this" declaration, writes Fountainhall, "some of those ruffians fell in, at Suin Abbey, beside Blaikburn in west Lothan, and murdered Thomas Kennoway and Duncan Stewart, two of the king's Life-guard, in a most barbarous manner."<sup>55</sup> On December 12 the conformist minister of Carsphairn, in a lonely part of Galloway, was murdered. Kennoway is represented as a peculiarly oppressive ruffian and robber, and Mr Peirson of Carsphairn as not only serviceable to the authorities, but a defender of the doctrine of purgatory. The Privy Council, however, being irritated and alarmed by Renwick's declaration of war, and by the acts of war which followed, "give out a terrible commission," and "agree upon the bloody orders to murder in the fields all who should not expressly disown the aforesaid declaration."<sup>56</sup> One act of war was an attack on the town of Kirkcudbright, by a hundred and eight men, who broke open the prisons, and carried away such arms as they could seize. (Reported by Dalziel and others to Queensberry, December 18, 1684.)<sup>57</sup>

On December 20 Claverhouse's report came in: he had discovered and shot five skulkers, and taken three prisoners. The strange hallucinations of showers of blood and blue bonnets and swords

falling in open places, are reported by Fountainhall,<sup>58</sup> and by Patrick Walker, who was present but saw nothing unusual. As for Claverhouse's success, Mr Napier has dealt with Wodrow's account of it, averring that one of the victims, James Macmichan, is the James Macmichael who, according to Wodrow, had just pistoled the Rev. Mr Peirson.<sup>59</sup> By Wodrow's account Claverhouse fired on and killed four out of six people "who were lurking and hiding, for what I can find they had no arms." Fountainhall (December 20, 1684) says that Claverhouse reports having "met with a party of these rogues who had skulked," killed five and taken three, "some of which were of the murderers of the minister of Carsphairn."<sup>60</sup> Space does not permit a criticism of all the evidence as to outrages; but, in this case, contemporary signed evidence seems better than Wodrow's anonymous "accounts" given long after date. Fountainhall notes (October 1684) even a more hideous trait of the times. Marion Purdie, a beggar woman in Edinburgh, had been accused of many acts of witchcraft. Mackenzie, the Lord Advocate, "gave no great notice to such informations against witches," and the unhappy Marion was allowed "*to die of cold and hunger in prison about Christmas.*" The godly had no pity on witches, and Wodrow was of their mind.

Claverhouse's own report of his doings is not in the Queensberry papers. He no longer wrote to that newly made duke, whose title he had pleaded for at Court. Queensberry's brother, Colonel Douglas, was a martinet, who impounded his men's pay to purchase for them new cravats and ribbons, though he also tried to keep them sober.<sup>61</sup> On December 11, at the Council, Claverhouse defended some soldiers whom Douglas had cashiered, and whose arrears of pay he had used for clothing his regiment. Queensberry resented this, and the "warmth" of Claverhouse; and, after James II. came to the throne, had Claverhouse dismissed from the Council, for a few weeks only. But the military continued to act on the decision of the Lords of Council and the Judges; that for any one to refuse to abjure Renwick's declaration of war was to be "guilty of high treason," and, by decree of the Council, such men should be "immediately shot before two witnesses," by order of "the person or persons having commission from the Council for that effect."<sup>62</sup> The abjuration of Renwick's declaration of war, and erection of courts to try enemies of the Covenanters, does not seem a test very difficult to take, and it says nothing about religion, for the declara-

tion was only to be abjured "*in so far as* it declares war against his sacred Majesty, and asserts that it is lawful to kill all those who are employed by his Majesty." Now to abjure the infamous declaration which Wodrow quotes from a paper in Renwick's own hand, might seem rather a pleasure than a duty to a Christian.

Suppose that any one denied (as some did deny) that the declaration was correctly described in the abjuration, then he who took the abjuration committed himself to nothing. The abjuration, says Sheilds, who took it, and repented, was "universally unscrupled, even by the generality of great professors and ministers too."<sup>63</sup> Sheilds, and others like him, devoted themselves to hair-splitting. On the whole, to abjure would be to enter on "an elective confederation with these wicked usurping judges," who audaciously imputed to the Renwickites that they "asserted murderous principles," which the friends of Renwick's document denied that they did hold. For, first, they did not threaten to take off "*all* who serve the king," but only "bloody" persons who serve the king. Sheilds has forty closely printed pages full of these flimsy sophistries to beguile the innocent, and it was this odious declaration, with the entangled scrupulosities of the preachers, that led to the martyrdom of Margaret Wilson and Margaret M'Lauchlan. Claverhouse was not present when the Council passed their decision; he did not scruple to act on his orders. Meanwhile, honest men were in a sad case. If they obeyed the law when summoned as witnesses against the saints, they came within the jurisdiction of Renwick's courts; and, if they took the abjuration of Renwick's paper, they found "the western phanatiques very insolent"; while, if they did not take the abjuration, they might be shot out of hand.<sup>64</sup>

Wodrow represents Douglas, Queensberry's brother, as surprising "six persons at prayer," and shooting them, merely because "they were upon their hiding and at prayer." His authorities do not say whether the abjuration was offered, nor does he tell us what authorities lay before him. His date is January 23, 1685. But Fountainhall, under January 1685, avers that Douglas, with eight or ten soldiers, met a small party of rebels, who killed two of his men, and Captain Urquhart, Meldrum's brother, "and had very nearly shot Douglas himself dead, had not the Whig's carbine misgiven, whereon Douglas pistoled him presently." Urquhart was buried in Edinburgh: he fell near Minnigaff in Galloway.<sup>65</sup> Fountainhall was a contemporary, a judge; Wodrow's authorities are undated, and

anonymous. We can thus easily estimate the value of Wodrow's account.<sup>66</sup>

On February 6, 1685, died Charles II., and the usual foolish talk about poison was rife. The king, by temperament, was the reverse of saintly; his unchecked boyhood in the great war, his Bohemian life of wandering adventure in exile, and the utter ruin of his character under the pressure of the Covenanters and Argyll, had left him a man with few virtues except good nature, personal courage, and scientific interests. Yet Lord Ailesbury's "good king" was sincerely loved and lamented by many, and, despite his Scottish experiences of the Covenanters, he was of milder mood towards them than most of his advisers. Had he but visited Scotland, and seen for himself with his own eyes, the country would have been better governed. But to the Covenanters he was but one of the worst of "the treacherous and lecherous House of Stuart," epithets thoroughly deserved by the great wit who, if not born to a crown, might have been happy as the playwright of such a troop as Molière's *Théâtre Illustré*. His brother had no charm—even the loyal Ailesbury could not love him, and had a fatal remnant of honesty where the religion that conquered him by satisfying his intellect was concerned. James II. was no mere dullard; the Duke of Wellington and a celebrated Field Marshal of our own day have pronounced him a most lucid writer on military subjects. But the obstinacy, the want of good faith, the fanatical belief in his own prerogative of James II., with what must be called his cruelty in success, and his strange loss of the courage which he once possessed, brought shame and ruin on himself, and misery on his unfortunate descendants, the kings "over the water."

James promised to maintain religion as by law established: he never was crowned at Scone, and took no Scottish coronation oath, and so, at the Convention of April 1689, was denounced as no king *de jure*. Despite a more or less illusory Indemnity, the war against the refusers to abjure Renwick's abjuration went on, and the recalcitrants were shot. Grierson of Lag, the model of Scott's Redgauntlet, acquired a diabolical reputation which his subsequent existence of some fifty years did not outlive. It is impossible here to analyse all Wodrow's accounts of shooting in the fields. His information is apt to fail him when we ask, Why were the men shot? On the celebrated case of the Christian carrier, John Brown of Priesthill, slain by order of Claverhouse, who reports the fact to

Queensberry on May 3, 1685, much has been written.<sup>67</sup> The shooting was well within the terms of the Act of Council; the man had arms, treasonable papers, refused to acknowledge royal authority, and, as was proved after his death, was harbouring a rebel red-handed from an attack on the king's soldiers. But, whatever doubt may cloud other points, the man was shot before the eyes of his wife, though he might easily have been sent to any justiciary—Claverhouse at that time was not of the Privy Council. In this particular the behaviour of Claverhouse seems beyond palliation, while his conduct to Brown's nephew, described with his usual careless candour, may, to many, seem only to deepen the stain upon his name.

Claverhouse was not concerned in the drowning of Margaret M'Lauchlan and Margaret Wilson near Wigtown (May 11, 1685). These women were aged, Margaret Wilson eighteen (or twenty-three), Margaret M'Lauchlan or Lauchlison sixty-three (or, on the evidence of her own fellow parishioners, eighty). From 1687 onwards, we find brief notices that women, "some" of extreme age, "some" very young, were drowned by the persecutors. Renwick and Shields, who published these notices, here apparently lied; only *one* old and *one* young woman were drowned. Not till 1714 do we get two accounts of the circumstances with any detail; these two accounts of 1714 vary, as do the narratives taken in February 1711, in the parishes of Kirkinner and Penninghame. Wodrow combined the story given in 'A Cloud of Witnesses' (1714) with that of the Penninghame record. Patrick Walker seems to have followed the narrative in 'Popery Reviving' (1714), and he garnished it with the oaths of the persecutors, omitting some beautiful utterances elsewhere attributed to the younger sufferer.

In these circumstances, as the record of the assize at which the women were tried by jury has perished, we cannot pretend to know the exact truth of this inexplicable affair. No women were to be examined, the Privy Council had decreed, who had not been active in a special manner "in these courses," and they, if found guilty, were to be drowned—an old Scottish punishment for high treason, and more merciful than the English punishment of burning, as in the case of Elizabeth Gaunt, burned in 1685.

We know nothing of special activity by the two women martyrs. We hear (Wodrow, Penninghame Kirk Session's Report) that Gilbert Wilson was a prosperous farmer or yeoman, a conscientious Episcopalian, as was his wife. We are told that his

three children, Margaret, Thomas, and Agnes, deserted their parents when "yet scarce of the age that made them obnoxious to the law," and "fled to the hills, bogs, and caves" to avoid their father's form of religion. In 1685, after their flight, they were aged, Margaret, eighteen, Thomas sixteen, Agnes, thirteen. The most fanatical field preacher might have insisted that these babes should leave their life in caves, and the society of armed men whom they must have met, and should be restored to their most unhappy parents. However, they were left to the lessons of the partisans of Renwick's murderous declaration, and to the preachers of "Blood," and "No Quarters," with the natural results. Early in 1685, it seems, for dates are absent, the two Wilson girls and the old Mrs. M'Lauchlan were arrested in Wigtown, why we do not know, some say for refusing to drink the king's health with one Patrick Stewart. They were imprisoned, and (on April 13, 1685) were all three tried by a jury, before Grierson of Lag, Major Winram, Captain Strachan, and David Graham, sheriff of the county. All three were found guilty, and condemned to die by drowning. So Wodrow and Penninghame: as to the two women, 'A Cloud of Witnesses' avers that little Agnes was not condemned, or even tried, but released on bail of £100, and Wodrow and the Penninghame record admit that she was released on bail after being condemned.

On April 30 the lords of the Council bade the secretaries of state ask for the royal pardon, and command the magistrates of *Edinburgh* not to proceed to the execution of sentence till a day left blank. This, Wodrow says, was then regarded as "a material pardon." The elder martyr had petitioned and asked leave to take the abjuration, "I being most justly condemned to die . . . for my not disowning that traitorous apologetical declaration," which she had not read. On this showing, that refusal to abjure was the solitary ground of her condemnation. The old woman could not write, and the words are the form of the attesting notary, William Moir. A petition must also have come from Margaret Wilson, and, in that case, we may presume that she signed it, as she was able to write to her friends a long letter of reasons for not abjuring the murderous declaration of Renwick. No entry in the Register of Privy Council records the withdrawal of the reprieve, or the granting or refusal of pardon.

Before the royal intentions could have reached Edinburgh, and thence been conveyed to Wigtown, the old and the young woman

were drowned, apparently in the estuary of the Blednoch water close to Wigtown. The details are variously reported, and it was denied in 1703, by a writer credited with full knowledge, that the women were tied to stakes. The same witness says that, if ever the circumstances are published, men "will not be very hasty to exclaim against the then governors." What the alleged palliating circumstances may have been we cannot guess,—indeed, no account but Wodrow's hints at the reprieve, which Wodrow only discovered after writing his narrative, and did not publish in full, omitting the remark which seemed to show that the women were, or were by the Council expected to be, in Edinburgh. Why the women were drowned at Wigtown, in the circumstances, is a puzzle. If their petitions were forged for them, or if, having consented to abjure, they "relapsed," the authorities at Wigtown, as Wodrow suggests, may have acted on powers which they did not possess, and so were "deeply guilty."

The accounts of this abominable crime, apparently so motiveless, in the case of a young girl and an old woman, agree in declaring that the elder sufferer was drowned first, that the younger refused to be terrified by her fate; that she herself was dragged out nearly inanimate, and persuaded to say something like "God save the king, if it be his will"; that either Winram or Grierson of Lag (in Walker's account) offered her the abjuration; that she refused it, and was thrust below the water. There are different accounts of her singing psalms and reading the eighth chapter of the Epistle to the Romans, and of her dying words, "I am Christ's." Such discrepancies also occur in the evidence as to the death of Jeanne d'Arc, taken some twenty-five years after the event. The Penninghame evidence of 1711 is twenty-six years after the event. On the whole, it seems probable that death was inflicted by ducking, as in the swimming of witches. Some facts cannot be disputed: first, the horror of a crime that would soil "the calendar of hell"—a crime never punished by man; next, the courage which places Margaret Wilson in the white sisterhood of Jeanne d'Arc; and, finally, the infamy of the fanatic preachers or leaders who lured children into the wilderness to entangle them with sophistries rejected by the honourable Presbyterians of Scotland. The ministers, we learn from Sheilds, taught the people to flee from Renwick; when he was hanged "the ministers generally said, that though he might die in Christ, yet he died not for him, nor as a Presbyterian." 68



In almost all modern popular books on Covenanting times, this matter of Renwick's declaration of murder, and the nature of the counterstroke, the abjuration of that declaration in so far as that paper asserts the right to murder, are left designedly vague. They are stated, but lost sight of, in a work of 1903.<sup>69</sup> We find a brief account of Renwick's career, but therein not a word concerning his "Apologetical Declaration" of murder in October-November 1684. That declaration, however, had already been described by the author (without being attributed to Renwick, and with circumstances quite erroneous) as "a good-bye to meekness and gentleness," as if these qualities had marked the previous preachers of "Blood and No Quarters." "Perhaps the vehement and volcanic sentences ought not to have been penned." Perhaps not. But when we reach the martyrdom at Wigtown, we learn that the sufferers died for no "little matter." "It was a fringe of Christ's royal robe, and in their hands no harm, however apparently trifling, must befall the seamless vesture of their Monarch."<sup>70</sup> A "vehement and volcanic" "good-bye to meekness and gentleness" has become a fringe of the raiment of the Divine Sufferer! It was not so regarded by the contemporary Presbyterians of Scotland, who have no lot or part in the anarchist documents of Renwick's party.

The simple truth declared as such by Shields, Renwick's admirer and biographer, as by a recent historian, no friend of the "Praying Societies," is that "these hunted wanderers fell back on a doctrine which had been asserted by Scottish Presbytery when in the zenith of its powers . . . this, in substance, had been the teaching of Andrew Melville and before him of Knox."<sup>71</sup> Shields quotes Knox in corroboration, when Knox justifies resistance to tyranny, which needs no justification; what needs justification is organised murder. This Knox applauded, as in the case of Riccio, and clamoured for a Phineas to stab the idolater. Isolated Covenanters had acted on this doctrine, when private men had "a call from the Lord" to kill the ungodly. The declaration of Renwick was as official as "the Societies" could make it, and into this were expressed the last dark drops of the Lord's peculiar people in Scotland.

The penman of the party at once denied that they approved of murder, and also admitted that "some private persons, with the consent of the brethren of their community . . . did put forth their hand, as they found opportunity, *to execute judgment*. . . . They saw no other way possible than to put them to death, who had so forfeited

their lives to justice, when there was no access to public justice." 72 Every anarchist who fires a bomb in a crowd, or stabs a woman because she is crowned, regards himself as "executing judgment"; but no anarchist, perhaps, has ever yet associated with his justice the name of Him who wore the seamless raiment. The Renwickian fanatics disclaimed the murder of Mr Peirson, and excluded the actors (several of whom seem to have been shot) from their communion. Apparently this murder was not the right sort of murder. 73

By these impudent sophistries the minds of innocent rustics were debauched; again, they would not take the apparently harmless abjuration, because it was "homologating" the authority of the king who had renounced the Covenant, or of the king who was an idolater. Such persons—girls, crones, ploughboys—were, as a rule, quite harmless; they were only misled by men like Renwick and Sheilds. They were shot down in the fields of Galloway and the south-west corner of Scotland for the sake of consciences perplexed by Cameronian casuistry. Their blood is on the heads of the casuists, as well as of the Council; and the posthumous honours of their tombs, with rhyming epithets, are certainly due to their dauntless courage. But, as regards the abjuration, they did not die for the religion of the Presbyterian Church of Scotland; and the Government which now imposed oaths to the king, or against the declaration, merely imitated the Government which had made swearing to the Covenant compulsory.

The April–May shootings coincided with the new steps of Argyll, and the Lowland exiles (Hume of Polwarth, Sir John Cochrane, Balfour and another murderer of Sharp, with Rumbold of the Rye House conspiracy) towards the invasion of Scotland. Preachers had been sent from Holland to stir up the Remnant, and the Council was well acquainted with the facts.

At the same time Parliament met in Edinburgh, on April 28. The House "will offer such laws" as may best secure the king and his family and administration, and will be "exemplarily loyal." The Chancellor denounced "a new sect, sprung up from the dung-hill and the dregs of the people . . . who kill by pretended inspiration." The Renwickites, in fact, had few or none of the Presbyterian gentry in their ranks, though some of their womenkind were devoted to young Renwick. The kingdom was to be "put in a posture of defence" (April 28), and the lieges to be ready in a fort-

night. An Act was passed inflicting on witnesses who refused to depone, as to treason and conventicles, the punishment due to those who were actually guilty. If they did depone, then they had the fear of Renwick's private courts before their eyes. Owing of the Covenants was made treasonable, "an overt act of treason against heaven," says Wodrow. Husbands were made liable for the fines of their pious wives, and (May 8) all preachers and hearers at conventicles were decreed punishable by death and confiscation. Conventicles are described as "the nurseries and rendezvouses of rebellion." In some cases they deserved the title, but obviously not in all. The law applied even to small gatherings in private houses, but does not seem to have been carried out in action. By way of supply £216,000 was voted yearly to James for life.

All this is said to have "awakened people out of their slumber and security"; though Argyll, when he landed, found them fast asleep. The Act imposing the test was voted not to be applicable to women, thanks to the Bishops of Ross and Dunblane, as against Lauderdale, Eglintoun, and Linlithgow. Catholics, too, were relieved from the test, which must not be confused with the abjuration of Renwick's declaration. Cochrane, Polwarth, and other conspirators were forfeited. No Parliamentary approval was given to the edict of Council for shooting non-abjurants at sight. Clauses were to be inserted in leases binding tenants to orderly behaviour, as some lairds, in 1638, bound tenants to have family worship, "and to bear witness against the sins of their neighbours," and the like,—a practice which Wodrow wished to see revived.<sup>74</sup> An Act of Security for officers of State against all complaints for acting in his Majesty's service was passed on June 4. Breaking into and robbing the houses of conformist clergy was made a capital offence, and the Act seems to show that this pious practice was not unusual. It might easily have reached the pitch of "hamesucken," which was already a capital crime. "Since the Revolution, Presbyterian ministers required no such Act," but it would have been useful to Episcopalian ministers who were "rabbed."

In short, judging by Parliament, a king never had a more loyal country. And James might have had such Parliaments, and non-conformists might have endured such laws, if he had not made the fatal error of "licking up the vomit of toleration," as Mr Guthrie warned Charles II. not to do. Conceivably even his interest in protecting his innocent Catholic subjects might have passed, if his

proceedings, especially in England, had not shown that he was bent on something far beyond toleration. *Hoc nocuit.*<sup>57</sup>

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#### NOTE TO CHAPTER XIII.

##### *The Case of John Brown.*

THE story of the shooting of John Brown of Priesthill in Muirkirk parish has been much discussed. Wodrow heard his praises as of a devout man, addicted to the instruction of the young, "from people of sense and credit yet alive, who knew him." He owned or farmed a small piece of land, was a carrier, and appears in a list of harbourers and rebels in 1684. "He was in no way obnoxious to the Government, except for not hearing the Episcopal ministers," says Wodrow; yet "he had been a long time upon his hiding." A man so devout and peaceable might have been expected to abjure those parts of Renwick's declaration which declared war by murder, and no law inflicted summary capital punishment for staying away from church. He was carting peats one day, near his house, when Claverhouse, "whether he had got any information of John's piety and nonconformity I cannot tell," seized Brown. Wodrow "could not find" that the abjuration oath was offered to him. He was allowed to pray before being shot for his piety, and his eloquence so moved three troops of dragoons that "not one of them would shoot him." Claverhouse, "in a pet," did what was necessary with his own hand, before the eyes of Mrs Brown (herself about to be a mother) and of "a young infant standing by." The woman had "vainly tried tears and entreaties," and the deed finished, said, "Well, sirs, you must give an account of what you have done." The bloody Claverhouse replied, "To man I can be answerable, and, for God, I'll take Him into mine own hand."<sup>1</sup>

Wodrow gives no authority; and the story, if true, came from Mrs Brown, the young infant, the three troops of mutinous dragoons, or the guides of the dragoons through the mosses. Macaulay follows Wodrow, but says that the soldiers refused to shoot, not because of the moving nature of Brown's prayer, but in pity for Mrs Brown.<sup>2</sup> This motive Macaulay invented of his own will and fantasy.

Patrick Walker mentions Brown's marriage, in 1682, "upon Isabel Wier," and tells how Mr Peden prophesied Brown's bloody end. In early May 1685, Mr Peden stayed a night with Brown, and, on leaving, remarked that it was "a dark misty morning." About 5.30 A.M. next day, Brown, after family prayers, was going to the peat moss, when "bloody cruel Claverhouse" surrounded him with three troops of horse, and brought him back to his house. There he examined Brown, and asked his guides if Brown had ever preached. They replied no, but he had prayed much. He bade Brown pray before death, but thrice interrupted him. Brown took a touching farewell of his wife, with her child in her arms and her step-child, by Brown's first wife, standing by. Claverhouse then bade six soldiers fire, and Brown's brains were scattered on the ground. He brutally taunted the poor woman, and made the speech about taking God in his own hands.

<sup>1</sup> Wodrow, iv. 244, 245.

<sup>2</sup> Macaulay, i. 388 (1866).

She gathered her husband's brains and tied up his head, and straightened his body, and covered him with her plaid, and sat down and wept over him—it being “a very desert spot, where never victual grew, and far from neighbours.” She was comforted by an old woman, Jean Brown (elsewhere Walker calls her Elizabeth Menzies), one of whose sons, Thomas Weir, fell at Drumclog, while another, David Steel, was “shot when taken.” Whether this old woman's maiden name was Brown or Menzies, she must apparently have had a son by a husband named Weir, and another by a husband named Steel.

Walker does not say *why* Claverhouse had Brown shot; he does not say that it was merely for his nonconformity and piety. But he says that Mrs Brown (calling her by her maiden name, Weir), sitting on her husband's grave, told him that she never fainted or felt confused, though “her eyes dazzled when the shots were let off.” This is excellent evidence for Mrs Brown's presence, and that she was present is attested in works of 1690, 1691, and 1693, in identical terms, but without any details or any account of *why* Brown was shot. The same brief entry is quoted in ‘A Cloud of Witnesses’ (1714). But the ‘Cloud’ gives lines from Brown's epitaph which are not in Patrick Walker's version, though, if he stood beside Mrs Brown at her husband's grave, he might have copied—

*Butchered by Claver'se and his bloody band,  
Raging most rav'nously o'er all the land.*

The evidence of Walker and Wodrow is, of course, very late, being published thirty years and more after the occurrence. There are traces of confusion, for the story told of the shooting of Brown—refusal of the soldiers to fire, compliance of less scrupulous Highlanders, the brains and bones of the skull collected by the widow—is also told of David Steel, son of Jean Brown, or Elizabeth Menzies, mentioned by Walker as the comforter of Mrs Brown and mother of David Steel. The melancholy narrative is printed by W. MacGavin, Esq., editor of ‘Scots Worthies’ (1831), and is derived from “a MS. composed from the oral accounts of some of the descendants of the said John Steel,” a cousin of David Steel. The oppressor is not Claverhouse but Crichton.<sup>1</sup> On the whole, it seems certain that the Steels borrowed the story of Walker about Brown, not that Walker attributed to Brown a tale originally told about Steel.

Claverhouse's own account of the incident is contemporary, being dated May 3, 1685, in a letter to Queensberry. He says that last Friday he chased *two* fellows in the mosses, “a great way.” The eldest, John Brown, refused to abjure Renwick's declaration of war, and so, under the orders of the Council, should be shot. He would not promise not to rise in arms, “but said he knew no king.” Claverhouse took him to his house and searched it—bullets, match, and “treasonable papers” were found. “I caused shoot him dead, which he suffered very unconcernedly.”

It was not, then, for mere piety that Brown was shot. The other man, Brown's nephew, “John Brownen,” was ready to take the oath, but would not swear (which proves his respect for an oath) that he had not been in a recent attack and rescue of prisoners at New Mills. According to a tradition in the ‘New Statistical Account’ (v. 838), one Browning had been in arms at Airs Moss, and also at the attack on New Mills. In any case, Claverhouse says, “I did not know what to do with him. I was convinced that he was guilty, but saw not how to proceed against him.” So, when the carabines were presented, Claverhouse promised to spare him for the time, “and plead for him,” if he would make an ingenuous

<sup>1</sup> ‘Scots Worthies,’ i. 566-568.

confession. So he confessed to having come straight from the attack on New Mills to his uncle's, John Brown's, house. Meanwhile the soldiers found "a house in the hill, under ground," with swords and pistols in it, the property of Brown.

"Brownen" gave abundance of useful information about armed rebels, and Claverhouse adds, "I have acquitted myself when I have told Your Grace the case." The young fellow had only been in arms for a month or two, Claverhouse added, "and if Your Grace thinks he deserves no mercy, justice will pass on him, for I, having no commission of justiciary myself, have delivered him up to the Lieutenant-General, to be disposed of as he pleases."

This pleading is not passionate, but Claverhouse was on the worst terms with Queensberry. We now see *why* Brown was "long on his hiding," as Wodrow says. He was a rebel. The mode of getting information out of "Brownen" is less legal than the shooting of Brown. As to "Brownen," Claverhouse, having no justiciary, handed him over, as he says, to Drummond, the Lieutenant-General.

Brownen, or Browning, was, I think, Walker's "John Binning," Sheilds's "John Buening," an obvious misprint, who, with four others, had a soldier jury, and the rope, at Mauchline on May 5, May 6, 1685, under Drummond. Brunen, or Buening, or Binning is clearly the "Bruning" of the gravestone to the memory of these five sufferers—

"Bloody Dumbarton, Douglas, and Dundee,  
Moved by the devil and the Laird of Lee,  
Dragged these five men to death by gun and sword."

If "Brownen" is Brunen, Buening, Bruning, and Binning, Walker was misinformed, for he says that the Highlanders took Binning "waiting upon cattle without stocking or shoe." On the other hand, Browning, or Buening, or Bruning, or Binning was, obviously enough, the John Brownen whom Claverhouse was to hand over to Drummond, and under Drummond, Bruning, Binning, or Buening suffered two days later. Neither Wodrow nor Walker, nor any of the authors of 1690, 1691, 1693, and 1714, says a word of John Brown's nephew. As Walker and Wodrow omit so much that Claverhouse tells at the time of the occurrences, we do not know what is true in the stories they tell, while Claverhouse does not. It is only certain that John Brown was shot, in the presence of his wife, for refusing to abjure Renwick's declaration of war, and for possessing bullets, match, and treasonable papers. After his death (a few minutes) he was found to own swords, pistols, and a hiding place, and to be harbouring a red-handed rebel. He did not die for "his piety and nonconformity."

The Rev. John H. Thomson, in his popular edition of the 'Cloud,' gives the Steel variant of the Brown story, in all its pathetic details; neither noting Crichton's absolutely different version nor the improbability that exactly the same events occurred in the cases of both martyrs.

In preparing this note, I have used Mr Hay Fleming's 'Saints of the Covenant' (in which the identity of Binning, Buening, Brownen, Bruning, and Browning is not recognised) and 'The Despot's Champion,' with Napier. Mr Hay Fleming writes that though Claverhouse's letter of May 3, 1685, is contemporaneous, "it does not follow that all the details he gives are perfectly reliable"; which details are *not* "perfectly reliable" the critic does not say. That Wodrow's and Walker's details are the reverse of trustworthy, in omission if not in commission, seems highly probable, as they are late authorities, and in places contradictory, though

resting clearly on one story, told also of David Steel and Crichton. Crichton himself tells a totally different story of the end of Steel, and we may be sure that the Steel legend, given by Mr J. H. Thomson, is a myth.

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NOTES TO CHAPTER XIII.

- <sup>1</sup> Wodrow, iii. p. 224.
- <sup>2</sup> Carstairs was the father of "Cardinal Carstairs," and much disliked his habit of conspiracy.
- <sup>3</sup> 'Six Saints of the Covenant,' ii. pp. 53, 209, 210; Wodrow, iii. pp. 279-283.
- <sup>4</sup> 'Six Saints of the Covenant,' ii. pp. 58, 211.
- <sup>5</sup> "The Stoic's Address to the Fanatics," cited by Principal Story, 'William Carstairs,' p. 90.
- <sup>6</sup> Wodrow, iii. pp. 290, 291, note.
- <sup>7</sup> Argyll's Defence, Wodrow, iii. pp. 317-322, note.
- <sup>8</sup> James to Dartmouth. Burnet, ii. p. 301, note.
- <sup>9</sup> Burnet, ii. p. 307, note.
- <sup>10</sup> Wodrow, iii. pp. 296, 297; Burnet, ii. p. 311.
- <sup>11</sup> Wodrow, iii. pp. 298, 299.
- <sup>12</sup> Wodrow, iii. p. 309, note.
- <sup>13</sup> Wodrow, iii. p. 317, note.
- <sup>14</sup> Wodrow, iii. p. 318.
- <sup>15</sup> 'Historical Notices,' ii. p. 762.
- <sup>16</sup> Burnet, ii. p. 319, note.
- <sup>17</sup> Burnet, ii. pp. 320, 321.
- <sup>18</sup> 'The Despot's Champion,' p. 101.
- <sup>19</sup> Burnet, ii. p. 323.
- <sup>20</sup> Burnet, ii. pp. 323, 324, and notes.
- <sup>21</sup> Wodrow, iii. p. 370, note; Claverhouse's commission, January 31, 1682.
- <sup>22</sup> Wodrow, iii. p. 383.
- <sup>23</sup> 'Historical Notices,' i. pp. 353, 363.
- <sup>24</sup> 'Historical Notices,' i. pp. 345, 346.
- <sup>25</sup> Napier, ii. pp. 265-268.
- <sup>26</sup> Napier, ii. p. 271, note.
- <sup>27</sup> Napier, ii. p. 274.
- <sup>28</sup> Napier, ii. pp. 270-279.
- <sup>29</sup> Napier, ii. pp. 283, 284.
- <sup>30</sup> Wodrow, iii. pp. 384, 385.
- <sup>31</sup> Napier, ii. p. 289.
- <sup>32</sup> 'Historical Notices,' i. p. 416.
- <sup>33</sup> Napier, ii. pp. 305, 306.
- <sup>34</sup> Napier, ii. p. 315 *et seq.*; 'The Despot's Champion,' pp. 146, 152.
- <sup>35</sup> Claverhouse to the Chancellor, Napier, ii. pp. 358-360.
- <sup>36</sup> Wodrow, iii. p. 446.
- <sup>37</sup> Wodrow, iv. p. 5.
- <sup>38</sup> Napier, ii. pp. 387-389.
- <sup>39</sup> Napier, ii. p. 397.
- <sup>40</sup> Wodrow, iv. pp. 172, 173; Napier, ii. p. 404.
- <sup>41</sup> Napier, ii. p. 410, citing 'Register of Privy Council,' September 10, 1684.
- <sup>42</sup> Burnet, ii. p. 428.
- <sup>43</sup> Compare MSS. of the Duke of Buccleuch at Drumlanrig, vol. ii. pp. 30, 31 (1903).
- <sup>44</sup> Wodrow, iv. p. 98.
- <sup>45</sup> Wodrow, iv. p. 102.
- <sup>46</sup> Wodrow, iv. p. 99.
- <sup>47</sup> In a document given by Principal Story, "the Council's copy of the conditions," the words "directly or indirectly a witness" are omitted. The Principal argues that these words were in the paper which Carstairs accepted, but that the Council "fraudulently omitted them in their copy." To myself the words in either copy appear to mean that Carstairs would not be compelled to appear in Court personally against his associates, and it is a moot point whether the terms of the

conditions excluded the use of his recorded confessions as "an adminicle." But a little more or less of dishonour on the Government may scarcely merit close examination. Story's 'Carstares,' pp. 95-97.

<sup>48</sup> Burnet, ii. p. 431.

<sup>49</sup> Story, 'William Carstares,' pp. 82-84.

<sup>50</sup> Story, 'William Carstares,' p. 66.

<sup>51</sup> Story, 'William Carstares,' p. 70.

<sup>52</sup> Wodrow, iv. p. 99.

<sup>53</sup> Napier, ii. p. 421.

<sup>54</sup> Wodrow, iv. pp. 148, 149.

<sup>55</sup> 'Historical Observes,' p. 141.

<sup>56</sup> Wodrow, iv. p. 153.

<sup>57</sup> Napier, ii. p. 428.

<sup>58</sup> 'Historical Observes,' p. 142; Napier, ii. 428.

<sup>59</sup> Wodrow, iv. pp. 177, 197; Napier, ii. pp. 429, 430; i. p. 89. Wodrow's informant, his cousin, wrote about thirty years after the events, and says that three of Peirson's assailants were killed by the soldiers before the end of 1684. These victims appear to have been among the party cut up by Claverhouse after Peirson's murder, and as Macmichael and Macmichan are both said to come from Nithsdale, Napier is probably right.

<sup>60</sup> 'Historical Notices,' ii. p. 585.

<sup>61</sup> 'Historical Notices,' ii. p. 561.

<sup>62</sup> Wodrow, iv. pp. 154, 155.

<sup>63</sup> 'A Hind Let Loose,' p. 486 (1744).

<sup>64</sup> 'Historical Notices,' ii. p. 623.

<sup>65</sup> 'Historical Observes,' p. 146.

<sup>66</sup> Wodrow, if we follow Fountainhall, must have had imperfect information, or confused two different events. But the Rev. John H. Thomson, editor of 'A Cloud of Witnesses' (1871), appends Wodrow's tale to 'A List of Those Killed in the Fields' (p. 539), without a hint at the existence of Fountainhall's, a contemporary's, narrative. Fountainhall describes his own notes as containing "many errors and mistakes heir insert, on trust and from report, which on review will be purged and cut off." But it seems incredible that an advocate, living in Edinburgh in 1685, should have taken on trust the shooting and burial of a gentleman like Captain Urquhart. Criticism will never invade popular books on the Covenanters. Wodrow's own authority was probably the anonymous 'Cloud of Witnesses' of 1714. He quotes an edict of the Council as to the shooters of Urquhart (January 28, 1686), but does not connect it with Douglas's slaying of prayerful men (iv. p. 198).

<sup>67</sup> See Note to this chapter.

<sup>68</sup> Life and death of Mr James Renwick, p. 118 (1724). The documents for the narrative here given may be found in the Rev. Dr Stewart's 'History Vindicated,' second edition, 1869, a completely successful and courteous reply to Mr Napier's attempt to prove that the martyrs were never drowned at all! Mr Napier's learned but prolix and far from courteous arguments are in the third volume of his 'Dundee,' his 'Case for the Crown,' and his 'History Rescued' (1870). He built much on the apparent pardon, the reference therein to "Edinburgh," not Wigtown; the seemingly implicit denial of Sir George Mackenzie, who was present when "the material pardon" was passed; the absence of notice of the event in Fountainhall, and in many places where notices might be expected; and on the denials of the facts reported in 1714, and later by Wodrow and Walker. But the fact of the drowning is really beyond dispute.

<sup>69</sup> 'Men of the Covenant,' by the Rev. Alexander Smellie, M.A.

<sup>70</sup> 'Men of the Covenant,' pp. 315, 346, 347.

<sup>71</sup> 'Politics and Religion in Scotland,' ii. p. 310; Mathieson.

<sup>72</sup> Shields, 'Life of Renwick,' p. 63.

<sup>73</sup> Shields, 'Life of Renwick,' p. 65.

<sup>74</sup> Wodrow, iv. p. 280.

<sup>75</sup> Wodrow, iv. pp. 259-282.



## CHAPTER XIV.

## ARGYLL'S RISING.

1685.

THAT the Presbyterians of Scotland could never have freed themselves unaided from black Prelacy was made evident by the miserably futile expedition of Argyll. That adventure is interesting rather for the curious displays of Highland and Lowland character, of Presbyterian and Cameronian difficulties, than for other reasons. The account given by Macaulay, following Wodrow, who relied on papers of Argyll's, is perhaps unfair to the Lowland gentlemen, who are accused of poltroonery. The memoirs of two Lowlanders, Sir Patrick Hume of Polwarth and George Brysson, redress the balance, and are really as interesting almost as if Mr Louis Stevenson had told the story. When Argyll, Monmouth, and the Lowland gentlemen in exile began to meet and discuss projects for an invasion of England and Scotland, after the death of Charles II., it is probable that Polwarth, Fletcher of Saltoun, and others were not well disposed towards the great Highland Earl. "It was remembered that he beat Mrs Brisbane down his stairs for craving her annual rents, though he would have bestowed as much money on a staff or such like curiosity," says Fountainhall. "He used cruel oppression, not only to his father's, but even to his own creditors." These high-handed ways were not popular in the Lowlands. Polwarth believed, or pretended to believe, in "the hellish popish plot" invented by Titus Oates, and even as undesirable an ally as Argyll, a defender of Prelacy up to the date of his imprisonment, was welcome.<sup>1</sup> On the meeting of Argyll and Monmouth, in the Low Countries, they also were found to be at odds.

Argyll asked "who of us would take our hazard and go" to rescue Scotland. Polwarth, Sir John Cochrane, and other Low-

landers cannot be blamed for wishing to understand the conditions and chances of the enterprise before committing themselves. The earl declined to go into details. He had been financed to the extent of about £10,000 by a Mrs Smith of London (retired to the Low Countries) and her friends, and had laid out the money very judiciously on arms and munitions of war, and on a frigate.\* But he claimed the whole management, and in war, no doubt, a general should be untrammelled. But the Lowlanders were risking all; moreover, they were to commit their friends in Teviotdale and Tweeddale. If there was to be a combined movement, they must know with whom, and when, and where the six hundred border riders were to meet the Campbells. There was no harm in that amount of caution and foresight. Both Argyll and Polwarth were afraid that Monmouth would declare himself king: a Campbell would be the subject of a bastard Stuart, calling himself Scott by the name of his neglected and injured wife, the Duchess of Buccleuch.

To Polwarth, Monmouth said that he could prove his legitimacy, which was absurd, for Charles II., writing to his eldest bastard, James de la Cloche, gives him the precedence over Monmouth, by priority of birth, and by the rank of his unknown mother (1667).<sup>2</sup> Monmouth, however, promised to "lay no claim, or use no title, but by advice and to the advantage of the common cause," and, if successful, to place himself in the hands of Parliament. Argyll would not hear of Monmouth's going to Scotland, and stood firm to his post as responsible general. He was told that he had not yet been elected, and no information could be got from him as to the 5000 or 6000 clansmen who would come, he said, to his call. Except in clan fights, the Campbells had never done much successful service; at Glenrinnas as at Inverlochry, the Gordons under Huntly, the Macdonalds and Atholl men under Montrose, had found them an easy prey; at Flodden they had not stood to avenge their chief. The "Mountain Men," the Cameronians, on whom Argyll also relied, proved dissident, as was to be expected, when the time for action came. They believed Argyll to be guilty of the death of Cargill. Polwarth<sup>3</sup> argued in the pragmatical and provoking Lowland way. "General! General of what? Where is the army, and who has appointed my Lord for General?" This was in

\* From Major Holmes's evidence, already cited, it seems that Argyll had provided arms as early as June 1683.

conference with Sir John Cochrane, to whom Claverhouse, years before, had wished the reverse of salvation. Cochrane was undoubtedly brave, and, at this time, was of Argyll's party. The Lowlanders wrung from the earl his assent to the selection of a Council. Prince Charles, later, had to submit to the same kind of control. The thing was practically inevitable, men of conflicting ideas and interests being engaged in a common venture. On April 24 the Council was framed, Argyll receiving "as full and ample power as any captain-general is ordinarily in use to have from any free state in Europe." The Dutch practice of sending to an army deputies, "without whose consent no great blow could be struck," was probably the fatal model.<sup>4</sup>

Rumbold, of the Rye House Plot, the tortured Spence, and, according to Fountainhall, two of the archbishop's murderers, Balfour and Fleming, sailed, with Argyll and the Lowland gentlemen.<sup>5</sup> They touched in three days, most foolishly, at Kirkwall, where the bishop seized the luckless Spence and another man who went on shore. Spence had a close view of the boat again, and Government, which had known of the scheme for some time, was duly warned from Orkney. Wodrow says that Argyll ordered Polwarth to attack the town of Kirkwall. Polwarth says that he and his friends urged this method of rescuing Spence. "The earl and Cochrane opposed this motion vigorously."<sup>6</sup> Throughout, Wodrow, speaking for Argyll, and Polwarth, speaking for himself, contradict each other. Argyll was one of Macaulay's favourites; Polwarth he detested, and, in one place, speaks of "the worst action of his bad life"; and he remarks, "wherever there is a question of veracity between Argyll and Hume, I have no doubt that Argyll's narrative ought to be followed."<sup>7</sup> Probably each gentleman told what he conceived to be the truth. In any case, all that they did in Kirkwall was to capture some gentlemen as hostages for Spence and Dr Blackader, and, according to Fountainhall, to seize a ship with money and supplies.

Government was prepared; they summoned all the lieges, ordered Irish troops to the north of Ireland, made Atholl Lord Lieutenant of Argyll, with his headquarters at the earl's castle of Inveraray at the head of Loch Fyne—all this by April 28, before the invaders sailed. The great Campbell cadets were secured, or thought it prudent to desert their chief, and would not or could not, as a rule, raise their retainers. The obvious fact is that Argyll would have

been better advised had he stolen over like the prince in the song—

The Prince who did in Moidart land  
With Seven Men at his right hand,  
And all to conquer Kingdoms three,  
Oh, that's the lad to wanton me.

The Campbells were well armed; Argyll's store of weapons was meant for the Lowlanders. Had the chief of Clan Diarmaid unexpectedly appeared at Inveraray, and sent round the fiery cross, he might have had 5000 muskets and claymores at his back, and, even if unsuccessful, could not have been taken in his own rough bounds. The £10,000 of Mrs Smith, too, would have been in his coffers. The alliance with the Lowlanders, the large preparations, were his ruin. They got wind, Government was ready, Inveraray was occupied by Murrays and Stewarts, the subordinate chiefs were overawed; and the Polwarth group kept pressing for a descent in Ayrshire, while Argyll naturally desired to clear the Atholl men out of his country. It is certain enough that Polwarth and Cochrane would have found scanty help in the south, the armed guerillas of Renwick would not join the earl who gave his casting vote for the death of a preacher, while, in all probability, Clan Diarmaid would have rallied to a chief who threw himself on the honour of his children. The expedition never had a chance. The Lowlanders thwarted every effort of Argyll to clear his country of the Atholl men; Argyll's changes of plan frustrated the Lowlanders' strategy of a march to the south.

After leaving Orkney, Argyll made for his own country, where his son, Charles, found that no gentleman would rise—they were prisoners, or in Edinburgh. Isla was Argyll's next point—he hoped to raise troops among the Campbells who had supplanted the Macdonalds in the old home of the Celtic sea-kings. Stewart of Ballechin commanded for Atholl in Isla; he had warning, and retired by sea, with all the arms in the island. Argyll made for Kintyre, also a Campbell conquest from the Macdonalds. Here some Lowlanders joined, and pressed for a march south. Here time was wasted, an enormous declamatory manifesto was issued, and Argyll emitted another, promising to pay his own and his father's creditors if he was successful.<sup>8</sup> Polwarth thought that the earl devoted too much time to polishing the style of these manifestoes. At Tarbet the whole force was of but 1800 men.

The kin of the earl, when approached by his son, Charles Campbell, "basely discovered all, and others were very backward to join." The eldest cadet of the clan, Lochnell, "gave his solemn promise to join the earl with all the men he could raise, and that upon a day appointed, and yet most treacherously he sent by an express the earl's letters, and probably his declarations, to the Council at Edinburgh, and afterwards joined the Marquis of Atholl, with his forces, at Inveraray." Wodrow, who gives these statements, used jottings made by Argyll later when a prisoner.<sup>9</sup> If the story be true, Lochnell behaved to his chief, in 1685, exactly as Macleod behaved to his prince in 1745. Sir Duncan Campbell of Auchinbrack came in with about eight hundred men. Delays had driven time to the end of May, when, on Argyll's showing, he desired to attack Stuart of Ballechin, who, at Inveraray, had only 600 men, and was awaiting reinforcements under Atholl and Breadalbane. "This vexed us exceedingly," says Polwarth, speaking for the Royalists; "we told him that Atholl, having the castle, might keep it till he got succours." Montrose, forty years earlier, could not take the castle of Inveraray for lack of guns, and whether Ballechin or Atholl now held the strength, Argyll's four-pounders in his ships would have battered the walls in vain. Argyll proposed this use of the ships, but the Lowlanders answered that the English ships would catch them, and that the Atholl men would merely manœuvre and detain the adventurers.<sup>10</sup> Wodrow, following Argyll, says that Cochrane averred he would go to the Lowlands, if he went alone "with a corn-fork in his hand," and that the others insisted on marching south with half of the force and arms. The Highland gentlemen, according to Polwarth, favoured the march southward. Argyll consented to divide the force, and then changed his mind, "which maddened Sir John Cochrane and the rest of us." Cochrane had a letter from Cleland (who fought at Drumclog and Bothwell Bridge), promising hopefully "to put all in a flame" in that country of the saints.<sup>11</sup>

But though Argyll had sent over preachers in April to stir up the remnant (which may partly account for the shootings of martyrs in May), Mr. Peden had prophesied that "Monmouth and Argyll will work no deliverance" as early as the end of February. Moreover, Renwick and the United Societies demurred, "because no mention was made," in Argyll's declaration, "of the Covenants," though "these sacred and solemn engagements" are named with all respect.

Again, Argyll "opened a door for confederacy with Sectarians and Malignants," and had himself voted for Cargill's hanging, while Cochrane "was guilty of that great gush of the precious blood of Mr. Cameron and these with him at Airmoss."<sup>12</sup> Hamilton, the No Quarter hero of Drumclog, averred that Argyll's money and Monmouth's came from "Sectaries, Papists, Malignants, and the Indulged, and other enemies of the Lord's cause."<sup>13</sup>

Thus the saints were divided among themselves: the gallant Cleland only created division in ranks always ready to split up, and the martyred Argyll is no martyr to the heart of the Remnant. Trusting, probably, to Cleland, the Lowlanders induced Argyll to give up the attack on Inveraray, and sail to Bute. Differences now arose between Polwarth and Cochrane as to landing and seizing supplies at Greenock, then a fishing village. Polwarth disapproved, but, as a few men were going, accompanied them. They stole some meal and "a pretty barque," after a slight skirmish, and returned to Rothesay.<sup>14</sup> Meanwhile Argyll had burned Rothesay Castle, in retaliation for the burning of a house of his own in Cowal. "This vexed us much, because it savoured of private revenge," smacking of "the bonny House of Airlie." Wodrow says nothing of the fire-raising. Charles Campbell had been defeated by the Atholl men in the Cowal country of Argyleshire; his fugitives gathered in Eileangreig Castle.

Argyll again wanted to attack the Atholl men; Polwarth again had a stormy conversation with him, but Wodrow declares that the Lowlanders now saw an attempt on the south to be impossible. Probably Cochrane took this view, and Polwarth took the opposite.<sup>15</sup> Argyll went and examined Eileangreig Castle, and announced that English frigates could not reach it in the narrows and shallows of the sea, whereas they certainly would capture the Lowlanders if they sailed south. There was every risk of a fight between Argyll's men and the sailors of the ships, who had been secured for Polwarth's interests. They all went to Eileangreig, and Polwarth, instructed by the seamen, said that frigates, well piloted, could come within easy gunshot. The ammunition and arms were entrusted to the castle, and the tiny guns installed in earthworks, but the English frigates blockaded the entrances of the channels. Meanwhile Rumbold, with three or four hundred men, marched to the head of Loch Fyne, and seized Ardkinglas Castle, opposite Inveraray. But Atholl's men only skirmished and detained Rumbold's

forces, whom Argyll joined, and had some small success. Wodrow says that, with 1200 men, he meant to attack Atholl with 5000 and the Castle of Inveraray. But, whether through mutiny of the Lowlanders or not, he did not make this daring onfall, but retreated to his fort at Eileangreig. Here he meant to man all his vessels and prizes, and to attack the English frigates, which, says Polwarth, could have sunk any of his flotilla with one discharge. As Wodrow puts it, "a mutiny was raised among the seamen by those who still embarrassed the earl, so the design was entirely broke, and the earl forced into the measures of those who, cost what it would, resolved to be at the Lowlands."<sup>16</sup> By this time, too clearly, whatever these disunited helpless adventurers did must cost life and lands to all who could not make their escape, and there were many desertions. If ever any of them had a real plan of campaign it is inconspicuous; never was a conspiracy so helplessly futile.

Leaving the ships and a garrison at his fort, Argyll marched to Glendaruel. Raiding the country for cattle did not encourage the owners of the beasts; the Highlanders dwindled to about 500, the English frigates appeared before Eileangreig, and the garrison ran away, leaving guns, ammunition, ships, and supplies to the English. Too clearly Argyll made an error in placing his material where ships of war could take it at will. There was now no alternative but an abandonment of the Lowlanders (which would have been justifiable, perhaps), or a march with them to the discontented western Lowlands. Large forces beset the adventurers, and Glasgow was reported to be strongly held. The earl, says Wodrow, again wished to fight any opponents he might meet. Polwarth says that he advised Argyll to retreat with his men into his own country, but that the earl persisted in making for Glasgow. On June 10 they started thither, and met a considerable force of militia and regulars. Argyll was for fighting, Polwarth for continuing the march. After some manœuvring till dark, the earl insisted, says Polwarth, on a night retreat, the blazing camp fires deceiving the Royalists. Wodrow says that Rumbold proposed, and Argyll voted for, a night attack on the enemy. Here one or the other author, Wodrow, speaking for Argyll, or Polwarth, must be in error.<sup>17</sup>

They all lost their way in the morasses. A few reached Kilpatrick, not Glasgow; and now Argyll, through Wodrow, says "Sir John Cochrane, Sir Patrick Hume (Polwarth), and some other gentlemen went straight to Clyde, and would not

so much as stay to reason the matter with my lord Argyll." 18 Polwarth says that, after eating a crust at a public-house, he went to look for Argyll, but met Cochrane, who was about to cross the Clyde in a boat. "I said, where is Argyll, I must see him." "He is gone away to his own country," replied Sir John. 19 Cochrane's party fought bravely, say Brysson and Polwarth, in a skirmish at a place called Muirdykes, escaped, and kept together till they heard that Argyll was taken (June 18). (Veitch and Brysson, p. 334.) "He would not come alongst with us over Clyde," says Brysson. Cochrane's party then broke up, Polwarth escaped, and, under William III., was made Earl of Marchmont. The story of his munching sheep's head brought to him by his daughter Grizel in the family vaults is too familiar for repetition. By Polwarth's account, derived from a gentleman who was present at the last meeting of Cochrane and Argyll at Kilpatrick, the earl asked Sir John whether he should cross Clyde or make for his own country, and Sir John advised the latter course. 20

Fox, in his 'History of the Reign of James II.,' avers that Polwarth and Cochrane "would not stay even to reason with him whom . . . they had engaged to obey," but crossed the river with two hundred men. Fox had not seen Polwarth's narrative, but Macaulay had. He leaves the point open: Argyll "was forced to cross the Clyde" (Macaulay, i. 435). This Argyll did, finding no shelter near Kilpatrick, and was captured by two militiamen and a weaver in crossing a burn. He was not recognised, being dressed as a peasant, but betrayed his name, it is said, by exclaiming "unfortunate Argyll!" The militiamen were servants of Sir John Shaw of Greenock (ancestor of Sir Hugh Shaw-Stewart), and, though the weaver and the servants were incredulous, Sir John recognised the earl, despite a beard which he had grown in exile, so says Fountainhall. 21 Macaulay writes, with naïveté, that some of the captors "wept, but were not disposed to relinquish a large reward," and face the "vengeance of Government."

In prison, Argyll reflected on his adventure and wrote, what was true, "there are some hidden ones" (the Remnant?), "but in this country I see no great party that desire to be relieved." Where were Polwarth's promised 600 horsemen of the Border shires? Their fathers deserted Montrose, they did not rise for Argyll—indeed they could not join him, unless they had been cavaliers like Edward Wogan. Argyll accuses his Lowland companions of embezzling



stores: "some of them lived riotously and spoiled the provisions as they pleased. . . . I spent all the silver upon them, and they claimed all as their due. Blank and blank" (Cochrane and Polwarth?) "were the greatest cause of our rout, and my being taken, though not designedly, I acknowledge, but by ignorance, cowardice, and faction." Later, "I am not pleased with myself, I have so hard epithets of some of my countrymen." As to cowardice, we have seen that, by Polwarth's account, Argyll countermanded the night surprise, and ordered the night retreat.

Argyll, perhaps to expedite matters and discourage Monmouth, was condemned on the old absurd charge, and had no second trial, though that could only have ended in one way. He was not to escape again, whether by collusion or by a ruse. He writes, "this evening orders came that I must die upon Monday or Tuesday, and I am to be put to torture, if I answer not all questions upon oath."<sup>22</sup> Did he answer all questions upon oath? Wodrow gives the list. To answer truly, was to betray every accessory, every associate. "I answered but in part, according to a paper under my hand and signed," writes Argyll. Wodrow could not get the paper of answers. Macaulay and Fox ask how Argyll escaped torture; but Fox forgot that he had published the answer in his Appendix, a letter of July 16, from Barillon, the French ambassador at St. James's; and Macaulay, though fond of quoting Barillon, leaves his remark in silence. Writes the ambassador of France to Louis XIV., "The Earl of Argyll has been executed at Edinburgh: he left a full confession in writing, revealing the names of all those who helped him with money, and aided his plans. Thus he escaped torture."<sup>23</sup> But on the very day of his doom, June 30, Argyll wrote to the lady who gave him the money, Mrs. Smith, saying "your name could not be concealed . . . otherwise I have named none to their disadvantage." Mrs. Smith was safe in Holland:<sup>24</sup> and the sympathy of the Lords of the Council for one of their order probably induced them to be satisfied with the harmless disclosure of her not uncommon name. The story, as it reached Barillon, must have been grossly exaggerated.<sup>25</sup> It seems almost detective's or informer's work to allude to Barillon's letter, but it is better to face the evidence, and show in how innocent a sense his narrative is true, than to ignore his testimony. For the rest, we hear of no one molested on the score of the revelations which, according to Barillon, were made by the earl.

His conduct in prison was marked by more than one fine trait, especially by his care for the unfortunate clansmen who were true to him. "Only my poor friends" (kinsmen) "in Argyll have appeared in all Scotland. I was busy this day treating for them and in some hopes." We are reminded of the gentle Lochiel, in France, after 1746, "Let me perish with the people I have ruined!" Argyll had been anything but a foe of Prelacy; before his misfortune under the Test Act, he said "my gross compliances are now sad and grievous to me," and predicted that "deliverance shall come very suddenly." The story of how he took his usual sleep between his last meal and his execution is familiar, and his worst enemies never denied his personal courage. He was accompanied on the scaffold by two conformist ministers, if Charteris, whom he asked for, and who had refused the Test, can be called a conformist. His last speech was fortified by many scriptural citations, chapter and verse being carefully given. He declared that he died "with a heart-hatred of Popery and Prelacy," the religions of the overpowering majority of his fellow-Christians. Like Montrose, he had penned some last verses: they had no poetical merit.

Fountainhall's remarks on Argyll's affair are odd and prolix: he supposed that the family, of which he speaks tartly, was now for ever ruined. As to the earl, "it was observed he has never been very solid since his trepaning of his skull in 1653," a circumstance which might account for the reported flights of temper. The Council, we learn, decided not to inflict on the earl the monstrous indignities heaped upon Montrose when brought prisoner into Edinburgh, when "it was reported that . . . this Argyll was feeding his eyes with the sight in the Lady Murray's balcony, in the Canongate, with her daughter, his lady, to whom he was new married, and that he was seen playing and smiling with her."<sup>26</sup> A majority of the Council "who are recovering somewhat of their power now" (as against the Treasurer and Chancellor) voted for death by the Maiden, not by the gibbet, as in Montrose's case, and for that of Rumbold, who was taken fighting hard. It is unfortunate that no good biography of the unhappy earl exists. He practically "conquered" Mull for his family, from the Macleans, thereby weakening a clan which would have been very serviceable to the Stuart cause in later years. The causes of his fall, at the time of the Test, are obscure, but probably it was determined to put at him as too powerful a prince; and the pretence chosen was infamous. Had he not been treated in this

manner one sees no reason to suppose that he would have entertained, so late in the day, "a heart-hatred" of Episcopacy. He had disclaimed the name of Presbyterian in 1667. His adventure was ill timed, ill managed, and based on the sort of flattering information which commonly beguiles exiles, as it beguiled Monmouth. The Lowlands would not, in any case, have risen, especially as many may have believed with Fountainhall, that the Highlanders had no religion whatever,—Campbells being no better than Macdonalds. It is certain that the earl, who, whether he turned the scale in favour of Cargill's death or not, had expressed approval of torturing rebel preachers, no more deserved than his father the title of "martyr" which Principal Story confers on both noblemen. In private life he was, as some of his unpublished letters prove, a man of singularly affectionate character and tender heart.

As to the vengeance on the rebels in Argyllshire, Wodrow heard, vaguely, of "extraordinary cruelties exercised there," and that Atholl hanged twenty-three Campbells, but was checked, while ravaging the country, by the Council, who gave his lieutenancy of the shire to Lt.-General Drummond.<sup>27</sup> After the Revolution, Atholl, defending himself against a "calumnious process" of the new Argyll, averred that, beyond cutting down trees for huts, his Highlanders behaved well, whereas a regiment under Argyll, in 1689, destroyed his plantations at Dunkeld and Blair. For his own part, he says that he was blamed for not acting up to the orders of the Council, which he publishes. On May 20, 1685, the Council, through Perth, bade him burn Inveraray, and "destroy all houses, goods, and persons of any who join with Argyll." Again, "all men who joined are to be killed or disabled from ever fighting again." "Burn all houses except honest men's, and destroy Inveraray and all castles" (May 31). "Let the women and children be transported to remote isles. . . . But all this is with submission to your judgment." All heritors taken are to be executed, and a hundred of the ringleaders among the tenants and commoners (June 23)!

Atholl declares that he took, and, if he had acted on his orders, would have hanged, over a hundred men, not twenty-three only, and he only burned Dunstaffnage Castle, and that for military reasons. He did not spare Inveraray merely because he resided there! "the marquis never liked the place so well as to make it his residence had it been his own," and he could have burned it under

his orders, when he left it. He had also spared the life of "Mr. Charles Campbell," and prints his grateful letter. We incidentally learn that three or four hundred western Whigs rose at Sanquhar, but were scattered by Claverhouse.<sup>28</sup>

The greatest sufferers by Argyll's rising were the Covenanting prisoners in Edinburgh. They were taken from their prisons on May 18, and sent, enduring countless hardships, to Dunnottar Castle, where they were crowded, with hateful disregard of health and decency, into a dungeon not much better than the Black Hole of Calcutta. Some took the oaths, some escaped, but about one hundred and seventy of both sexes were immured. The horrors of their captivity were caused by George Keith, sheriff depute of the Mearns, and were but slightly assuaged by the intercession of his wife and the orders of the Council. Even water was grudged them, and some died, a few escaped, the soldiers tortured all whom they caught. Many who would not take an oath involving the royal supremacy were banished.<sup>29</sup> The new Sanquhar rising and treasonous declaration made there in May led to severities in Galloway by Claverhouse, "without any pretended crime," says Wodrow, but we may conjecture that the affair at Sanquhar, and fear of aid from the Remnant to Argyll, was the cause of or pretext for the dragoonings.

On April 29, 1686, Parliament met, the king's purpose being to secure toleration for Catholics. "We cannot be unmindful of . . . our innocent subjects, those of the Roman Catholic religion who have, with the hazard of their lives and fortunes, been always assistant to the crown in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named."<sup>30</sup>

Nothing could be more true, and James had more honesty than Charles II. But the outbreak of persecution in France, and the unshaken belief among true Protestants in Oates's popish plot, with the moral certainty that James would not be satisfied with mere toleration, but would fill all offices with Catholics, proved fatal to the king. Queensberry was superseded by Melfort, a convert; Murray, reputed to be a convert, was Commissioner in Parliament: such appointments practically justified resistance to tolerance, even if accompanied by the largest indulgence to nonconformists. If he could, and as soon as he could, James would certainly follow the example of Louis XIV.; and this certainty, with his own folly and loss of nerve, cost him

three crowns. Real toleration in these days was not in the range of practical politics; persecution must be practised on the line of least resistance. The Episcopalians were soon to suffer in their turn, as the wheel of fortune revolved. The Commissioner, the Earl of Murray, offered free trade with England, with right to refuse free trade with Ireland, which sent cattle, horses, and victual, whence "this kingdom suffers great prejudice," and all the cruelty of cheap commodities. Supplies were not demanded, an indemnity (of which we hear little more) was offered, and these gifts were to be repaid by toleration for Catholics.<sup>31</sup>

Late in 1685, Perth, the Chancellor, had become a Catholic, whether from conviction or to ingratiate himself with James is uncertain, but he contrived the ruin of his house, which remained Jacobite to the last. He "bought altars, candlesticks, priests' garments," and "such trash" for Holyrood, says Fountainhall; and this audacious act met its natural reward. On January 31 there was a tumult of "the Mobilee" in Edinburgh—"the rabble against the mass priests." Three persons were killed by the soldiers, and a drummer and a fencing-master were hanged.<sup>32</sup> Thus threatened with Popery, the Parliament, on May 6, returned a cautious reply to the king's message,—they would be as tolerant as their consciences permitted, in considering the royal request. The Lords of the Articles (May 27) went as far as they dared in offering to permit Catholic worship in private ("all public worship being hereby excluded"), and the laws against Popery remaining in force.<sup>33</sup> This was going much further than the Covenanting strugglers for "freedom of conscience" could approve. As it reached the Estates the Act "countered the Court's design to bring in Papists to places of trust and power." The Chancellor therefore dropped the Act; the Council was to some extent purged of resolutely intolerant Protestants, while Catholics—the Duke of Gordon, Traquair, and Seaforth—took their places. Sir George Mackenzie lost his place as Lord Advocate; the post (February 1687) was conferred on the old foe of Claverhouse, Sir John Dalrymple.

On August 24 James wrote a letter to the Council: "we resolve to protect our Catholic subjects," "against all their enemies and the laws made against them," "according to our undoubted right and prerogative." Meanwhile, it seems that Mr. James Renwick announced that "I separate from and excom-

municate all the ministers belonging to Scotland"; so Mr. Robert Cathcart, "a very pious and knowing Christian in Carrick," informed the world.<sup>84</sup> The Remnant were all at odds among themselves, and lost, by natural death, the celebrated Mr. Peden the prophet, remarked for his piety and clairvoyance. He prophesied that his body would be buried at the gallows foot, as it was; but it needed no super-normal information to convince him that this was highly probable. Little as we may like the spirit of religious persecution under Charles II., it had this plea, that the Presbyterian claims to dominate the State must be, and were, put down; with every circumstance of cruelty and superfluous military oppression. But James was now actually playing the royal Pope of a religion which was not even his own, and the Archbishop of Glasgow, and the Bishop of Dunkeld, were deprived of their sees by the Catholic Head of a Protestant church. The king, perhaps, dared not have attempted such a high-handed act by virtue solely of the royal supremacy in England, where the seven bishops were protected by a verdict of their countrymen. But in England as well as in Scotland, and in England to his ruin, he began to repeal the penal laws by virtue of his prerogative, enforcing toleration and abolishing religious tests, by proclamation. In 1687 he presented three successive forms of Indulgence to Scotland; into the third, of July, the Presbyterian ministers fell, and at a meeting of July 21 accepted better terms than they ever had hoped to obtain, with "a deep sense of your Majesty's gracious and surprising favour." They defended their loyalty, and the mass of them had been loyal,—so manifestly that perhaps Charles II. might, he certainly should, have tried the experiment of allowing Presbytery, deprived of the weapon of excommunication with civil penalties, to exist after the Restoration. The ministers who thus addressed the king acted, of course, on their own motion, as there was not in existence a ruling assembly of the Kirk.

Renwick, and the few preachers who thought with him, of course stood out against accepting toleration from a Popish usurper, as they called the king. Renwick, in Wodrow's opinion, would have come in at the Revolution; but probably he would have maintained the extreme attitude of the Cameronian Societies, and refused allegiance to an uncovenanted latitudinarian prince. In any case, the mass of the preachers had learned opportunism enough to take what they could from James, though they shared

the boon with Catholics, Quakers, and Episcopalians.<sup>85</sup> They cannot but have seen that the liberty which a royal proclamation gave, another proclamation could withdraw; but in the meantime they saw no harm in practising the public exercises of their religion. "Their subserviency showed how sorely broken was the ancient Presbyterian spirit," says a recent historian, but civil society was impossible till "the ancient Presbyterian spirit" had been crushed.<sup>86</sup> Had it not been broken down, the peaceful Revolution of 1688 would have been impossible in Scotland; for the preachers would have insisted on the acceptance of the Covenant, by the Prince of Orange, with compulsory Presbyterian Government in England. It was left for a Whig Lord Advocate, Sir James Dalrymple, Claverhouse's old enemy, to prosecute the last martyr, Mr. James Renwick. He was hanged on February 17, 1688, and the commission of Sir George Mackenzie to supersede Dalrymple was read on the same day.<sup>87</sup>

Renwick, whose most notable feat was the Apologetical Declaration of war by murder, had foolishly hidden in the house of a friend in Edinburgh, who seems to have been a professional smuggler; "He dealt in English goods, and the Custom House officers were frequently searching his house for prohibited goods," says Wodrow.<sup>88</sup> Fountainhall says they were seeking "unfree goods stolen from the customs." Among other clandestine commodities was found Mr. Renwick. He fired a pistol at the searchers, missed, ran down the Castle Wynd to the head of the Cowgate, and was caught "by a profligate fellow." He was offered his life if he would acknowledge the Government, but pride and principle alike forbade. Under threat of torture, accompanied by promise from Dalrymple of indemnity for any on whom he might bring suspicion, he deciphered certain ciphered names in his papers. Bishop Paterson vainly interceded for his reprieve, and "professed kindness and concern in him." Renwick was only twenty-six at the time of his death, and in everything but his extreme fanaticism, which was the occasion of the deaths of so many ignorant people, seems to have deserved the affection of his friends. Wodrow, who disliked "the heights" to which he ran, has a singular tenderness for his memory, and constantly urges that he merely followed and tried to mitigate the opinions of his adherents. He was the last victim of the preachers who, safe in Holland, kept stirring the embers of extreme Presbyterianism. Every effort was vainly made to save him on the easiest possible terms.

The history of the nascent intrigues for the invasion by the Prince of Orange is difficult, and the part in which a Scot was concerned is specially obscure. Burnet, who had been making a tour in Europe, was invited to the Hague in 1686. In April 1687 he was accused, in Scotland, of treason, and of dealings in 1685 with Argyll. Among witnesses against him were named the notorious William Carstairs, and Sir John Cochrane, who had procured his pardon for the Argyll rising.<sup>39</sup> Fountainhall says that "the true quarrel" partly rested on a private letter of Burnet's, declaring that he had seen at Rome the document of a League, signed by James and all Catholic princes, "to extirpate the Protestants," "which is certainly false."<sup>40</sup> But Burnet had naturalised himself in Holland, where he was to marry a rich Dutch woman. He could not be given up, and plots to kidnap him were laid in France, and, he says, by Whitford, whom he denounces as the murderer of Dorislaus nearly forty years ago. He was intimate with the Prince of Orange, to whose character he dealt a stab murderous, and, we may trust, mendacious.<sup>41</sup> He cleared up, he says, the political mistrust between William and Mary, as good a wife as she was a bad daughter. "I found the prince was resolved to make use of me," says Burnet; but the full and precise nature of the uses to which Burnet was put remains undivulged. He avers that William had predictions "from a man that pretended a commerce with angels,"—a Medium of some sort. The Regent Murray burned Sir William Stewart for this very crime.<sup>42</sup> Burnet was removed from the prince's presence, but remained in constant correspondence with him. On June 10, 1688, the Queen of England gave birth to her unfortunate son, James, "the Chevalier de St. George," and the Prince of Orange, in his manifestoes of October, sank so low as to pretend to believe in the various and contradictory lies circulated by the Whigs. On this point Arbuthnot's treatise on Political Lying may be recommended. As Macaulay says, "posterity has fully acquitted the king of the fraud which his people imputed to him." They imputed it in various discrepant ways: on one theory the young prince was a brother of Fanny Oglethorpe, his mistress according to Thackeray. To Burnet's blundering version of events Dean Swift adds the note, "So here are three children!" "To palm one child upon a nation is certainly a thing very difficult; but to palm three, one after another!"<sup>43</sup> *Populus vult decipi*, but that the Prince of Orange shared the fatuous illusion we cannot readily



suppose. The lies were useful, and he used them. As early as July 17 verses and letters, reflecting on the birth of the Prince of Wales, were seized in Scotland.<sup>44</sup>

As is common in political affairs, each side was indifferent to honesty and honour. The proceedings of James were so grossly obvious as to clear his Jesuit advisers from the charge of being "Jesuitical." Holyrood with its Catholic, or rather Jesuit, press and schools, was the centre of an illegal propaganda, while Protestant books of controversy were suppressed as dishonouring his Majesty's religion. The Castle of Edinburgh was in the hands of the Catholic Duke of Gordon, representing, in creed, and in the futility of his conduct, a long line of Huntlys. The usual autumn municipal elections in royal boroughs were prohibited, and royal nominees were appointed. The conformist or Episcopal clergy of Scotland were peculiarly active in their opposition to Popery, and their Presbyterian brethren no longer concealed their sense of the true nature of the king's conversion to the doctrine of toleration. The best account of affairs is probably that of Lord Balcarres, son of Balcarres who had pawned and ruined his estate in the royal cause, and died at Breda in the year before the Restoration. Charles gave a pension of £1000 a year to Lady Balcarres and her eldest survivor; and Lord Lindsay, editing the narrative of this survivor for the Bannatyne Club, "thinks it only due to the memory of the unfortunate House of Stuart to bear witness to the constant kindness and sympathy which my own family experienced at their hands, not merely during the sunshine of their prosperity, but in the darkest hours of mutual destitution and exile."<sup>45</sup> Young Balcarres, by marrying a daughter of Lord Northesk, fell into the shady side of Charles's favour, but recovered interest on the death of his wife, and became the friend of John Churchill (Marlborough), who often said that "he was the pleasantest companion he ever knew." James made him one of the six Commissioners of the Treasury. When an invasion by the Prince of Orange became certain, in the September of 1688, Balcarres found that the Treasury was well supplied, and proposed to levy ten battalions of foot, to raise 5000 Highlanders, and the Arrière Ban; and with 1200 horse of the gentlemen, and the 3000 of the regular army under Douglas and Dundee, to march to York and keep the northern counties of England in order. Melfort, the evil genius of James, rejected the scheme, and sent for Dundee with the regular army, thus denuding Edinburgh and

Scotland of regular forces, and leaving the Government, the Council, at the mercy of the mob, for the militia could not be trusted. Balcarres with difficulty reached London, where he found Dundee with James, after the king's return from his flight. Balcarres and Dundee declared that the army which James had deserted after his own desertion by Marlborough at Salisbury, would gather at beat of drum, and that they could collect 20,000 men. Lord Ailesbury also reports in his Memoirs, that Dundee assured James that, if he would mount and ride with him, he would carry him safely to Scotland. At that moment Dundee and Balcarres were alone with the king, alone faithful among the faithless found. Their loyalty seems to have been based upon personal affection and the point of honour. The title of Viscount Dundee, bestowed on Claverhouse in November 1688, had not increased the loyalty of his commanding officer, Douglas, the brother of Queensberry, but made it impossible for any man like John Graham to desert the falling cause. Otherwise, it would have been as easy for Dundee as for Douglas to take service under William of Orange, who used all men of courage and ability. Already, with James at Rochester before his return to London, Dundee had made his offer to the king; Carte reports it in the same terms as Lord Ailesbury.<sup>46</sup>

But James had lost heart as well as head. 'At the last attempts of Balcarres and Dundee to impart courage to the king, he informed them of his intention to fly for the second time, and promised to Balcarres a commission for civil, to Dundee for military affairs (Balcarres, xviii.). Dundee remained in town, till "he had fixed a correspondence both with England and France," says Burnet, "though he had employed me to carry messages for him to the king" (William), "to know what security he might expect if he should go and live in Scotland without owning his government. The king said, if he would live peaceably, and at home, he would protect him: to this he answered that, unless he were forced to it, he would live quietly." "Quietly" Dundee did not live, whether he was "forced to it," or not.<sup>47</sup> While the regular Scottish army sent into England was scattered like sheep without a shepherd by the desertion of the king, the country, in mid October, learned that William and Mary "lay no claim to the crown at present"—"that the object of this expedition is that the late king's murderers be tried in Parliament, that the Impostor be sent back to his natural parents." Charles II. had not been murdered; the

Prince of Wales was not an impostor; and Wodrow says that these and other proposals, "that excellent paper," were "so worthy of the prince"!<sup>48</sup> On November 3 all the Scottish bishops except Argyll and Caithness wrote to congratulate James on the storm which frustrated William's first attempt to cross. They styled James "the darling of Heaven," and in that light they and their flocks, after they had nothing but persecution to gain by it, continued, with an invincible and unreasonable fervour of loyalty, to regard the king's son and grandson. The bishops were, not much later, offered William's alliance against the Presbyterians. For himself, Bishop Rose refused it, and said that he believed his brethren were with him.<sup>49</sup> Yet while, after William had succeeded, the Episcopalians of Scotland took this certainly unselfish attitude, before William arrived their clergy had been denouncing the White Rose Prince as an impostor, and were, as Balcarres tells James, "extremely overjoyed at the noise of the Prince of Orange's coming over."<sup>50</sup> Of a people proud of its logical gifts, the Episcopalian Jacobites and the Covenanters are singular children.

When we study the character and conduct of James II. it seems impossible that any man should have been a Jacobite. But his domestic misfortunes bore such an ill look for his son-in-law and his daughter; his son was so natural an object of pity and affection; a Dutch or German ruler was so distasteful; the new Government with its wars so loaded the country with the National Debt, that the ancient sentiment of loyalty rose to a love passing the love of women, and the canniest of nations entered into a period of romantic struggles for an impossible Cause, *cupitor impossibilium*. That set of men, the bishops, who had been so slavish and so self-seeking, suddenly appeared ready to sacrifice all for a sentiment, a song, a flower; living in poverty and hope

Till our White Roses do appear  
To welcome Jamie the rover.

This curious behaviour may, perhaps, suggest that the Scottish bishops were not quite such "hounds" as an eminent Presbyterian historian, the Rev. Principal Story, is pleased to style them. "The Scotch bishops regarded James's throne with an attachment akin to that of the hound to the master who has fed him when he wanted food, and lashed him when he needed discipline."<sup>51</sup> Principal Story repeats the anecdote of William's interview with Bishop Rose,

but omits the bishop's statement that he believed his brethren to share his sentiments; that they never would acknowledge the Dutchman as king, and that, for his own part, he would liefer forfeit all his interests in the country. Now Rose and the other bishops abandoned everything—above all, cast themselves a prey to the Presbyterians, though William “had desired to save the Scotch Episcopal Establishment because he believed it was acceptable to many, if not most, of the powerful, but unprincipled, nobility of the kingdom,”—and for other reasons of State.<sup>52</sup> So says Principal Story. It would seem that the bishops, if dogs, were honest dogs, who rejected the greatest of bribes rather than desert a ruined master. As this very “unselfish faithfulness to a ruined master” is admitted in the case of Dundee,<sup>53</sup> it does not appear that bishops ought to lose the benefit of the act of grace, merely because they are bishops.

They might have continued to be bishops, as William wanted to propitiate the unprincipled nobility of Scotland, but they would not yield an inch of their legitimist principles. They believed that hereditary monarchy was *jure divino*, as their opponents believed that Presbyterian government was of divine right. Both ideas are obsolete, but a man is not a hound because he adheres to his principles. William's proclamation of October 10, 1688, set forth with much vigour the grievances of the country. James's advisers were, in a constitutional tone, blamed for James's own measures, “religion, law, and liberties” were overturned, absolute power was openly proclaimed for the express purpose of “introducing what religion they please.” Papists, contrary to law, were entrusted with the chief posts, civil and military; charters were violated, and free elections in the burghs were prevented. The barbarities of the dragoonings—“hanging, shooting, and *drowning*” (an obvious reference to the case of the Wigtown martyrs)—were denounced. The liberty to dissenters was explained as a mere stalking-horse for favouring Popery, a freedom which could be destroyed, as it was granted, with the stroke of a pen. Then, as if the case was not good enough, so good as to be unanswerable, the prince's remark about the “impostor” was brought in, an unworthy concession to the popular desire to be deceived.<sup>54</sup>

On the withdrawal to England of the 3000 men of the regular army, the Presbyterian ministers temporised with the Council till they received hopes from Holland to have “the Government of

Church and State put into their hands," says Balcarres.<sup>55</sup> They then told Sir Patrick Murray that they would deal no more with a Popish king, but "would carry themselves as God should inspire," that is, according to circumstances. The Council, in the absence of the army, found the militia useless and themselves impotent. The Presbyterian leaders held meetings, and, "according to their ancient custom, nothing was determined without consulting them" (the preachers) "and that they approved." The communications of the Council with the king in England were broken: when Melfort got a message through, he sent "the truth disguised, and quite different from what the Viscount Dundee wrote to me" (Balcarres). Mob outrages were threatened, to frighten away the Chancellor, Perth. Atholl was a partner in these proceedings: his conduct throughout was shifty, even for these times. Perth, the Chancellor, was persuaded to disband such forces as were left, except four troops of horse; he himself, a timid man, fled to the country, and later was taken while attempting to escape by sea, and made prisoner for four years. These Drummonds, Perth and Melfort, hastened and secured the ruin of the king's cause, before and during his exile, and lost all for him and for their religion. By far the best of them, the Duke of Perth, fought bravely in 1745-1746, and died of wounds or fatigue when all was over.

The night after Perth left Edinburgh, December 10, the mob attacked Holyrood, held by Captain Wallace, with 120 men, and were repulsed with loss. Atholl, Tarbat, and Breadalbane gave the malcontents a summons to Wallace to surrender, and the town trained band, under Captain Graham, with the Provost, the Magistrates, and the Presbyterian leaders, headed a mob in a new attack. Cameronians took part in these faithful contendings. Wallace, attacked in front and rear, forsook his post; his men surrendered. "The gentlemen and rabble, when they saw all danger over, rushed in upon them, killed some, and put the rest in prison, where many of them died of their wounds and hunger."<sup>56</sup> Wodrow has plenty to say about starvation of Covenanters in Dunnottar Castle; about these sufferings of Royalists he is silent, alleging that "the youths killed all the soldiers they met with." The chapel was rifled, and next day all Catholic religious articles were plundered and burned, and the houses of several Catholics were sacked. "They opened the Chancellor's cellars and mine," says Balcarres, "and made themselves as drunk with wine as before

they had been with zeal. Two or three days they rambled about the town, and plundered the Roman Catholics, who were but very few; some of their ladies they treated with the utmost barbarity."<sup>57</sup> . . . "They were willing to have done more, had it been in their power," says the author of 'Faithful Contendings Displayed,' for "in this reeling time the Societies were not idle," whether in Edinburgh or in the country. He says nothing about treating ladies "with the utmost barbarity."

At Traquair, under Ker of Kersland, they burned such pictures and books as they deemed "popish," including "The Queen of Peace, curiously drawn." "The work was gone about deliberately and methodically," says Dr. Hay Fleming. We are to presume that Lord Traquair's cellar had been moderately dealt with by the devotees who made an inventory of the works of art which they burned.<sup>58</sup> The Cameronians of the Societies, their religious peculiarities apart, were, in fact, methodical men, intelligently organised. Patrick Walker, the biographer of the saints, was then a youth of twenty-two, who had lain long in prisons—for example, he had shared the horrors of the Dunnottar dungeon; he had been condemned to torture, and it is believed that he had suffered both boots and thumbscrew. He makes no marvel of his own sufferings, but describes the process of rabbling conformist clergy. He had been present at fifteen rabblings, whence it appears that gangs of the Society men went about attacking ministers in parishes not their own, a kind of ambulatory conventicle. It has already been shown, from Burnet's evidence, that the conformist ministers in the south-west were "sair hadden doun" even before Drumclog; they were robbed, stoned, beaten, and insulted, while they had no body of excited public opinion to back them. When attacked by armed gangs in "that golden non-such interregnum," as Walker calls it, they merely trembled and submitted.

"How would they tremble and sweat if they were in the Grass Market, and other such places, going up the ladder with the rope before them, and the lad with the pyoted coat at their tail." They were merely being driven out of church and home, and deprived, with their families, of their subsistence. All of them, by law, had been forced to send in the names of nonconformist parishioners; and that, probably, was the extent of their offending. Their gowns were seized, with the church furniture, but, "we should not taste either their meat or their drink, or wrong anything that

belonged to them, except their gowns." In the five western shires hardly one conformist dared to preach. The sufferings of the clergy in the alternate evictions by either party since 1638 must have been severe, and, in this instance, are specified in various pamphlets printed on the Jacobite side. But the persecuted "curates" *caerent vate sacro*. They did not join any rising; they were not shot, hanged, or tortured; and it must be admitted that mob violence was never more leniently exercised against defenceless men. Walker calls their complaints "gross lies," nor is it worth while to criticise the amount of truth which they contain.<sup>59</sup>

"When the rabble became settled" in Edinburgh, says Balcarres, Atholl assembled the Council and proposed a grateful address to the Prince of Orange. A colder address was sent; the archbishops and Sir George Mackenzie, with others, opposed the more effusive draft. The Chancellor, Perth, was now captured, and Atholl's faction confined him in Stirling Castle, under the Earl of Mar. James's party in the Council hurried to London, while Atholl distributed places among his friends, left Strathmore to keep order, and, with the heads of his faction, went to pay court to William. The prince refused to put any party or particulars to despair, by making them incapable of employment. Hamilton, who had been in London during all the turmoil, was sent for by William; he had, we know, ever occupied a middle position and had at one time led the opposition to Lauderdale. In a great meeting of the Scots in London, at White Hall, he was unanimously chosen President. His proposal, that for the present power must be placed in the hands of the Prince of Orange, till a Convention in March 1689, was accepted, "though unwillingly, from the great disasters at home, the mob being absolutely masters."<sup>60</sup>

The Jacobites were in doubt as to attending the March Convention in Edinburgh, but James sent Mr. Hay with permission for them to be present. Queensberry entered with Balcarres and Dundee into James's interest, Atholl passed from party to party, and the Jacobites learned that forfeited persons were to be allowed to vote, and even "to sit in Parliament," while still legally excluded. Returning to Edinburgh, Balcarres and Dundee found that the advocates had formed themselves into a kind of "vigilance committee" for the preservation of order; but Hamilton, by order of the Prince of Orange, disbanded the men of law, who were Jacobites. The Duke of Gordon was actually evacuating the

castle, but was prevailed upon by Dundee and Balcarres to remain in a post where nothing energetic was to be expected from him. He did not fill the fortress with supplies, and this great strength was practically valueless to James; Gordon was no Kirkaldy of Grange. Meanwhile Hamilton had quartered some companies of infantry in the town, and westland Whigs were lurking "in vaults and cellars,"—lurking for a spring. Atholl was proposed as President, but the election of Hamilton discouraged the Jacobites, a score of whom withdrew, while the prince had a majority from the burghs. Disputed elections were decided in his interest, and Gordon would have surrendered the castle had not Dundee gone thither and told him that, in the old Scottish fashion of Queen Mary's wars, he meant to call a rival Convention at Stirling.

James had sent a letter entirely contrary to what had been settled between him and his party in London, "a fault of your advisers" (Melfort) "hardly to be pardoned," says Balcarres. The letter might forbid or dissolve the Convention, and both parties agreed that it could only be read after voting the Convention a free and legal meeting. This was "a pill to the loyal party so bitter it had never gone down, if they had not been persuaded your letter would have dissipated their fears"; they needed time to prepare for a rising if rise they must; and James had already licensed their attendance at the Convention. The letter was from Melfort, the curse of the Cause, and exhibited James in the most arrogantly despotic temper. In the Convention his interest was certainly lost, and his friends might honourably have deserted a prince unteachable by adversity, and in the hands of a man like Melfort, despised and distrusted by both parties.

Obdurately loyal, they designed to meet at Stirling, where Mar, the keeper of the castle, gave assurances, while Atholl was to bring down his clan for a guard; but Atholl wavered, and "broke all our measures." Dundee was informed that six or seven of the western Whigs designed to murder Sir George Mackenzie and him, and their place of meeting was pointed out. Dundee, at the next meeting of the Convention, appealed to Hamilton to have the matter investigated, but the majority of the House refused to permit this. The viscount had already been insulted and threatened (March 16, 1689). This was on a Saturday; on Monday the Jacobite members were to retire to Stirling, but Atholl, at a meeting, persuaded them to wait and attend the House next day. Dundee



was not at the meeting till the decision was taken ; he had gathered a band of fifty horse for an escort, and had a number of his party waiting for him "at a house near the town." He declined to dally longer, but rode down the West Bow, and, knowing that Gordon was beleaguered in the castle, "in a manner blocked up by the western rabble," he paused at the north face of the rock, "and clambered up with great difficulty, the rock there being extremely steep." The Whigs who were blockading the ordinary roads to the castle ran to tell the Convention ; Hamilton, in a passion, had the doors locked, "the bells were rung backwards, the drums they were beat," and it was anticipated that, with fifty men, Dundee would attack the town. But Dundee rode northwards, "wherever might lead him the shade of Montrose," and the half-hearted Jacobite members were left to their fate without the presence of him whom Swift calls "the best man in Scotland."

Macaulay supposed that Claverhouse feared assassination ; Malcolm Laing that he "affected an alarm which he did not feel." Probably his plans were laid ; he saw that Atholl and the others were irresolute, he and they might be victims of just such a plot as "The Incident" apparently was, and Dundee, with the whole weight of the Cause on the only shoulders fit to bear it, rode with Lord Livingstone towards the glens and the homes of the last hope. But Livingstone deserted him ; and he, from his own house, declined to obey a summons to a Convention where he had been insulted, an assembly overawed by Cameronians, and by four Dutch regiments under Mackay.<sup>61</sup> It was in the middle of March that General Mackay embarked with three Dutch regiments for Edinburgh. He avers that Dundee and the bishops meant to seize the Williamite members of the Convention, which they were not likely to attempt with Dundee's fifty horsemen, as against the concealed Cameronians, and a number of Highlanders under the son of the Argyll executed in 1685. These forces were brought in, says Mackay, to counteract the highly improbable plot which he attributes to Dundee, who, for his letter to the Convention, was denounced a rebel. Mackay, on his arrival, secured Stirling Castle, for its captain, Mar, like the other Jacobite nobles, was a broken reed. Mackay's men were, apparently, Scots in Dutch service, not born Hollanders. Why they were called "the Butterbox" is obscure.<sup>62</sup>

In the Convention, Tarbat and Stair proposed a Union which suited

neither Hamilton, the Presbyterians, nor the Jacobites. Queensberry came from London, apparently in James's interest, and Atholl wished Gordon to bombard the Convention from the castle, but he would not act without James's orders. Hamilton was in constant correspondence with William, who found it sagacious to trust him. The duke intercepted despatches of James to Dundee, sending him a commission as lieutenant-general, and promising help from Ireland—5000 men. He would grant "property and liberty," and "maintain the national Protestant religion," Episcopal (Dublin Castle, March 29, 1689). All were to have an indemnity except those who voted against James "in the late illegal Convention."<sup>63</sup>

When Gordon refused to fire on the Convention, the Jacobite members retired to their homes; and the rest, on Sir John Dalrymple's motion, declared James to have forfeited his right to the crown by his illegal acts, the Prince of Wales being also barred. There were only four adverse votes, including those of Sir George Mackenzie and the Archbishop of Glasgow. As ever, in Scotland, the Opposition either did not attend at all, or retired. Hamilton then proposed to offer the crown to "the Prince and Princess of Orange, now king and queen of England." Queensberry and Atholl acceded, and at the Market Cross, Hamilton actually, as herald, proclaimed the new sovereigns (April 3). Lorne (Argyll), Sir John Dalrymple, and Sir James Montgomery were sent to William with the Claim of Rights, passed on April 11, declaring any religion but Presbyterianism "contrary to the inclinations of the generality of the people," and Episcopal government an intolerable grievance. Sir James Dalrymple, writing from London to Lord Melville (April 11), suggests that the Convention should "qualify torture that it can never be used except when there is one witness or half probation" (April 14).<sup>64</sup> Atholl (April 13) told William that his conscience did not allow him to vote for abolishing Episcopacy; he never was whole-hearted in all his waverings. Hamilton meanwhile received powers to imprison suspected persons; Dundee took care of himself, but Balcarres, who was loyal but useless, was placed in the common jail, nor was his condition bettered by the intercepting of a silly letter to him from Melfort, with threats of what James would do to his enemies when he returned.<sup>65</sup>

William, as is well known, rejected the article proposed to him, "we shall be careful to root out all heretics and enemies to the true worship of God, that shall be convicted of the true Kirk of God

of the foresaid claims, out of our lands and empire of Scotland." This would have involved the exile, at least, of all non-Presbyterians; it was a survival of the ancient oath of the kings before the Reformation. But, hearing that the words were a mere formula, William swallowed them, averring that he would not be a persecutor. Thus, on May 11, William was king of Scotland, a country which neither he nor any later king of England ever saw, till George IV. made his visit about one hundred and thirty years later. The constitutional and ecclesiastical changes of the new reign are subjects for later discussion. As to the new Constitution, it endured for less than twenty years, ending with the Union. In practice, too, the long war of one hundred and thirty years' duration between Kirk and State closed with the restored prominence of the Kirk without the Covenants, and with a saner conception of the powers and duties of the preachers. The two divine rights, that of sacred hereditary monarchy, and that of the apostolic privileges of preachers, had clashed so long and fiercely that they destroyed each other. The friends of the fallen dynasty were to be intermittently troublesome for two generations, but never really dangerous. The religion of the House of Stuart was the sword in the hand of the Angel who closed against them the gates of their ancient Paradise.

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NOTES TO CHAPTER XIV.

- <sup>1</sup> 'Historical Observes,' p. 184. Polwarth's Narrative, 'Marchmont Papers,' iii. p. 2.
- <sup>2</sup> 'The Valet's Tragedy,' 'Mystery of James de la Cloche.'
- <sup>3</sup> Polwarth, 'Marchmont Papers,' iii. pp. 18-20.
- <sup>4</sup> Macaulay, i. p. 422; Wodrow, iv. pp. 283, 284.
- <sup>5</sup> 'Historical Observes,' pp. 183, 184.
- <sup>6</sup> 'Marchmont Papers,' iii. pp. 39, 40; Wodrow, iv. p. 285.
- <sup>7</sup> Macaulay, i. p. 440, note. <sup>8</sup> Wodrow, iv. pp. 286-291.
- <sup>9</sup> Wodrow, iv. pp. 282, 283, 288, 289.
- <sup>10</sup> 'Marchmont Papers,' iii. pp. 45, 46. <sup>11</sup> Wodrow, iv. p. 292.
- <sup>12</sup> 'Six Saints of the Covenant,' i. pp. 71, 101, 102. Dr. Hay Fleming quotes Shields to the same effect, *op. cit.* ii. p. 141, notes 53, 54, 55.
- <sup>13</sup> 'Faithful Contendings,' p. 211.
- <sup>14</sup> 'Marchmont Papers,' iii. pp. 47, 48.
- <sup>15</sup> 'Marchmont Papers,' iii. pp. 48, 49; Wodrow, iv. p. 293.
- <sup>16</sup> Wodrow, iv. p. 294.
- <sup>17</sup> 'Marchmont Papers,' iii. pp. 60, 61; Wodrow, iv. p. 294.
- <sup>18</sup> Wodrow, iv. p. 295.

- 19 'Marchmont Papers,' iii. p. 61.      20 'Marchmont Papers,' iii. p. 62.  
 21 'Historical Observes,' p. 181.      22 Wodrow, iv. p. 298.  
 23 Fox, 'James II.,' Appendix, cxiv.  
 24 Fountainhall, 'Historical Observes,' p. 190.  
 25 Dr. M'Crie, in his 'Brysson,' points out Fox's singular error in overlooking Barillon's letter, published by himself! Macaulay had read Dr. M'Crie: he quotes Brysson as Bresson, but he, too, abstained from citing Barillon, his favourite authority.  
 26 'Historical Observes,' p. 185.      27 Wodrow, iv. p. 310.  
 28 'Additional Information for the Marquis of Atholl, against the Earl of Argyll.'  
 29 Wodrow, iv. pp. 321-328.  
 30 Wodrow, iv. p. 360.      31 Wodrow, iv. pp. 360-362.  
 32 Fountainhall, 'Historical Notices,' ii. pp. 700, 710-711.  
 33 Wodrow, iv. p. 366.      34 Wodrow, iv. p. 393, note.  
 35 Wodrow, iv. p. 428.      36 Hume Brown, ii. p. 436.  
 37 Wodrow, iv. pp. 438-445.      38 Wodrow, iv. p. 446.  
 39 Wodrow, iv. pp. 406, 407.  
 40 Fountainhall, 'Historical Notices,' ii. p. 793.  
 41 Burnet, iii. p. 133.      42 Burnet, iii. p. 141.  
 43 Burnet, iii. pp. 257, 258.  
 44 Fountainhall, 'Historical Notices,' ii. p. 878.  
 45 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, 1841.  
 46 Macpherson, 'Original Papers,' iii. p. 299.  
 47 Burnet, iv. p. 39.      48 Wodrow, iv. p. 467.  
 49 Keith's 'Catalogue,' pp. 65-72.  
 50 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, p. 5.  
 51 'William Carstares,' p. 161.      52 'William Carstares,' pp. 164, 165.  
 53 'William Carstares,' p. 169.      54 Wodrow, iv. pp. 469-472.  
 55 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, 1841, p. 9.  
 56 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, 1841, p. 16.  
 57 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, 1841, p. 17.  
 58 'Six Saints of the Covenant,' ii. pp. 182, 183.  
 59 'Six Saints of the Covenant,' i. pp. 321-323; ii. pp. 184, 185.  
 60 Swift censures Burnet for using the word "mob," short for "mobile," which was recently come into fashion.  
 61 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, 1841, pp. 26-32; Napier, 'Dundee,' iii., citing the MS. minutes of the Convention.  
 62 Mackay, 'Memoirs,' pp. 4-7 (1833).  
 63 'Historical MSS. Commission,' xi. pp. 6, 178.  
 64 Leven and Melville Papers, ii. (1843).  
 65 Balcarres Memoirs touching the Revolution in Scotland, Bannatyne Club, 1841, p. 37.





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# A HISTORY OF SCOTLAND

FROM

THE ROMAN OCCUPATION

BY

ANDREW LANG

IN FOUR VOLUMES

VOL. IV.

WITH A FRONTISPIECE  
AND INDEX TO COMPLETE WORK

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## PREFACE.

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WITH this volume ends my 'History of Scotland,' closing when the last armed attempt to make Scotland once more an independent and separate nation was broken at Culloden. The fortunes of the country after that disaster must be left to the energy of some other hand.

The book is a "general history" of the events of seventeen centuries, and I cannot suppose that it does not contain errors to be joyously detected by specialists in various fields of research. I have never seen a History which was impeccable, and though I have throughout distrusted tradition, and endeavoured to discover the most original and authentic sources of information, it is not to be dreamed that my researches have been exhaustive.

Sir Walter Scott gave his assent to the saying that, "If the Scots do not prefer Scotland to truth, they certainly prefer Scotland to inquiry." Human nature prefers the good old story learned at school, or from tradition, to inquiry, with new results. Yet it is not the province of History to "preserve our illusions." I humbly venture to think that, even in histories for schools, it would be wise to let the pupils understand something about the nature and sources and relative credibility of historical evidence. Even in some passages of this volume it may be found that Memoirs written by their authors, mainly from memory, long after the events narrated, and that oral traditions, late and destitute of quoted authority, have been preferred by

our historians to accessible contemporary despatches and other written records. I hope that the character of the last Stuart Prince of Wales born in England is here drawn with a measure of truth which has hitherto been withheld—partly from prejudice, partly from lack of many documents now accessible.

The Scottish History Society, meanwhile, has done much admirable work in publishing valuable manuscripts, and my thanks are due to Mr Blaikie, Mr Fitzroy Bell, and others for the 'Itinerary of Prince Charles,' the 'Memorials of Murray of Broughton,' and Bishop Forbes's 'Lyon in Mourning,' while Sir Hubert Jerningham, K.C.M.G., kindly lent me his original manuscript of Captain Daniel's account of his adventures in 1745-46. I owe much to Dr Mackinnon's 'History of the Union between England and Scotland,' and to Mr Scott of St Andrews University for permission to read in MS. some Scottish chapters of his valuable work on commerce. Other debts are acknowledged in the proper places; but I have particularly to thank Miss Josephine MacDonell of Keppoch for her assistance in elucidating certain episodes in the battle of Culloden, and the Rev. John Anderson of the General Register House for his discovery of new and important evidence.

To Anthony Maxtone-Graham, Esq. of Cultoquhey, I must express my grateful thanks for permission to produce his portrait of James VIII. and III., "the Old Pretender." Even the Old Pretender was once young and of a goodly presence.

It would be ungrateful, indeed, not to record my obligations to Miss E. M. Thompson for her transcripts from MSS. in the Record Office and British Museum; to Mr Murray, M.A., St Andrews, for his aid in correcting proof-sheets and references; and to Messrs Maitland Anderson and Smith of the University Library, St Andrews, for their unfailing kindness.

If there is a portion of this work which the author

would more gladly rewrite than another, it is the part which deals with the Reformation. Here tradition has been little checked in her vagaries. For example, my own account of the last days of James V. (i. 455) omits the fact, which I have since ascertained from the MS. *Liber Emptorum*, that James passed nearly a week of his last fortnight at Linlithgow, where his wife was expecting her confinement. He did not desert her till his fatal illness began. I have also found (see i. 459-468) that Arran, while he was accusing Cardinal Beaton of falsehood, as, later, of forgery, was deposing the Archbishop of Glasgow from the Chancellorship, and giving the keys to Beaton. The evidence is in the MS. Register of the Privy Seal. Again (ii. 64), I have left it an open question as to whether Arran (Châtelherault) did or did not write a letter in which he submitted to Francis and Mary. But later researches in French Foreign Office archives and other sources leave me in little or no doubt that the letter (January 25, 1560) was a forgery procured by Mary of Guise (see my 'John Knox and the Reformation,' pp. 280, 281. Longmans: 1905).

Again (ii. 59 and note 63), I was misled as to the contents of Kirkcaldy's letter (July 24, 1560) about the terms of the Treaty of Leith by Mr Joseph Bain's Calendar. The facts will be found in 'John Knox and the Reformation' (pp. 140-150). Calendars are useful for reference, but are not otherwise to be implicitly accepted without reference to the original documents. It is my hope, if ever I have the opportunity, to correct the whole work in the light of such criticisms as commend themselves by their justice and accuracy.

As is usual, new information comes in too late for the author's purpose. Thus, for the history of 1745-46, Kirsch's materials from the Vatican Archives have reached me too late. (*Historisches Jahrbuch*, XXVII. ii., iii. München: 1906.)



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# A HISTORY OF SCOTLAND FROM THE ROMAN OCCUPATION.

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## CHAPTER I.

PARLIAMENTARY AFFAIRS. VICTORY AND DEATH OF DUNDEE.

1689.

WITH occasional exceptions, as under Charles I. (1640-1641), Scotland had hitherto been almost free from the peculiarities of constitutional government. The king, or whatever party chanced to be in power, briskly hurried measures through Parliament by means of the packed Committee called the Lords of the Articles. There had been little debating, and no waste of time in verbal wranglings. On the other hand, when the Convention was declared to be a Parliament by William III. (June 5, 1689), all the elements which make for parliamentary delay were introduced by politicians eager for parliamentary reforms. The leading statesmen may be briefly characterised.

The Privy Council selected by the king included the Duke of Hamilton, who was appointed Royal Commissioner. Hamilton inherited the wayward and unstable character of a house demoralised by long expectancy of the Crown. He was anxious himself to drive time, and especially to avoid the full restoration of the Kirk. The unstable Atholl went to Bath: one of his sons was in prison for Jacobite leanings; another, though inclined to the winning side, was under suspicion. Argyll had military duties

which claimed his attention, and was peculiarly detested by the extreme Whigs. Crawford was appointed President in the Parliament: he was very poor, very presbyterian, and his letters, almost alone among those of the statesmen of the period, are rich in the texts and unctuous style of an older generation. Yet he was not a patron of the Cameronian Remnant. Office and the spoils of office were what he desired. He was on bad terms with Hamilton. The Secretary in Scotland was Melville, raised to an earldom by William. He had been of the Royal side at Bothwell Brig, but found it convenient to go to Holland at the time of the Rye-house Plot. In the correspondence of Melville we find him lectured, warned, and threatened by Polwarth and others.

Polwarth, who had a seat in the Privy Council, was as fond of public speaking, as pragmatic, as much opposed to authority, as he had been when ruining the expedition of Argyll. Sir James Montgomery of Skelmorley, also of the Privy Council, was his parliamentary ally. Both were great in "the Club," a set of malcontents who met in a tavern, arranged their schemes in private, and, as being practically an organised and permanent Committee, commanded the majority of votes. They then spent the first part of the session (June 5 to August 2) in opposing the king, in demanding constitutional privileges for the House, and in threatening to hang the officials whom they most detested, especially these old enemies of Claverhouse, Sir James Dalrymple and his son, Sir John, who was Lord Advocate. The Solicitor-General, Sir William Lockhart, was of course a representative of Government, and an opponent of the Club. In the modern slang of the House, Parliament was guided and dominated by a "cave"—namely, the Club—to which rallied disappointed place-hunters, such as Sir James Montgomery, who, disappointed in his hope of the Secretaryship, soon engaged in a treasonable plot. In Melville's correspondence, which is copious, we meet with the letters of all these men, full of their various humours. The moment when William was not firmly settled on his throne was favourable to agitation, liberal rather than patriotic.<sup>1</sup>

During part of the two months which witnessed the wrangles of the Estates, the castle, under the Duke of Gordon, endured a kind of burlesque siege, and was the centre of trivial conspiracies, exaggerated by Hamilton in hopes of diverting the assailants of prerogative from their attacks on Government. Permission to torture some of the suspected cavaliers was granted, but the thumbscrew



does not seem to have been needed. They had little to confess, and that little they told freely. All this while the great Dundee was moving in the North, but his actions are scarcely touched on in the contemporary correspondence of men absorbed in votes, Bills, Acts, and amendments. The western Whigs, armed and organised, allowed the Cameronian regiment, under Angus, to be recruited from their numbers, not without many searchings of hearts and many pious adjurations to soldiers who were serving an uncovenanted prince. They petitioned the Estates to renew the Covenants and act on the advice of a General Assembly which should, of course, drive out conformist ministers, who were three-fourths of the placed ministers of the country, or more, according to Crawford's reckoning. If a General Assembly were held, these men would not be for pure presbyterial government. Therefore they must first be expelled, and later, this was done on a large scale: meanwhile beginnings were made in individual cases. The country was so far from being Williamite, that the Militia were not to be trusted—that is, the Militia as distinguished from the "fencible men." Of the Acts passed by the Estates at this time, hardly one was "touched" with the sceptre by the Commissioner. They were therefore void, and little need be said about them.

As the affairs of the Kirk had been the chief occasion of the recent discontents, it might have been expected that the new Parliament would have begun by expelling the preachers who conformed to prelacy and refused to read from the pulpit the order of April 13, denouncing James and enjoining prayers for William. But the ardent souls of the Club desired to seize the opportunity of a king still unsettled on his throne, and to bring the Estates up to the constitutional level of the Mother of Parliaments at Westminster.

On June 17 Hamilton communicated his instructions as to the grievance of Lords of the Articles. These, according to the king's wish, should be chosen, eight out of each Estate, *plus* the officers of State. The Estates voted against the inclusion of officers of State, and, when Hamilton would not accept their views, sent a written remonstrance to the king. They wished, in fact, to conduct all business "in plain Parliament," and to be freed from the constraints of the Lords of the Articles. On April 13, 1689, they had voted that "the Committee called the Articles is a great grievance to the nation, and that there ought to be no Committees

of Parliament but such as are freely chosen by the Estates to prepare motions and overtures that are first made in the House." This was a stretch of power which a Scots Parliament had never enjoyed except during the weak years of Charles I. The advanced party were the more anxious to secure these powers, as the Duke of Gordon, on June 13, to the scorn and contempt of James's friends, surrendered Edinburgh Castle. If William was to be pressed by the Club, it could be done with most success before he had overcome armed opposition. "I see plainly," wrote Sir John Dalrymple to Melville the Secretary, "they resolve to necessitate the king to do all things by the advice of the Parliament, and to fall upon any that he shall employ" (such as Dalrymple himself) "without their approbation."<sup>2</sup>

William offered concessions. On June 18, Hamilton, as Royal Commissioner, introduced a Bill, not for abolishing but for regulating the election of the Lords of the Articles. There should be twenty-four members in the Articles, the Lords choosing eight out of their Estate, as also the Barons and Burghs out of theirs. These Lords of the Articles should not prevent the House from considering any matter, even if its consideration had been rejected by the Twenty-four. The Act as to the Articles passed in the first Parliament of the Restoration was to be rescinded, but officers of State were to remain as *ex officio* members of the Articles, over and above the Twenty-four.<sup>3</sup>

The House kept rejecting this compromise, and insisting on a return to the state of affairs as it was in 1640. On June 26 they stated the nature of their objections. A *constant* Committee, like that proposed by William, was "a great grievance." Delay, they said, was in the very nature of the Articles: nothing could be proposed till the Lords of the Articles had first considered it, even though, by the compromise, their decision was not to be final. The compromise fixed the number of members in the Committee, which, it was argued on the other side, ought to be left to the discretion of the House in each case. The House would not acquiesce in the necessary presence of the officers of State in the Committee.<sup>4</sup>

On July 4 Hamilton proposed another compromise, raising the number of members from each Estate to eleven, and permitting monthly or even more frequent re-elections.<sup>5</sup> In the following year the House obtained all its desire, and was a free Parliament for seventeen years, after which it ceased to exist. Hamilton had tried,

vainly, to draw the trail of Kirk reform across that on which the malcontents were in full cry, but he failed (July 10). An attack was now made on Argyll, and on Sir John Dalrymple, for tampering with their instructions when they went to offer the crown to William. Skelmorley also proposed to accuse Sir James Dalrymple of giving the king certain advice,—“*he* will lay it at Lord Melville’s doors, and we shall be quit of both.” Dalrymple was for a dissolution,—“the longer we sit, and the more concessions, the worse.”<sup>6</sup> Bets of five to one were laid that Dalrymple would be sent prisoner to the castle, where the unhappy Balcarres was again immured.<sup>7</sup> By July 13, after some four weeks’ session, no business whatever had been done: how unlike the proceedings of the Reformation convention of 1560! Hamilton (July 13) wrote that without his intervention the layers of odds on Dalrymple’s imprisonment would have won their bets.<sup>8</sup> It is to be remembered that Mr Renwick, the last martyr of the Covenant, had been condemned while Dalrymple was King’s Advocate. Though himself a sufferer under Claverhouse, he was hated by friends of the Covenant, and also by the older noblesse, while his opinion of the clans was so bad that he thought they would earn the £20,000 offered for the head of Dundee, as of old for that of Montrose.<sup>9</sup> William was to find in Dalrymple the most unpopular, if the most unscrupulously serviceable, of his ministers.

The advanced party now challenged the king’s right to nominate judges, and by “stopping the Signet” (practically closing the Great Seal) they delayed administration of judges. Fifteen thousand of the well-organised fighting-men of the Remnant in the West were in arms, under officers of their own choosing.<sup>10</sup> The western Whigs were thought to intend to move on Edinburgh for the laudable purpose of “the quickening of Parliament”: they by no means liked or understood the nature of constitutional delays. Sir James Montgomery (July 23) was showing the teeth of his discontent in a letter to Melville.<sup>11</sup> An Act was passed against the employment in State offices of various unpopular persons, especially such as had served, like the Dalrymples, under the old Government; but Hamilton refused to “touch” it as a token of the Royal assent. Bills were introduced on Church matters: that of Hamilton retained patronage, “a heavy yoke” said Crawford, and forbade the preachers to meddle in affairs of State, “the cause of many confusions and scandalous schisms.” Cardross’s draft abolished patron-

age, and proposed to purge out the disaffected ministers. Neither Bill became law, though the Presbyterian ministers petitioned for the "outing" of conformists. "Outed" ministers of the old *régime* were, however, restored to their parishes. While the Estates were still voting to "stop the Signet" and the course of justice, came tidings first of Killiecrankie, then of the death of Dundee in the arms of victory,—the defeat of Mackay was known long before the consolatory news of the hero's fall,—and Parliament, adjourned on August 2, did not meet again till April.<sup>12</sup>

This Parliament, with its Club, resembled the French Assemblies dominated by the Jacobin Club in the Revolution. It granted no supplies, but that screw had not the force of the same instrument in the hands of the Parliament of England, Scottish supply being insignificant to the English king. The stoppage of justice was dexterously removed by William in November, three of the judges previously on the Bench being appointed as an examining board for the admission of new members. The President, Sir George Lockhart, had been shot in the street by Chiesly of Dalry, father of Lady Grange, later so notorious: he was a desperate man, checked in a course of brutal injustice to his wife. The new President was Sir James Dalrymple, the Coke of Scottish Jurisprudence, a man hated by the extremists, and bearing the burden of that melancholy and mysterious family history which Scott has made immortal in 'The Bride of Lammermoor.' The proceedings of this Parliament, trammelled by the distance from London and the tardiness of communications, as well as by the temper of Polwarth and the Club, indicated, no less than other signs of the times to be later discussed, the necessity of the Union.

During the short session of June 5 to August 2, we find but little in the correspondence of the Scottish Secretary about the movements of Dundee. They were, indeed, in old Scots phrase, a "runabout raid"; Dundee beginning his campaign with but a handful of fifty or sixty horses, riding about the country to raise the clans who had served Montrose, and being pursued by Mackay, who, with mixed and inadequate forces, tried to stop or surround him.<sup>13</sup>

On March 27 Dundee replied to a letter from Hamilton and the Convention, summoning him to lay down arms and appear in Edinburgh. He said that he was living in peace at home, and that the hillmen had not been told to lay down their arms.

His horsemen did not exceed the number allowed by the Convention, and fell far short of Argyll's companions. Livingstone and other friends were known to have left him: he could not, in safety, pass through the country to Edinburgh, nor could he leave his wife "in the state she was in." If undisturbed till her trial was over, he would give parole to be peaceful "in the meantime."

On March 30 Dundee was denounced rebel in Edinburgh, while his commission, from James in Ireland, with a bragging letter from Melfort (March 29), was intercepted. Mackay now sent Sir Thomas Livingstone's dragoons to seize Dundee; the regiment (late Dunmore's) was at heart loyal to James, including Lieutenant-Colonel Livingstone, and sent useful messages to the object of their pursuit. He therefore retreated to his house of Ogilvy, taking his last farewell of his wife. He unfurled the Royal Standard (April 12-15?) on a hill-top outside Dundee, and on April 20 escaped from a surprise planned by Livingstone. Mackay, to prevent Dundee from "playing his personage" among the clans, and fearing that the Gordons would flock to him, ordered the Master of Forbes to use his hostile clan, and bade Atholl call out the Stewarts and Murrays to intercept him. But Stewart of Ballechin, the factor of the Marquis, was loyal, and, whether by connivance of the Atholl family or not, disobeyed the command. The Earl of Mar, too, was expected to be useful, also the chief of the Grants was to hold the fords of Spey. But the Grants (a clan with a strong taste for neutrality) made no speed, and Mar fell ill and died, while Mackay with a small force marched to the town of Dundee. His enemy had traversed the North, had doubled back, and was at Fettercairn on his way to Brechin, but hearing of Mackay's approach he doubled back again. Mackay, in pursuit, met Forbes, whose levies he dismissed as "little like the work," and at Strathbogy heard of Dundee in his neighbourhood. But he also heard, as he moved north after Dundee, who evaded him, of a letter in which the Viscount told the Magistrates of Elgin that he was coming with a contingent of 1000 Macdonalds, whom he had picked up at Inverness. Mackay, "at some nonplus," marched towards Elgin, hoping to be recruited by local levies, but found the country quite devoid of enthusiasm for "deliverance." At Forres he heard that Dundee had vanished from Inverness, and himself marched thither.

Dundee, in fact, when he went north from Fettercairn, had been joined at Castle Gordon by Dunfermline, with some fifty horse. Reaching Inverness, he there found forces less valuable than those which Montrose took over from Colkitto: they were led by Macdonald of Keppoch, who was, says Philip in 'The Græmeid,' *quodlibet in facinus spoliolum impulsus amore*, "a man capable of any crime, if he had a chance of looting." Keppoch happened then to be at Inverness, besieging the town, for the following reasons. Dundee, as he rode home from Edinburgh in March, had met Drummond of Balhaldy at Dunblane, who told him of the confederacy of the usual loyal clans—Camerons, Macleans, Macdonalds. He sent them a message, and as he moved north before Mackay he received their answer. They would "send a detachment to meet him on the borders of the Highlands," and Keppoch was despatched with his men to form this convoy. Macaulay makes the strange statement that Dundee "at this time seems to have known little and cared little about the Highlanders,"<sup>14</sup> and Balcarres says that he did not think of going to the Highlands till Livingstone tried to capture him. Dundee, in fact, could not conceivably be ignorant of the military value of the plaids, and he put himself into communication with Lochiel from the beginning, before he raised the standard.

But Dundee may well have been amazed by the conduct of Keppoch, a rebel to the Stewart as well as to the Orange Government. He found the chief in the act of "holding up" the town of Inverness for ransom, and informed him that he "would be looked on as a common robber."<sup>15</sup> Dundee extricated the town, Keppoch receiving 4000 marks (or £2700 Scots), which Dundee promised to repay—when the king came to his own again! Keppoch, then, in place of acting on Lochiel's orders and joining Dundee, strolled home with his plunder.<sup>16</sup>

Dundee marched to Invergarry, Glengarry's castle on Loch Oich, thence to Badenoch, and, hearing of Mackay's attempts to raise, or rather hound out, the reluctant neutral clans—Forbeses and Grants,—he fixed a tryst for May 18 at Lochiel's house on Loch Arkaig in Lochaber, a country so remote and rugged as to be safe from regular forces. Dundee, leaving Mackay at Inverness, now marched through Badenoch and Atholl, where Ballechin aided him, descended on Perth, and took public money, horses, and prisoners, including the Laird of Blair, who was sent to a remote

western island of the Macleans. Mackay, after fortifying Inverness, attempted to win the Frasers and Mackenzies, or rather to hound them out, according to Lord Tarbet's letters, by force, but he found them rather against him than for him. He therefore ordered General Ramsay, with 600 of the Scoto-Dutch, to come north through Atholl and Badenoch and meet him, lest Dundee with the Camerons should fall on his own flank. But the civil authorities in Edinburgh took a crowd of Dutch fishing-vessels for the French fleet, were alarmed, and detained Ramsay, greatly endangering Mackay. He, by Tarbet's advice, proposed that Government should buy up the Argyll superiorities over the Camerons, Macleans, and other clans for £5000, as he reckoned that these loyalists were really at war with Argyll, not against William. But Government pitched on Campbell of Calder to negotiate this treaty—a Campbell "in whom the Highlanders could not be supposed to repose much trust," says honest Mackay. He himself wrote twice to Lochiel, who scorned to answer. Glengarry, when approached, politely suggested to Mackay that he should follow the example of Monk and procure a Restoration!

Meanwhile Dundee threatened the town of his own titular name, in which Lieutenant-Colonel Livingstone, with his dragoons, kept quiet, being friendly, but unable to join him. Having picked up a few cavaliers, Dundee went back through Atholl, where Ballechin secured the safety of his communications and intercepted the envoys of Mackay to Ramsay and to Edinburgh. From Strath-Tay Dundee led his men by rough paths to Loch Rannoch, and, passing along the north side of that black wind-beaten mere, went by way of Loch Treig-head, north-west, to Glenroy. Many horses were hopelessly bogged, and the author of 'The Græmeid,' with others, tramped on foot, carrying his saddle on his shoulders, "through regions condemned to perpetual frost, and never before trodden by the foot of man or horse. . . . Gladly Lochaber receives the Graham into her bosom. . . ." "Far Lochaber is certainly the world's end!" exclaimed the weary troopers. The Cameron tartan seems then to have been blue and yellow, if we may believe the poet. Dundee summoned the chiefs, Glengarry and the rest, and the fiery cross was sent round. The cross, of old, had been dipped in the blood of a slaughtered goat, but this appears to have been regarded now as pagan, and the cross was painted with red wax.<sup>17</sup>

Meanwhile Mackay, at Inverness, had been disappointed, as we saw, in making a junction with Ramsay, who was marching from Edinburgh. Ramsay, as he went north, found the Atholl men armed: they averred that Dundee lay between him and Mackay, and, when the two Williamite leaders might have joined hands, thinking that there was a lion in his path Ramsay hurried back to Perth. Dundee, knowing Ramsay's movements through despatches intercepted by Ballechin, tried to fall on him in Badenoch; and Mackay, much puzzled, set out to cut between Dundee and the south country. He hoped to surprise the Graham, and actually came within a mile and a half of his strongly situated camp within a wood and marsh, but did not repeat the success of Leslie over Montrose at Philiphaugh. Disappointed, Mackay denounced Tarbet (who was apparently, to judge by his letters, doing his best for a peaceful settlement) and Atholl to the Government. Tarbet was arrested, but after being released went to London, where he and his cousin Melville, the Secretary for Scotland, determined "to lose the General [Mackay], . . . though with him should be lost at the same time the king's service," says Mackay.<sup>18</sup>

That General, now reinforced from England, concentrated in the Grant country, hoping much from the sabres of Livingstone's dragoons on the level "haughs" or plains by the river. It was then a military postulate that Highlanders could not face cavalry, a theory which the clans were to demolish in practice. A deserter or spy from Dundee's camp revealed to Mackay the real intentions of Livingstone's dragoons, which made him uneasy. Dundee now took and burnt the fort of Ruthven held for William in Badenoch,—a fort which later defied Prince Charles in the beginning of the campaign of 1745. The deserter was released, and was able to tell Mackay that his cavalry was in treacherous communication with Dundee, who was within three miles of him. Mackay retreated before an enemy "four times his number," and escaped, "the hand of Providence being very visible."<sup>19</sup> The 'Memoirs of Lochiel' attribute Mackay's escape to the darkness of the night:<sup>20</sup> it was indeed fortunate for the Whig cause, since, if Mackay's little force of 700 had been swallowed up, all Scotland north of Tay would have rallied to King James.<sup>21</sup> It is curious to find the worthy laird of Scourie (Mackay) stopping to moralise, quite in Knox's manner, on the parallel between himself and "Saul, David, and others," whom "God called to a double blessing."<sup>22</sup>



Hurrying away from Dundee south-east, as hard as he could, Mackay was met by reinforcements, under Berkley (Barclay) and Leslie; he at once turned again in the clear long twilight, and meant to encounter the foe from whom he had been flying. This attempt to surprise Dundee at Edenglassie was frustrated by the treachery of some of Livingstone's dragoons. Mackay's force, however, had a ruffle with a detached wandering party of Dundee's,—Macleans, under Lochbuy,—who, surprised by 200 horse, seized a hill and held it with the resolution characteristic of their clan.<sup>23</sup> Mackay and the Lochiel writer give totally contradictory accounts of the losses on both sides, on June 9—a date is welcome!<sup>24</sup> The assailants were some of Livingstone's dubious dragoons: they were true, however, to their salt, and were accompanied by some of Berkley's (Mackay's "Barclay's") horse. Surrounded by the hostile cavalry, the Macleans charged with the claymore and routed the enemy. The author of 'The Græmeid' says that the Macleans stripped the red coats from the fallen English: he himself, being in command of the cavalry outposts of Dundee, led the Macleans, who had lost their way in the dark, to his chief.<sup>25</sup> Dundee now heard from the friendly dragoons that they could not join him, they were too closely watched, and there were rumours that James's son, the Duke of Berwick, was a prisoner. The Viscount now disbanded his Highland levies for the time, the Gordons left him, and he was in bad health. He was presently joined by Clanranald with his Macdonalds, and by Macdonald of Sleat, by some regarded as the head of the Sons of Donald, though Glengarry has probably the best claim to represent the blood of the Isles.\*

Mackay, failing to find Dundee, went to Inverness and disposed of his forces here and there, as seemed best, about the country. But he found that he could not hope to subdue Dundee's guerilla war in the hills. He therefore requested the Government to make and garrison a strong fort at Inverlochry (now Fort William), to bridle the Camerons, Stewarts of Appin, and Macdonalds of Glencoe and Keppoch. After some movements in Braemar he himself went to Edinburgh. But there he found the wrangling Parliamenteers utterly inefficient and indolent; they were rich in pretexts for delay, and, absorbed in their Bills and Clauses and attack and defence of

\* This appears to be proved in 'Vindication of the Clanronald of Glengarry': Edinburgh, 1821. My copy bears the autograph of "Col. Ronaldson M'Donell of Glengarry and Clanronald."

Prerogative, they had not even aided Mackay by sending frigates to cruise on the west coast.<sup>26</sup> At the moment when Dundee nearly overtook Mackay at Edenglassie (when the hand of Providence was so visible to the Scoto-Dutch General), the mischievous Keppoch slipped off with his men, ravaged the lands of Mackintosh, his feudal foe, and burned the house of Dunachton. Dundee, "seeing the country all in a flame, . . . was in a very great rage when he was informed of the authors." He told Keppoch that he would rather be a private in a disciplined force "than command such men as he," and that the chief must pack off. Keppoch made an apology, —he thought Mackintosh was untrue to the cause!<sup>27</sup>

While Mackay, in Edinburgh, was making preparations to secure the great pass from the west Highlands down Strath-Tay, meaning by that road to reach Inverlochy and erect forts to bridle the clans, Dundee had collected an army of 4000 men of the Macleans, Macdonalds, Camerons, and Stewarts, and was in hopes of ammunition and reinforcements from James in Ireland. The delay in sending these supports greatly annoyed the Highlanders, and they had also heard how the Duke of Gordon tamely surrendered Edinburgh Castle (June 13).<sup>28</sup> During the interval of repose Dundee consulted the chiefs as to the propriety of drilling their men and teaching them the modern methods of war, such as Sir James Turner describes in his 'Pallas Armata.' The Lowland gentlemen and the younger chiefs preferred this plan, not so Lochiel. This chief, in youth, had been a ward of the Marquis of Argyll, but had been won over from Covenanting courses by the cruelty of the Presbyterians after Philiphaugh, and by the constancy of their victims, the cavaliers, who were put to death at St Andrews. His interests, also, were naturally opposed to those of his feudal superiors, the Campbells, who had absorbed so many of the weaker clans, and were ready to swallow the Camerons. Lochiel was no rude illiterate chief of the old school, but a man like the great Maclean of Dowart, in the age of James VI., acquainted with courts as well as with camps. He possessed unparalleled strength and vigour; when ninety years of age he had not lost a tooth, and, says a writer who met him in 1716, "he wrung some blood from the point of my fingers with a grasp of his hand." He was not the less respected for stories that he had the second-sight.<sup>29</sup> The sagacious chief was averse to the drilling of the Highlanders, as suggested by Dundee. The natural mode of Highland warfare,

under the chiefs and tacksmen as officers, had been triumphant in the days of Montrose. A few weeks of drill would change the clans into ordinary recruits, whereas their tactics were to charge up to the enemy's line, deliver one volley at a few yards' distance, and rush in with the sword. Lochiel instanced the recent conduct of the Macleans, when they routed Mackay's dragoons, and his advice prevailed with Dundee.

Meanwhile that leader saw a new example of Highland manners. The Grants had hanged two or three Camerons. The Camerons, on this quarrel, marched against the Grants in Glen Urquhart. Among the Grants was a Macdonell of Glengarry's family, who, confiding "in his name and genealogy," bade the Camerons retire. They replied that they respected his name, but did not see why it should protect the king's rebels of another clan. In the fight which followed, the Camerons drove the cattle of the Grants, but unluckily slew this Macdonell. Glengarry, in great anger, appealed to Dundee and demanded satisfaction from Lochiel. Dundee, a Lowlander, could not see how Glengarry had been wronged. If any one had a right to complain, it was himself, for the Camerons had acted without his orders. "On your principles," said Dundee, "if we meet the enemy and kill a Macdonald or two among them, what then?" Glengarry put on an air of bluster; Lochiel's men outnumbered his, he said, but valour would equal the difference in force. Lochiel, who understood his man, only laughed: the chiefs met at dinner in the friendliest way. Glengarry, in fact, had merely been acting a part to keep up his prestige with the clan. Indeed, in Dundee's final battle the Macdonalds resigned their claim to fight always in the right wing of the Royal army.<sup>30</sup> On June 27 (?) or 28 (so the letter is endorsed), Dundee, who had at last heard from James in Ireland, wrote to explain his situation to Melfort, who was, unhappily, with the king. Dundee anxiously hoped for the fall of Derry, then in the agony of its famous siege. He insisted on reinforcements from Ireland: he had received only four or five barrels of ammunition, and, having no money, he dared not go down into the Lowlands where his men would make enemies by looting for a livelihood. "We have not twenty pounds." He assured his correspondent of his friendship, but could not conceal the fact of Melfort's extreme unpopularity with the king's party, though he assured people that Melfort was for universal tolerance in religion. Even if he had

been, his way would have been odious to the Presbyterians. "By some steps that maybe you was forced to make in favour of these ungrateful beasts, the Presbyterians, you gave unhappy umbrage to both the others." On July 7, James, writing from Dublin, said that he was sending—one regiment! About money he said nothing. From Struan, on July 15, Dundee gave Sir Thomas Livingstone news of the fall of Derry, whether he believed in the report or not, and courteously declined to turn his coat and surrender like the Duke of Gordon. "Wherein I can serve you or your family at any time you think convenient you may freely employ me."<sup>31</sup>

Mackay now intended to march from Edinburgh, join hands with Argyll, and scatter the clans in loyal Lochaber. He meant to take 4000 foot, four troops of horse, and four of dragoons—then a kind of mounted infantry. The foot consisted of a battalion from each of his Scoto-Dutch regiments, with the regiments of Viscount Kenmure (who owed Dundee a grudge), and of Leven and Hastings. At Stirling Mackay meant to review some regiments of foot and new levies of cavalry.

But between Stirling and his goal lay the castle of Blair Atholl, commanding Strath-Tay and the Pass of Killiecrankie through the Garry valley. The place belonged to the shifty Marquis of Atholl (of the family of Murray of Tullibardine). Mackay was now informed by the son of the Marquis, Lord Murray, that, contrary to his commands, Stewart of Ballechin, commissioned by Dundee, was fortifying the Castle of Blair in James's interest: Atholl himself was in England, like his descendant during the Forty-Five. Lord Murray was sent by Mackay to Blair to keep his clan neutral: he reported that he had done his best, but that Ballechin was obstinate.<sup>32</sup>

Lord Murray now received three letters from Dundee, which he did not answer, but sent them to Melville in London. He declared that he had done his best for the Williamite cause, by desire of his father, who was still at Bath. It appears that, whoever won, the Atholl family was safe: they would get credit from James for the loyalty of the Atholl Stewarts, if Dundee succeeded; if William were victorious, the Murrays had been kept from joining Dundee. "The Marquis of Atholl," says Macaulay, "was the falsest, the most fickle, the most pusillanimous of mankind,"—so much so, that at Bath he only "pretended to drink the waters."\*

\* Macaulay characteristically styles Ballechin "Ballenach."

Dundee's first letter to Lord Murray (July 19) informs him that "from your own mouth I know your principles," Jacobite; but Lord Murray now had the opposite set of principles. James has publicly promised, says Dundee, "that he will secure the Protestant religion as by law established, and put them in possession of all their privileges,"—since the Restoration,—“which should satisfy the Episcopal and Cavalier party?” (*sic.*) “He promises to all *other* dissenters liberty of conscience, which ought to please the Presbyterians. . . .”

Nothing could possibly be more odious to the Presbyterians than “liberty of conscience,” as Dundee ought to have known. There is to be a general amnesty, he says, except for the subjects who came over from Holland with the usurper William, and those who voted to dethrone the king,—pretty sweeping exceptions! James “cannot alter the clement temper that has ever been found in the family, and has eminently appeared in his person,” writes Dundee quite seriously! He adds, with truth, that he has told Melfort of his unpopularity, has hinted that he should resign, and Melfort will resign, even against the king's desire. On July 23, Dundee, still unanswered, says that he has taken possession of the Castle of Blair, since “I heard the rebels designed to require you to deliver it up to them, which would have forced you to declare before the time I thought you designed.” Murray must, at one time, have been in two minds; however, now he was resolutely Williamite.<sup>33</sup> Balhaldie, in the ‘Memoirs of Lochiel,’ says that Lord Murray in Atholl in July pretended that he would join Dundee, but that Ballechin suspected him, and seized the Castle of Blair before he could garrison it.<sup>34</sup> Mackay now hurried to take that castle which Montrose had held and used as a base all through his year of victory. Thither his western Highlanders came to join him, while the levels of Strathspey afforded supplies. There now began a race between Dundee and Mackay for this place of strength, ever since 1746 shorn of its battlements, but even in that year able to defy Lord George Murray.

Dundee was delayed by waiting for Lochiel to come up. Meanwhile he sent two gentlemen to Lord Murray, from whom (July 25) he still expected loyalty to James. Lord Murray's clansmen, now convinced of his real designs, rushed down to the Tummell, and drank King James's health in water. Ballechin took command of this fine fighting body, who went off and attacked Mackay's

stragglers after Killiecrankie. Mackay met Lord Murray, whom he misdoubted. Murray said that his clan had gone off to put their cattle in security, "which made the General not so apt to judge ill of Murray as others did." Dundee had been joined by Cannon with James's promised regiment, merely 300 new raised, naked, undisciplined Irishmen, who added to the disgust of the clans by bringing news that supplies sent by James had been captured by English ships near Mull. Dundee, however, had won the hearts of his army, half-starved as they were. He reached Blair on July 27, and heard that Mackay had already entered the narrow defile of Killiecrankie. In that Pass, where the railway now runs, under precipitous cliffs, through woods that yield glimpses of the foaming stream of the Garry, the track at that time only permitted three men to march abreast.<sup>35</sup> The question was debated: Should Dundee wait with his slender force at Blair till the mass of the clans came up, or should he advance and attack Mackay? The regular officers were for the former course. Their men were weary and hungry. True, the clans had been victorious under Montrose, but then at first they had only to deal with militia. On the other side Glengarry spoke. He inherited the spirit of the Glengarry of Montrose's time, "as if by the Pythagorean transmigration of souls"; being "more of a politician than an open, frank, and sincere neighbour," says Balhaldie. He was in every rising, "yet he managed matters so that he lost nothing in the event." He was brave, but not socially trustworthy. This chief counselled advance,—the clans should keep on the high ground, far above the Garry. Lochiel had been silent; to him Dundee appealed. He disclaimed knowledge of war; his successes in skirmishes he owed, he said, to the valour of his clan, not to his own skill as a tactician. But he was for instant fight: the men were in good heart, the sole hope was in taking the offensive. It was vain to think of stopping the Pass—Mackay must have emerged from the defile. Dundee's face brightened as he heard Lochiel, with whom he expressed his hearty agreement.<sup>36</sup>

Lochiel had still a word to say. Dundee must not expose himself: on him depended army, king, and country. If the Viscount would not give his promise, Lochiel and his clan would retire. The whole Council applauded the advice of the veteran Cameron, but Dundee implored to be permitted "to give one *shear darg*" (one harvest-day's work) to King James. The clans would look

for no less ; in future he would promise never to risk his person : fatal words, but worthy of Claverhouse. Dundee marched along by the high ground, while Mackay had cleared the Pass and was resting his men in a long wide "haugh," then under corn, on the left bank of the Garry, below the house of Urrard.\* In this wide haugh, hard by the road, is a standing-stone, probably prehistoric, which is often erroneously pointed out to tourists as marking the spot where Dundee fell. The stone certainly bore this character as early as 1735. Above this position is a steep declivity, and crowning it a plateau on which stand the house and gardens of Urrard, then styled Runraurie. Bodies of Highlanders were seen by Mackay on the heights to the south of this plateau, and above

\* Professor Sanford Terry, in his 'John Graham of Claverhouse,' pp. 334, 337, fixes the field of battle farther to the west, between New Mains and Lettoch. I follow the narrative of Donald M'Bain, who was present (Napier, iii. 724). He says, "we drew up at Runraurie" (Urrard), leaving the baggage at the laird's smithy. A well-cut half-moon-shaped shelter trench scoring the round hill front just east of Urrard, above the plateau, seems to lend probability to my opinion.

When looking for the probable position of Dundee, while he was waiting for sunset to make his charge, I observed this trench embracing the semicircular front of the hill : it seems to be of no service for any pastoral, or indeed for any but a military, purpose. If I am right, Dundee must have occupied his men during this long pause in making this shelter from Mackay's feeble light guns. In any case, the Marquis of Tullibardine, who not only knows the ground but, from experience, the nature of war, accepts the Urrard site for the battle, and informs me that on this site relics of the fray have been discovered.

In 'The Scottish Historical Review,' October 1905, Mr A. H. Millar, adopting Professor Sanford Terry's site, quotes verses attributed to Iain Lom Macdonald, "who was with the Jacobite forces" at the battle, as well as at Inverlochy in 1645. The poet speaks of arrows as the missiles of the clans, artillery that would have shocked Dugald Dalgetty. He describes the fight as beginning at sunset, which is true, but hardly "confirms Professor Terry's account of the battle in every particular." The solitary indication of the site of the battle is given in the words—

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

Unluckily we do not know where MacGeorge practised agriculture, nor can the birch copse be identified ; and when we hear that the clans occupied "the crest of the hill," we can only ask "of which hill?" The poem, whoever wrote it, was composed after 1714 : the poet, in the spirit of prophecy, says that King James shall return, and "to Hanover thou shalt go back," "thou" being one of the Georges. Now Iain Lom, the supposed author, died in 1709 or 1710, "aged about ninety" (*op. cit.*, pp. 64, 70). The verses do nothing towards confirming any theory of the site of the battlefield, and, unless interpolated at a later time, cannot be by Iain Lom, "an eye-witness," if he was an eye-witness.

it, where a steep, round, grassy hill is scored with a semicircular trench, perhaps the work of Dundee's men. They had enough time to make it.

Mackay saw that from the plateau of Urrard the clans, if they seized the place, "could force us with their fire in confusion over the river"—the Garry.<sup>37</sup> He caused his men, who now rose into the view of the Highlanders, to occupy the plateau, "where we got a ground fair enough to receive the enemy, but not to attack them," as is evident to all who know the place. Dundee had now occupied the steep hill above Urrard, and had another very steep eminence at his back. As at Flodden, there is a giant staircase of three steps. Dundee occupied the middle, Mackay the lowest step, with a declivity behind him; below it is the haugh, and beyond that the Garry. Mackay, knowing the rapidity of the Highland attack, had abandoned the old plan of sticking the bayonet into the muzzle of the musket, and had invented a mode of fixing bayonets with two rings, so as not to interfere with the discharge of the piece, yet be ready for action against claymore and target. Having marched his men up the steep brae above the haugh, Mackay drew them up three deep, with a space between each little battalion, and a gap in his centre, where he placed his two troops of horse: they would charge through the interval when the Highlanders had delivered their volley, "which, because they keep no rank or file, doth ordinarily little harm."

Hastings' English regiment, with details from others, was on Mackay's right; Balfour's on his left, with deep boggy ground between the two wings, which seems a strange arrangement, as the cavalry was to act in the centre. The General, a brave man but a most entangled writer, was much sniped at by the Highlanders as he arrayed his little army. He made a speech, in one vast and wandering sentence, about what his men owed to the Protestant religion and to their own safety.<sup>38</sup> On Mackay's left was a house, probably that of Urrard; there were also cottages. Of these Mackay might have made a Hougomont, but Dundee occupied the house with 60 of Lochiel's 240 men, who do not appear to have held it long. Mackay's force overlapped Dundee's on each wing, widely as the Viscount spaced out his clan battalions. On his right were the Macleans (to which the Macdonalds seem to have made no demur), then his few Irish, then Clanranald and Glengarry. In the centre was his handful of some 40 cavalry,



very ill horsed. On their left was Lochiel, facing Mackay, and enfiladed by Leven's battalion,<sup>39</sup> while the Macdonalds of Sleat were on the extreme left.

A musketry duel was now engaged in: Mackay's leathern guns made plenty of noise, while the clans set up a shout more cheerful than that of the enemy. From this the second-sighted Lochiel, at once the medicine man and the chief of his clan, drew a favourable omen. Dundee now moved as if to outflank Mackay and cut him off from the Pass of Killiecrankie, by which he expected reinforcements and supplies from Perth. It is stated by the author of the 'Memoirs of Lochiel' that the left wing, Sleat's Macdonalds, were posted by the chief among cottages and garden walls, as cover during the musketry duel, and that, in the general attack, the aide-de-camp did not carry to them their orders, while they were delayed by the nature of their position. Hour after hour went by, Dundee was waiting till the sun sank,—at this time it was blazing in the eyes of the clans. Mackay says that his brother now drove Dundee's skirmishers out of some houses which must have been cotters' hovels clustered about Urrard.

As the sun was touching the western line of hills, Dundee gave the word to charge: the Macdonalds and, according to Mackay, Dundee's handful of horse came down on Hastings, fired their volley, and rushed among the troops with the sword. If this be so, the right and centre behaved gallantly; indeed, through the mist of Mackay's confused verbiage we see one thing, that his infantry gave way all along the line, "was just plying over all, though sooner upon the left, which was not attacked at all, than to the right, because the right of the enemy" (the Macleans) "had not budged from their ground when their left was engaged."<sup>40</sup> The Lochiel writer says the very reverse,—it was Dundee's left, the Macdonalds of Sleat, who charged last, though then "they cut off the regiment which was assigned to them." In any case, the Highlanders, though with heavy loss, carried Mackay's men with them in their rush, slaying on every hand, and hurling them down the narrow Pass above the roaring Garry. But half of Hastings' regiment, on Mackay's extreme right, having been attacked by no enemy, stood firm, as did Leven's, which had enfiladed the Camerons.

Sixteen of Dundee's horse, returning from the pursuit, found these brave regiments on the field, but could gather no force

which would assail them. On the field, too, lay Dundee, still breathing; a bullet had pierced his armour on the lower part of his left side.<sup>41</sup> Where Dundee was really hit is uncertain.<sup>42</sup> Mackay's officers examined his body later, and report that the bullet struck him in the left eye. If so, could he retain consciousness and speak his last reported words? As the gentlemen stood by their dying leader, Leven's regiment scattered them by its fire, and mortally wounded Haliburton of Pitcur, the tallest man of the army. The English infantry, or part of it, now occupied "a gentleman's house," Urrard, and could then not be dislodged.

Two different accounts are given of the manner in which Dundee met his death. He certainly rode first of his cavalry, disappeared into the smoke, and was then seen to rise in his stirrup and wave his men on. But Mackay says that the Jacobite horse charged with the Highland left, the Macdonalds of Sleat; while the Lochiel writer says that Dundee, in the centre, was not within sight of his extreme left.<sup>43</sup> Now Balcarres, in his report to James, represents Dundee as falling in the attempt to induce the Macdonalds of Sleat to follow him. The Lochiel writer, on the other hand, tells us that on the morning of the battle a certain Sir William Wallace, a kinsman of Melfort, produced a commission from James superseding the Earl of Dunfermline, and giving him the command of the cavalry. In the charge, Wallace, from want of courage, or some other reason (to avoid the morass?), wheeled off to the left, and caused a halt and confusion. Dundee, who was ahead of his men, did not know that he was not being followed, till, perceiving the fact, he turned in his saddle and waved on his horse. At this moment he was struck and fell, unperceived by Dunfermline and sixteen cavaliers, who routed the horse of Mackay. Wallace, with the rest, "did not appear until the action was over!"<sup>44</sup>

This appears to be the more probable story, and is given on the authority of some of Dunfermline's sixteen.

Mackay, as he observes, never inquired into details of misconduct, "because they were a little too generally committed." "In the twinkling of an eye," his left, and the enemy, "were out of sight." He collected Hastings' and Leven's men, and, "marching off very softly," crossed the Garry, where it is fordable, under Urrard, and at last made for Strath-Tay, by way of Castle Drummond, retreating to Stirling. The Atholl men accounted for

fugitives down the Pass who escaped from the clans, and if the Highlanders lost six men *on the field* to Mackay's one (as Mackay declares), the proportions of losses were altered in the pursuit. The clans appear to have lost about 600 out of 2000 engaged. The Lochiel author says that the fighting men chased till they could not see friend from foe in the darkness, and that they did not, as some report, delay to spoil Mackay's baggage, which they never set eyes on till late in the following morning.

To the Whigs in Edinburgh the first rumours brought keen anxiety. They expected Dundee to be in Stirling immediately, and Scotland to be his own. But the later news of the Viscount's fall turned their mourning into joy. There is good evidence that a Mr Johnstone heard the words of Dundee when he fell. "How went the day?" he asked. "Well for the king, but I am sorry for your lordship." "It is the less matter for me, seeing the day went well for my master."<sup>45</sup> The great soldier who died for a master so miserable sleeps in the old church of Blair. He had given his "day of shearing darg" to the king, happy in the opportunity of his death. Not even he could restore that prince who from a brave and beautiful lad had sunk, under religious bigotry and the licence of Court life, to be a false poltroon, on whose word no man could rely, in whose mercy none dared trust. We quit the great Dundee with the words put into his mouth by Sir Walter Scott\* ("Old Mortality"): "The memory which the soldier leaves behind him, like the long train of light that follows the sunken sun, *that* is worth caring for. . . ." He has no monument raised by men's hands, but his memory keeps her dwelling in the light of setting suns on the hills of Atholl.

The death of the great Dundee, in the view of both parties, implied the ruin of the Cause. "The next morning the Highland army had more the air of the shattered remains of broken troops than of conquerors." The one man who could act the part of

\* As to Dundee's alleged letter to James, dictated after his wound, Professor Terry (Appendix III.) gives a full account of the problem. The letter is not, of course, a forgery by Macpherson (i. 372). A form of it exists in a contemporary printed broadside, but I differ from Professor Terry as to the relative originality of the broadside and of the manuscript among the Carte Papers in the Bodleian Library. The MS., to myself, seems the prior composition, and is written, though the variations are slight, more in the spirit of Dundee. It seems impossible that Dundee dictated the letter, and yet not very easy to believe that any forger could catch his tone and spirit so successfully.

Montrose, who could control the clans, with the unfailling aid of the wise and venerated Lochiel, was gone. "That melancholy army" was commanded by General Cannon, an ordinary person, without sympathy or imagination. In vain fresh clans joined his forces—Glencoe, 500 Camerons, the Stewarts of Appin, the Stewarts of Atholl. In the braes of Mar they picked up Gordons, Farquharsons, Forbeses, till they numbered 5000 men, lions led by a sheep. The cavaliers of the South, broken reeds, sons of the men who failed Montrose, "were ready," so they said, but vainly waited for Cannon.

Mackay, combating the timidity of the Parliamenteers, who would have abandoned the North, concentrated at Stirling. He was indisposed to use the godly of the West, "whose pretensions appeared already exorbitant enough," but he had the regular Cameronian Regiment, of which the Earl of Angus was colonel.<sup>46</sup> This was fortunate for the Government. Mackay marched promptly on Perth, crossed Tippermuir, the scene of Montrose's first victory, and cut up a party of Cannon's Atholl men who were foraging. He now moved on Aberdeen, while Cannon, in place of descending on the Lowlands, was marching about the Braes of Mar, his men discouraged by the discovery at Perth that they were not invincible and were not capable always of resisting cavalry. On August 17 the Cameronians occupied Dunkeld, on the Tay, against which Cannon was moving with his whole force. But already the chiefs were irritated by the predominance foolishly assigned to the Lowland officers, the error which Dundee had avoided, and by the dilatory proceedings of Cannon in Aberdeenshire. Lochiel withdrew, Sleat withdrew, the army of Cannon was depleted. But the Cameronians were known to have been left without supports in Dunkeld, among people who hated them, and whom they, remembering the ravages of "the Highland Host," equally detested. Cannon had a skirmish with Lanier near Brechin, and then, hearing of the isolated position of the Cameronians, he retired to the hills and prepared to cut them off. At Coupar-Angus, within ten miles of Dunkeld, Lanier heard of the peril of the Cameronians. Three troops of dragoons had been sent by Ramsay to reinforce them, but they retired, in the face of the clans, despite the vigorous remonstrances of Lieutenant-Colonel Cleland. The pretext for the withdrawal of the cavalry was an order of Council, and, according to Sheild,

“the most part of people did say that they” (the Cameronians) “were betrayed, in which the Duke of Hamilton was blamed as having a chief hand.”<sup>47</sup>

The idea, though absurd, may have occurred to the Cameronians themselves, when deserted by the horse and exposed in an open town to the victors of Killiecrankie,—who were no longer 5000 men, but greatly outnumbered the new regiment. But their commander, Cleland, who had seen the back of Claverhouse at Drumclog, was a man of dauntless resolution. He strengthened and occupied with outposts the walls and enclosures, and made his principal point of resistance the church, and Atholl’s town house. On August 21, about seven in the morning, the Highlanders attacked, driving in the outposts, carrying wall after wall, the Macleans foremost. The castle, as Atholl’s house is called, and the old Abbey church, were then assailed. The gallant Cleland fell while encouraging his troops; the Major, Henderson, was mortally wounded. Monro took command, and ammunition was so scarce that lead was stripped from the roofs and cast into bullets during the fray. Macaulay describes the Highlanders as occupying the houses and “keeping up a galling fire from the windows.” The Lochiel narrator says the reverse,—the Highlanders stood exposed in the streets, “and killed them in the windows.” Cannon had no balls for his artillery, and the church and castle had to be taken, if at all, by a *coup de main*. The Cameronians, also in lack of ammunition, were, says the Lochiel writer, on the very point of surrendering when Cannon, “even against his men’s inclinations, commanded them to retire.”<sup>48</sup> The town was on fire, the Cameronians are said to have locked Highlanders up in the blazing houses, but a lock would not keep a door fast against Highland shoulders.

It was a question of “who will pound longest.” The brave Cameronians pounded longest, but we may doubt whether Mackay, and of course Macaulay, are right in attributing want of tenacity to the clans. At Ticonderoga the recall had to be sounded several times before the Highlanders could be dragged from the impenetrable *abattis* of the French. Mackay himself avers that the Highlanders “got a low esteem of the conduct of Cannon,” a thing not to be marvelled at.<sup>49</sup> He states the Highland loss at less than twenty men, as does the Lochiel narrator, who declares that, under cover, the Cameronians feared to expose themselves

while aiming. "Cannon never could bring them to it the second time," says Mackay. The author of 'The Historical Record of the Twenty-sixth or Cameronian Regiment,' on the other hand, puts the Highland losses at 300, and those of the Cameronians at 52 out of 800, whereas the Lochiel narrator states them at 300. Doubtless great courage was shown on both sides, for the Cameronians were raw recruits who had never seen fire, and were vastly outnumbered, but they fought well under the shelter of strong walls, which, if artillery is not used, ought to ensure success. In any case this resistance was decisive. The effect of Killiecrankie was obliterated. Blair Atholl Castle was occupied by Mackay without opposition, the clans disbanded and went home cursing Cannon, and Mackay cantoned his troops near Perth. Had Dundee lived, all the North would have been over the Forth, and Dalrymple says that the old Puritan shire of Fife was not to be trusted. But the death of Dundee, the tenacity of the Cameronians, the imbecility of Cannon, and the courage and conduct of Mackay, had saved the bungling Government, which now returned to its political tasks and difficulties.

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#### NOTES TO CHAPTER I.

- <sup>1</sup> Leven and Melville Papers, 1689-1691: 1843.
- <sup>2</sup> Leven and Melville Papers, p. 68.
- <sup>3</sup> Act. Parl. Scot., ix. Appendix, 123.
- <sup>4</sup> Act. Parl. Scot., ix. Appendix, 128.
- <sup>5</sup> Act. Parl. Scot., ix. Appendix, 132.
- <sup>6</sup> Leven and Melville Papers, p. 151.
- <sup>7</sup> Leven and Melville Papers, p. 166.
- <sup>8</sup> Leven and Melville Papers, p. 170.
- <sup>9</sup> Leven and Melville Papers, p. 193.
- <sup>10</sup> Leven and Melville Papers, pp. 182, 185.
- <sup>11</sup> Leven and Melville Papers, p. 190.
- <sup>12</sup> The History of the Affaires of Scotland, pp. 137-189: London, 1690.
- <sup>13</sup> The authorities are Mackay's Memoirs of the War, &c., 1689-1691: Edinburgh, 1833. Memoirs of Sir Ewen Cameron of Lochiel (Maitland Club, 1842). Viscount Dundee's Letters (Bannatyne Club, 1826). The Græmeid: An Heroic Poem, by James Philip of Almerie close, 1691, edited by the Rev. A. D. Murdoch (Scottish History Society, 1888). Balcarres's Memoirs, 1841 (Bannatyne Club). Act. Parl. Scot., 1689-1695. Macpherson's Original Papers, vol. i., 1775: in-

cludes copies of Nairne MSS. Napier's *Memoirs of Dundee*, vol. iii., 1862. Mackay is perhaps the least lucid of military writers, and revels in a plentiful lack of dates. The *Memoirs of Lochiel*, very pleasantly written, are attributed to Macgregor of Balhaldie, who brought Prince Charles from Rome to France in 1744.\* The *Græmeid*, by a companion of Dundee in the campaign, is a florid Latin epic, well annotated by Mr Murdoch. Brown's *History of the Highland Clans* (1838). The *Despot's Champion* (1889), and other modern works, deal with the campaign. Professor Sandford Terry's *Life of Dundee* (1905) has also been consulted.

<sup>14</sup> Macaulay, iii. 63 : 1860.

<sup>15</sup> *Memoirs of Lochiel*, p. 237.

<sup>16</sup> Dundee's own account. Macpherson, i. 353.

<sup>17</sup> *The Græmeid*, p. 111.

<sup>18</sup> Mackay, p. 25.

<sup>19</sup> Mackay, p. 35.

<sup>20</sup> Cf. *Letters of Viscount Dundee*, p. 60.

<sup>21</sup> *Memoirs of Lochiel*, p. 242.

<sup>22</sup> Mackay, p. 36.

<sup>23</sup> Mackay, pp. 38, 39; Dundee, p. 61; *Memoirs of Lochiel*, p. 245.

<sup>24</sup> *The Græmeid*, p. 211, note 3.

<sup>25</sup> *The Græmeid*, p. 216.

<sup>26</sup> Mackay, pp. 44, 45, 46.

<sup>27</sup> *Memoirs of Lochiel*, pp. 242, 243; *The Græmeid*, p. 180.

<sup>28</sup> MacSweeney's Report, *Letters of Dundee*, p. 63.

<sup>29</sup> *Memoirs of Lochiel*, pp. 24, 25.

<sup>30</sup> *Memoirs of Lochiel*, pp. 250, 255.

<sup>31</sup> *Letters of Viscount Dundee*, pp. 64, 71.

<sup>32</sup> Mackay, pp. 46, 47.

<sup>33</sup> *Letters of Viscount Dundee*, pp. 71-79.

<sup>34</sup> *Memoirs of Lochiel*, p. 255.

<sup>35</sup> *Memoirs of Lochiel*, p. 258.

<sup>36</sup> *Memoirs of Lochiel*, pp. 258, 264.

<sup>37</sup> Mackay, p. 51.

<sup>38</sup> Mackay, pp. 52, 54.

<sup>39</sup> *King's Own Scottish Borderers*.

<sup>40</sup> Mackay, p. 56.

<sup>41</sup> *Memoirs of Lochiel*, p. 269.

<sup>42</sup> See Terry, Appendix ii.

<sup>43</sup> *Memoirs of Lochiel*, p. 273.

<sup>44</sup> *Memoirs of Lochiel*, p. 268.

<sup>45</sup> Act. Parl. Scot., ix. Appendix, p. 56.

<sup>46</sup> Mackay, p. 63.

<sup>47</sup> *Faithful Contendings*, p. 413.

<sup>48</sup> *Memoirs of Lochiel*, pp. 286, 288.

<sup>49</sup> Mackay, p. 70.

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\* John Macgregor, son of a daughter of Lochiel (*History of the Clan Gregor*, ii. 294. 1901).

## CHAPTER II.

PARLIAMENTARY AND ECCLESIASTICAL SETTLEMENT.  
MASSACRE OF GLENCOE.

1689.

EVERY vice of treachery and greed which Thucydides ascribes to the influence of Revolution was now displayed by the prominent politicians of Scotland. The desires of the Club might, in themselves, be even applauded. They professed to wish for modern constitutional Government, not ignobly, if prematurely, and they won it for a few years. But the private designs of several of their leaders were mere self-seeking, notably in the case of Skelmorley, as Sir James Montgomery is usually styled. By a reversal to the methods of Charles II., William, as soon as Parliament adjourned, issued a proclamation, forbidding the lieges to leave Scotland and go with their grievances to the new king. Ross, Annandale, and Polwarth, "the heads of the Mobile," that is, of the mob,<sup>1</sup> were recalcitrant. They agitated in the country, framing an address which was signed by most of the barons and burghs,—the Provost of Aberdeen signed when he was drunk. They tried to bring the Westland Whigs to Edinburgh, by way of a "demonstration," and the Cameronian regiment, three weeks before its gallant stand at Dunkeld, mutinied for pay.<sup>2</sup> Polwarth told Lockhart that matters would never mend in Scotland till it came to throat-cutting. They desired a Republic, in Lockhart's opinion: place, and revenge on the detested Dalrymples, was what they really desired. By September, multitudes of all parties had flocked to Court to bewilder the king. The egregious Crawford outdid the preachers and prophets in the quoting of texts. "I dare not question but that God hath begun to put His feet in our waters, and that He will not



draw in His arm, which He hath bared, until He make His enemies His footstool, . . . that He will find out carpenters to fray all these horns which push at His ark, and that in due time He will level all these mountains that are in Zerubbabel's way." <sup>3</sup>

Meanwhile he was evicting many scores of conformist ministers on the information of their parishioners, which caused sympathy and excitement in the breasts of English Churchmen. The evicted said that they were punished for being Episcopal; the other party averred that they suffered for purely political causes,—they would not pray for the new king and queen. The lists of the expelled show that Episcopal conformity was strong in St Andrews, in Fife, and in Teviotdale. A Cockburn at Ormiston did not match the Presbyterian ardour of his ancestors at the Reformation. Dundee and Perth ministers were conformist: they had preached with joy on Dundee's fatal victory, were tried, and were acquitted, which is curious.<sup>4</sup> There was nearly as clean a sweep made of conformists now as in 1638, as great an extrusion as of Presbyterians under the Restoration. The most marked results of these troubles were, perhaps, the pamphlet styled 'Scots Presbyterian Eloquence,' the replies to that, and a crowd of other tracts. The defenders of the Kirk argued that Sheild's notorious works were as anti-Presbyterian as anti-Episcopalian: Sheild represented, of course, the extreme left wing, semi-detached, of the Presbyterians. "'The Hind let Loose' was never the standard of our principles, nor approved by our party," says the Kirk's defender.<sup>5</sup>

These paper bullets of the brain flew about in a later strife. Meanwhile Crawford and his party were sorely exercised by fears that William, moved by Burnet, now Bishop of Salisbury, would be too lenient to Episcopalians.<sup>6</sup> In September, Polwarth carried to Court the Address manufactured by the Club.<sup>7</sup> Polwarth was to return to Scotland in a milder mood; not so Ross, Annandale, and Montgomery. A Vindication of the Address was written by Fergusson the Plotter, who, merely for love of plotting, it seems, had turned the coat he wore under Monmouth and sided with the Jacobites. This pamphlet was excessively vexatious to William, and Annandale, Ross, and Sir James Montgomery saw that they had hopelessly lost the Royal favour. In August 1690 Annandale betrayed his associates, and his confession tells the story of their doings during the adjournment of the Estates. Montgomery proposed, he said, that they should apply to their rightful king over

the water, "who, no doubt, would give us what preferments and employments we pleased,"—a very appropriate argument. Montgomery drew up a Commission for Annandale himself as Royal Commissioner to a Parliament under James, with fantastic instructions; and they plotted with Nevile Payne, one Simpson, and Williamson, to have these papers conveyed to James for signature. Simpson was a double spy, employed by Bentinck (Earl of Portland) for William, and he came and went with information from both parties to their enemies. Montgomery's brother betrayed Montgomery's intrigue to Burnet, and Williamson was seized at Dover. This may have been a blind to secure the safe departure of Simpson, who carried the papers for James to France, while nothing was found on Williamson. At all events, thus matters turned out, and the younger Montgomery was reconciled to the Church and is out of the story. James took the bait of the conspirators, very foolishly; Burnet was laughed at; and stories of Jacobite plots were ridiculed.<sup>8</sup>

Annandale and Montgomery then returned to Scotland, hoping to blend all the discontented into a majority against William. Obstruction and a forced dissolution was their plan, and as William again and again adjourned Parliament, the discontents increased. But though details were still unknown, the general lines of the plot did not escape the Presbyterians, who could trust nobody much, but trusted Melville, who in 1690 succeeded Hamilton as Commissioner, more than they relied on Montgomery<sup>9</sup> and King James. Among the Articles signed by James was an exception of Burnet, Melville, Mackay, Sir John Dalrymple, and two others, from a general amnesty. Atholl, Arran, Breadalbane, Balcarres, and other gentlemen were "peached" by Annandale as cognisant of his conspiracy, but "all of them did exceedingly blame us," he says, "for thinking that it was possible to do King James's business in a Parliamentary way,"—the natural mistake of such constitutional zealots. To have kidnapped William would have been far more romantic and quite as feasible. Yet we must, in fairness, confess that these intriguers were in advance of their age, and recognised the beauties of Parliamentary obstruction as a means of obtaining office.

The leaders of the Club, when they met at Edinburgh in January 1690, made a *volte-face*, and took up the cause of the expelled and impoverished Episcopalians.<sup>10</sup> Montgomery went to Hamilton, to the Duke, hoping, no doubt, to win that waverer. The representa-

tives of Government placed all their hopes on a visit of William to Scotland, and on a "half-dress" coronation, as nobody could afford full-dress robes. But William was no more crowned at Scone than James had been. The English Parliament was about to sit, and the Dutch monarch never found time to visit his kingdom of Scotland. The Club gave out that Parliament would never meet; but William, in fact, was determined that the Scottish House should not sit while the English Parliament was sitting, for sympathy would be excited at Westminster with the Scottish Episcopalians. Hamilton was suspected of treating with the wild western Whigs, because he engaged some Cameronian gardeners!

The Government, reckoning up votes in February, thought themselves almost secure of a small majority, in which they were not to be disappointed, for Polwarth had deserted the Club and, in February, was corresponding with the king. "The Club is now broken to pieces," wrote Dalrymple. On February 25 William gave his instructions to Melville as Commissioner. He was to "touch" and pass the Acts of 1689 for restoring Presbyterian preachers to their kirks. He was to abolish Patronage, which was against William's wishes, as an interference with men's property. He was to settle the question of Church Government.<sup>11</sup> A beginning was made of Breadalbane's plan to buy up the clans. William showed clearly his desire that General Assemblies should be convoked by the authority of the State, not called together by the preachers whenever they wished to agitate.<sup>12</sup>

Meanwhile Montgomery was working at the impossible task of uniting the Jacobites and the constitutional extremists on the basis of hatred of Melville, of the Dalrymples, and of the nominations of judges in the Court of Session. He would have a Habeas Corpus Act, and freedom of speech in Parliament, which do not read like violent demands. He was also for abolishing the Royal Supremacy and restoring the Kirk as in her palmyest days, the notion being that, if William would not make, James would promise, these concessions. Supplies would be refused, the army would disband, and the clans would come down on the country. The Jacobites had scruples about taking the parliamentary oaths; but some did risk their souls, others kept out of the way. The Government created six votes—in an ingenious way: they spent the secret service money granted by William for that purpose, and they met Parliament. Crawford made a speech about

Nehemiah and Ezra, and the first contest was over a disputed election. The six votes made "by dividing the office of Clerk Register into six" just furnished a majority of that number. Several Jacobites stood aloof, others joined the party which had the majority, the rest "made a miserable figure" as they listened to Dalrymple and Montgomery "scolding like watermen." Montgomery was for none of a Dutch sort of Presbyterianism "called Erastianism," but for the Kirk in the glory of 1648, and this found favour, says Balcarres.<sup>13</sup>

The Supremacy Act and the Act restoring outed preachers were touched and passed on April 25.<sup>14</sup> The Lords of the Articles, these venerable grievances, were abolished at last, and Parliaments were to choose committees of equal numbers from each Estate, *plus* officers of State who might debate, but might not vote, unless they were, by election, of the Committee of the Lords.<sup>15</sup> With a sensible relief we say farewell to the old Lords of the Articles, who facilitated the despatch of business, but deprived "plain Parliament" of the constitutional development which now advanced so rapidly that, by 1707, members of the Scots Parliament had little to learn from the House of Commons at Westminster.

On May 26 the Estates fixed the national creed. The Westminster Confession was read,—there it stands in the Acts of Parliament; but the Catechisms were left out,—“the House grew restive and impatient, and could stand out no longer,” says a pamphleteer.<sup>16</sup>

There was now a short adjournment (May 30 to June 4). During the interval Montgomery received “a great black box with papers,” from James in Ireland. Annandale, Arran, Ross, and Montgomery opened it, took out some documents which they did not wish Balcarres and the genuine Jacobites to see, sealed up the envelopes afresh, and summoned Linlithgow, Balcarres, and Breadalbane. Annandale assured them that the seals had not been tampered with, so it appeared strange that they bore his own seal. The Jacobites and the Club traitors now understood each other, and “never were men in greater confusion than all of us,” for the Jacobites found that the traitors had got from William all the best that James could promise, and that they had aimed at a constitutional revolution. The Jacobite commissions were burned: for the defeat, by Sir Thomas Livingstone, of a small Highland force, surprised in their sleep at Cromdale Haughs, on May 1, had already damped the more romantic hopes

of the friends of King James. The imbecility of the Jacobites as conspirators was thus made plain to the world, and it was left to Annandale, Montgomery, and Ross to betray their associates with various circumstances of ignominy. While the Kirk, after the brief adjournment, was being restored, shorn of the Covenant and of civil penalties attending excommunication, Ross and Montgomery were trying to save their heads by babbling to Melville about their Jacobite intrigues. "What a parcel of rogues in a nation!"<sup>17</sup>

The Estates met again to fix the model of the new Presbyterian Establishment. William had communicated his ideas to Melville. The Act, as drafted, styled Presbyterian Government "the only Government of Christ's Church in this Kingdom." William preferred "the Government of the Church in this Kingdom established by law." He asked for secure power to his Privy Council; Synods and General Assemblies might meet when they pleased, provided that they first applied to him or the Privy Council, "and have his allowance accordingly." A Royal Commissioner should always be present, with power to stop any roamings into matters "relating to the Civil Government": the Commissioner must refer these to the Privy Council. William again expressed his scruples about infringing rights of patronage, while declaring vacant the parishes of the rabbled ministers. For Episcopalians who took the Oath of Allegiance he desired the indulgence extended to Dissenters in England.<sup>18</sup>

The Act as passed restored the Kirk as in 1592. It was to be organised and instituted by the survivors of the preachers outed in 1661; only sixty of them ("The Sixty Bishops") still survived. The benefices of the conformists outed before April 1689 and of those outed for not obeying the proclamation that they should pray for the new king and queen were declared vacant. The Sixty, with any helpers whom they might select, were to do the purging of inefficient, scandalous, and erroneous preachers.<sup>19</sup> All this new settlement was as Erastian as the decree of Parliament for a Thanksgiving Day for the battle of the Boyne, and for monthly fasts during the king's absence in Ireland. If to appoint holidays, as for August 5 and May 29, was the sin of Uzziah, then sinful were the Parliamentary feasts and fasts.<sup>20</sup>

On July 19 an Act rescinded certain Acts as "useless or hurtful." Among these were "*All Acts enjoining civil pains upon sentences of Excommunication.*"<sup>21</sup> This was a joyful day. "The excommunicat-

ory fever," as Erastus called it, which broke out under Knox in May 1559, was for ever cured: the preachers might bind and loose what they would, or could, in heaven, but though they might vex men with excommunication of a spiritual sort, they could no longer compel the State to ruin them on earth. Nothing at all was said about the Covenant, that solemn oath binding on all generations. The Cameronians and various dissenters later might renew it as often as they pleased, but the thing was practically dead.

The victory of the Boyne, the confessions of Ross—who was put into the Tower—and of Annandale (August 31) who was the most explicit of these traitors, and the establishment of a strong fortress at Inverlochy—where Colonel Hill commanded, reduced the hopes of the Jacobites. Ferguson and Cochrane (of Argyll's expedition) were taken in England, but could not be extradited to Scotland and tortured, as Carstares had been, and as William desired.<sup>22</sup> The pair were discharged.<sup>23</sup> But Nevile Payne, an English playwright and conspirator, had been taken in Scotland, and was to be, probably, the last victim of judicial torture (witches apart) in that country,—though it was in 1690 intended to torture one Mure or Ker for child murder.<sup>24</sup> The list of questions put to Payne (who is said to have been a country gentleman, and is confused by Macaulay with another Payne, a friend of Coleman, who was executed at the beginning of the Popish Plot) was drawn up in August. It was hoped that he would incriminate English accessories to Montgomery's conspiracy and throw light on dealings with France. In England, Mary herself examined the shamefaced caitiffs, who "mumbled" their avowals.<sup>25</sup> Payne was not tormented till December 10, "gently," and next day, for two hours, "with all the severity that was consistent with humanity," says the Bible-loving Crawford, who could only suppose that the victim was sustained by his religion—Catholic. "My stomach is truly so far out of tune by being a witness to an act so far cross to my natural temper, that I am fitter for rest than anything else," wrote Crawford. Several of the Council objected to the cruelty, and withdrew. Payne was never proved guilty, but was kept a prisoner to the end of his days, some ten years later.<sup>26</sup> He had been thought a coward by Lockhart: he proved himself to be no less courageous than Mitchell and Mackail of the Covenanting party.

The Government, when the Estates rose, looked forward nervously to "losing in the General Assembly of October what they had gained in Parliament."<sup>27</sup> Lord Carmichael, a man of sense, was to be Royal Commissioner. Hints were given to the Assembly that their sitting should be brief. Melville warned Kirkton, the historian of the sufferings, that moderation was indispensable, and he appealed in the same sense to Gilbert Rule, Fraser of Brae, and "Dainty Davy," Mr David Williamson, famous in song for an adventure in which his alleged presence of mind, when in hiding from the dragoons, extorted the applause of Charles II. If the new Assembly played the old game of resistance to the State, the Church party in the English Parliament might, by way of reprisals, refuse supply.<sup>28</sup> The king himself, in a letter to the Assembly, insisted that they should be moderate.

At this period the long strain of persecution by the two last Stuart kings had done its work. The old irreconcilable temper was broken; the old impossible claims of the Covenant were dropped. Crawford had spoken about Nehemiah, and Ezra, and the rebuilding of the Temple, but this rebuilding did not match that of 1638. Among the "outed" survivors of 1661, the remnant of the former generation, were Protestors who had warred with Resolutioners, Resolutioners who had wrangled with Protestors. Gaunt and grey they met, and there was a moment when it seemed as if they would renew their ancient bickerings, but time had tamed them, and common-sense was heard. Now there was present in the Assembly no crowd of enthusiastic ruffians, such as Baillie describes in 1638, come to behold and applaud the fall of the prelatial Jericho. The brethren kept out all who were not of their own party, however, "forbidding the keepers of the doors to admit any without a leaden ticket in the shape of a heart." Not now was the Royal Commissioner (like Hamilton in 1638) in fear for his liberty and even of his life. The Commissioner, and Kennedy the Moderator, did not quarrel about the Kirk's right or the king's right to appoint times of meeting. They agreed, apparently, on the momentous dates in private; Carmichael then appointed the time, and Kennedy, "without taking notice of what the Commissioner had done, himself adjourned them to the same time," as is still the practice. One day when Cunningham was acting as Moderator he asked the Commissioner what the next day of meeting should be, and then "corrected himself in his prayer."

After acknowledging the Founder of Christianity as the Supreme Head and Governor of the Church, he is said to have added, "Thou knowest, O Lord, that when we own any other it is only for Decency's sake."<sup>29</sup>

Carstares—"Cardinal Carstares," as he was called—had come down from London. William's Scottish adviser—a man both wise and pawky,—he kept all in fair order, while allowing scandalous and inefficient and erroneous Episcopalians to be tried and deprived on what they declared to be trivial charges and tainted evidence. The party in power were more anxious to empty Episcopal pulpits than careful about how they were to be filled again. But the outed conformists were not picturesque, and their cause has never been popular. They did not go about in armed conventicles, they had not the chance, though in the North there were places where their flocks backed them *vi et armis*. They never murdered a Moderator on Magus Muir. In Edinburgh they held their quiet meetings, where they did what they had not dared to do publicly under the Restoration,—they used the English Prayer-Book. That noble and beautiful Liturgy thus stole back into Scotland, under the shadow of persecution, affording to a little flock a shelter against the absurdities which too often accompany "conceived prayers,"<sup>30</sup> unpremeditated petitions.

When the Assembly appointed a day of fasting for "defections," the friend of Leighton, Charteris, told his flock that "the defection has not been from the truth, or from the fundamental articles of the Christian faith, but from the life of God and the power of religion, and from the temper and conversation which the Gospel requires in us." As to Episcopacy, that was no defection: defection lay in "a factious, schismatical, and uncharitable temper."<sup>31</sup>

"The Societies," Cameronians, observed the whole of these tame proceedings with sorrow, and sent five men with an address to the Moderator and Assembly. Three zealots—Lining, Boyd, and Sheild, author of 'The Hind let Loose,' and chaplain of the Cameronian regiment—now came in and were reconciled to the Kirk. A long paper exonerating their consciences as to the grounds of defection was not publicly read, being thought to contain injurious and uncharitable reflections; a shorter paper, with their reasons for coming in, was accepted.<sup>32</sup> The five deputies requested the Assembly, in very becoming terms, to read the longer paper, which represented their ideas about all manner of sins com-



mited in compromising with the ungodly. They had never meant to separate from the reformed covenanted Church, but only from the defections of many of her members. Schism on one side, sinful union on the other, were Scylla and Charybdis—an expression which they did not employ. In addition to past backslidings, the Covenants (like the hobby-horse,) “were forgot,” “not mentioned by many.” The king and queen, they said, had not been warned of “the guilt and danger of tampering with and patronising Prelacy in England and Ireland.” The five envoys were promised some satisfaction in a proclamation for a General Fast, but did not like it when they got it. Sheild, Lining, and Boyd were regarded with disfavour by Cameronian extremists,—tampering with these three men had been sinful, “a step of defection, and cause of mourning”; Cleland, who fell at Dunkeld, was unpleasantly spoken of; the raising of the Cameronian regiment was looked on as sinful and scandalous. No better were owning of civil courts, and payment of cess “for the maintenance of the Prince and Princess of Orange, now become the head of the Malignants, Prelatics, Indulged, Toleratists, and Sectarians in these lands.”<sup>33</sup>

Meanwhile the Cameronians had no ordained minister; how they at last obtained one is told later. Their extreme ideas were expressed, till far into the eighteenth century, in the declarations of the Cameronian party and in the dying confessions of eminent saints. The Remnant were so adverse to “the idolatrous occupants upon the throne” that the Jacobites often had hopes of an alliance with the Cameronians. But the anachronism of the Covenant, with its associated ideas, tended to become a mere sentiment, and is still dear even to many members of the “cauld-ribe and Erastian establishment.” One joyous task was left to the Sixty Bishops: they thoroughly purged the garner of scandalous and erroneous ministers, who, naturally, were as a rule conformists. The purging was resisted in some parts of the country north of Tay. William had not been allowed to carry the amendments in the Act which he suggested in May: patronage, in spite of the king, had been abolished (July 19); the purgers of the Kirk were not subjected to the approval of the Privy Council; Episcopalians taking the Oath of Allegiance were not “indulged” like Dissenters in England; and Christ’s Church was not delimited as “the Government of the Church in this Kingdom established by law.”

Melville gave his reasons for failure on these points.<sup>34</sup> He ceased to be Commissioner in 1691.

The results of the General Assembly, it is plain, were not, and could not be, agreeable to William. Some compensation for abolished patronages was assigned, but was very seldom paid or even demanded. The mode of electing preachers was not absolutely democratic; but as patronage, unluckily, was restored in the following reign, the details of the method practised in the brief interval are explained later. The universities, especially St Andrews, suffered loss of scholars relatively distinguished, and Edinburgh lost Dr Gregory in Mathematics, Mr Douglas in Oriental Languages. After 1690 there was an interruption in the meetings of the Assembly, and we return to secular affairs.

The surprise which scattered the Highlanders at the haughs of Cromdale had hurt them little, save by the loss of Lowland officers whom they did not want. The Lowland officers of Dundee, as all the world knows, reaped undying honour in French service, especially when they captured and held "the Island of the Scots." The story, in Aytoun's verse, is familiar to most schoolboys. Among these eighty gentlemen only six bear Highland names.<sup>35</sup>

By October 22, 1690, Tarbet could tell Melville that though the Highlanders had practically suffered no losses by the sword, the methods of Colonel Hill, commanding in the new fort at Inverlochy, had "broken their combination."<sup>36</sup> While an English officer commanded a fortress and garrison at Inverlochy, the Macdonalds, Camerons, and Stewarts could not entirely trust each other. By December 18, Lochiel, Sleat, and Keppoch were reported as being ready to come in, but not Glengarry. Tarbet wanted to satisfy them with money, for they were dangerous, being as fit as ever to wage a guerilla war or to join in a French invasion.<sup>37</sup> No less than £10,000 would be well spent if it staved off a new campaign. Tarbet still wrote to Melville, who found, at the end of 1690, that he had lost William's favour, perhaps because of his concessions to Presbytery, but the reason is doubtful. Meanwhile Hill, commanding at Inverlochy, was in May 1691 ordered to use severity, and force the Highlanders to come in; but he was old, he knew the difficulties, his garrison was ill paid, and he did not love his task.<sup>38</sup> The Government wavered in its resolution, and Hill was not driven to a mountain campaign against the clans.

The Appin and Glencoe men (June 3, 1691) professed readiness to take the oaths at Inveraray, the Earl of Argyll being their feudal superior.<sup>39</sup> In June, Breadalbane (Campbell of Glenurchy) was entrusted with the task of reconciliation. At heart probably a Jacobite, he had doubled in and out among the plots and betrayals, but as a near neighbour of the predatory Macdonalds and Camerons it was his private interest to secure peace and quietness among them. Hill "expected more hurt than good" from his interference. Lochiel, Breadalbane's cousin, knew him better than he trusted him, and regarded the gold "in a chest at London," destined to pacify the clans, as likely to remain in Breadalbane's possession. None the less, in the end of June some chiefs met, as an agent for William, the peer whom they knew best as an agent for James. Breadalbane had arrived and seen some chiefs by June 26. On June 30, at Achallader, Buchan, commanding for James, and Barclay, signed a truce to last till October 1, and so, says Breadalbane, did the Chiefs. But there appear to have been "Private Articles," secret clauses. The truce was only to hold if there were no invasion or general rising, and if James approved. If William and Mary refuse the terms as publicly announced, Breadalbane is to join the insurgents with 1000 men, which "he promises both on oath and honour"! The document was sent to James.<sup>40</sup> If this document be genuine, and two copies were presented to the Privy Council,—one from Livingstone, one from a nephew of General Buchan,<sup>41</sup>—Breadalbane was playing a double part, and this charge was brought against him, though it was rejected by Dalrymple and William.<sup>42</sup>

All this time William was abroad, in Flanders, campaigning, accompanied by Sir John Dalrymple, and to Flanders went letters in which Hill spoke his mind about Breadalbane, who was not ignorant of this fact.<sup>43</sup> Livingstone, too (August 4), had spoken very freely of Breadalbane's methods.<sup>44</sup> But William accepted the truce (August 27), either not knowing about or not believing in the secret clauses. He offered indemnity to all who came in by January 1, 1692; others would underlie the utmost extremity of the law.<sup>45</sup> By the end of October, Hill reported that the Highlanders "would not settle with my Lord Breadalbane upon any account; . . . he is, saving his title, no better man than some of themselves."<sup>46</sup> There was, indeed, an appearance of failure in Breadalbane's negotiations, as we learn from the letters which Sir

John Dalrymple, now Master of Stair, and in constant attendance on William, wrote to the Earl from camps in Flanders or from town. But the clans felt the weight of the proclamation issued in August, offering terms to all who came in before January 1, 1692. The alternative was fire and sword, and they were too disunited to resist. Who knew what his neighbour was doing? In March 1690 William had commissioned Tarbet to offer as much as £2000, and any title under an earldom, to Sleat, Dowart, Lochiel, Glengarry, Clanranald, or the uncle of Seaforth, if they would come in.<sup>47</sup> They all remained honourably free from titles, and probably Breadalbane offered none. Still, on one side was money, and King James's permission to treat; on the other was war to the knife.

Macaulay supposed that Dalrymple was throughout averse to reconciling the clans—that his eager desire was even to crush them, once for all; but it is clear, from Dalrymple's letter to Breadalbane (Approbiac (*sic*), June 15/23, 1691), that he would have much preferred to see Breadalbane successful.<sup>48</sup> Dalrymple persevered in this strain, and refused to believe the charges of double dealing against Breadalbane. "The best cure of all these matters is that the chiefs do take it [the oath] as quickly as can be" (September 18/28). From London, on November 24, Dalrymple wrote that he had not heard from Breadalbane since October 10, and feared that a conference with the chiefs had been unsuccessful. On December 2 Dalrymple foresaw ruin to the clans if they were obdurate, but that ruin would bring "no advantage" to Breadalbane and his friends. Lochiel, "your doited cousin," was giving trouble: "I think the clan Donell must be rooted out, and Lochiel."

The terms to "root out" and "extirpate" appear from their use in former proclamations against clans, by the native kings, not to mean *extermination*, but the reducing of a clan with lands and a chief to the position of "a broken clan," landless and chiefless. The Macgregors, with their "name that is nameless by day," are an example of a clan "rooted out." "To destroy them by fire and sword," said the Parliamentary Commission which investigated the Glencoe Massacre in 1695, "is the actual style of our commissions against intercommuned rebels."<sup>49</sup> The Commission distinguished this old traditional kind of proceeding from the "barbarous murder" which was actually committed. "Leave the Macleans

to Argyll," says Dalrymple on December 2. Macleans and Macdonalds, in Kintyre, had often been "left to Argyll"; it was the regular process, much like our modern "punishment" of some barbarous tribe in the dark places of the Empire. The plan was a "survival," in 1691, but it was perfectly recognised as legal, and did not at all imply "extirpation" in the sense of "extermination." To execute the process on the great clans Donald and Cameron was, however, a really impossible extension of what might be tried on the Macleans in their island of Mull, but, in December, Dalrymple's letter shows that Breadalbane meant to make the attempt. Dalrymple's scheme of reconciliation was not a mere bribery of the chiefs; ancient feudal claims of superiority by Argyll, old grounds of many a sanguinary feud, were to be regulated under any scheme. Argyll, as well as the chiefs, must consent; if not, "that destroys all that is good in the settlement, which is, to take away grounds of hereditary feuds" (December 3).

Macaulay perceived that Dalrymple's aim, thus expressed, was thoroughly statesmanlike, but avers that "to the last moment he continued to flatter himself that the rebels would be obstinate. . . ." <sup>50</sup> This is certainly incorrect up to December 3; Dalrymple would have preferred a peaceful settlement. But failing that, then Breadalbane's "scheme of mauling them" must be undertaken "with no delay." If the "scheme of mauling" means merely "a punitive expedition," it was in order, though planned on an impossibly extensive scale. The great clans could not be cooped up and massacred, like the MacIans of Glencoe, who dwelt in a valley four miles long, hemmed in by perpendicular cliffs, with rare passes, easily manned,—such is the local situation in Glencoe. Buchan's and Leven's regiments, with petards and guns, were, by the first plan, to take and garrison Glengarry's castle on Loch Oich, an operation of war. "Therefore look on, and you shall be satisfied of your revenge." <sup>51</sup> Of the whole state of things William was duly informed. Tarbet had discoursed the king on all these matters "*of the settlement,*" and William certainly consented to the regular and usual alternative of "a punitive expedition." <sup>52</sup>

This was barbarous, but not more barbarous than what was done when even the shellfish on the western shores were destroyed by Cumberland's soldiers in 1746.

However, as December 31 approached, the last day for taking the oaths, the clans, except Glencoe and Glengarry, did come in

and take the oaths, after Breadalbane had returned unsuccessful to London, bringing back the money, according to Burnet, though really he had not the money to bring! What money he had spent was his own.<sup>53</sup> \* On January 7, 1692, Dalrymple wrote from London to Livingstone. All of Lochiel's lands and those of Keppoch, Glengarry, Appin, and Glencoe, he said, were to be destroyed: if the clans were obstinate, no prisoners were to be taken. The weather would make the work hard for the soldiers, "but it's the only time they [the Highlanders] cannot escape you, for human constitution cannot endure to be now long out of houses."<sup>54</sup> On January 9, however, it was understood in London that all the clans had taken the oaths. Dalrymple now wrote to Livingstone, on receiving his "flying packet" with this news, "I am sorry that Keppoch and MacIan of Glencoe are safe," for he had heard that Glencoe and others had submitted at Inveraray. Probably Hill, at Inverlochy, had told Livingstone that Glengarry had started for Inveraray to take the oaths, and Livingstone had inferred that he arrived in time, by December 31.<sup>55</sup> By January 11 doubts arose, and William sent orders to Livingstone to attack Glengarry and Glenmoriston, if still recalcitrant.<sup>56</sup> Dalrymple on January 11 still believed that MacIan of Glencoe was safe.

But on that very day, later, and as he was writing, he learned from Argyll that MacIan of Glencoe had not taken the oath. Argyll, doubtless, had news from his place, Inveraray, that MacIan had arrived too late, and had not taken the oaths till January 6. This was sharp work for the post of the period, but how else could Argyll have the information that the oaths had not been taken—in time? Ardkinglas, his kinsman, the Sheriff of Argyll, would send him an express. "At this news I rejoice," wrote Dalrymple, as soon as he heard it; "it's a great work of charity to be exact in rooting out that damnable sect [sept, probably], the worst in all the Highlands."<sup>57</sup>

MacIan was the chief of that "sept" of Clan Donald which occupied the famous strath of the Coe or Coan. The name does not mean "the valley of weeping," as has been supposed, but probably signifies "the narrow glen." A stream, the Coe, flows through a bleak upland moor, broad enough, till it comes be-

\* The traditional slander that Breadalbane helped himself to the money is unfounded.

tween the perpendicular cliffs wherein the tall narrow black portal of Ossian's Cave is remarked on the left hand, and the even more unapproachable rock called "the Chancellor" dominates the right, a haunt to this day of the fox and the eagle. The burn then flows through the shallow and swampy lochan, Loch Triachatan, where there was a cluster of cottages—a *clachan*; while on the left lies a deep narrow chasm, often tenanted in these old days by cattle raided from the lands of Breadalbane. The burn thence sweeps along, receiving at an elbow, on the left, a tributary—here was the village of Achnacon; then, through a wooded glen, it passes another village, Inverrigan. Between bushy slopes and grassy knowes the water reached the levels by the sea (Loch Leven), where the chief dwelt at his house of Carnoch, unless he chanced to be at Achnacon. The main part of the village of Glencoe to-day lies beneath a knoll where a graceful cross, erected by the last Macdonald of Glencoe, commemorates the massacre: cottages thenceforward line the road to Ballachulish on the sea levels.

The population, in 1692, dwelt mainly at Achtriachatan, Inverrigan, Achnacon, and hard by Carnoch. If the mouth of the pass by the sea, the ascent past Achtriachatan to the Moor of Rannoch, and the pass of the glen at Achnacon, were held by soldiers, all way of escape was barred by cliffs that few men could hope to climb—the wall of Bidean nam Bidan.

Such was the narrow domain of MacIan, an old man, but of great influence among the clans, and a foe of Breadalbane. There had been a stormy scene between the two chiefs when Breadalbane met the clans at Achallader in July, and MacIan's sons were told by him, at that place and time, that Breadalbane had threatened "to do him a mischief."<sup>58</sup>

MacIan therefore had his warning, but it was not till "about the end of December" that he went to Inverlochy (Fort William), across the hills, some twelve miles north, and asked Colonel Hill to administer the oath. In summer, as we saw, his clan were ready to swear at Inveraray, where there was the sheriff; but the road thither in winter was long and extremely difficult, though trodden by the Macdonalds under Montrose.

Colonel Hill, a good-natured man, hurried MacIan from Fort William to Inveraray, with a letter bidding Campbell of Ardkinglas receive this wandering sheep. MacIan was now thoroughly fright-

ened: he crossed Loch Leven, and did not even rest at his house of Carnoch. He was stopped for twenty-four hours at Barcaldine by Captain Drummond, and reached Inveraray about January 3, 1692; but the weather was such that Ardkinglas, the sheriff, for three days could not join him. Ardkinglas scrupled about administering the oath, but was moved by the tears of MacIan, on January 6. The certificate, with Hill's letter, was despatched to Colin Campbell, Sheriff-Clerk of Argyll, in Edinburgh, with a request that he would reply as to whether the submission was accepted. A Judge, a Writer to the Signet, and the Clerk of the Privy Council, Sir Gilbert Elliot, all testified that they saw the submission, undeleted. The Clerks of the Council, however, not knowing whether they should receive it, had consulted the Judge, Lord Aberuchil, asking him to advise with some Privy Councillors. He did so, and they, especially Lord Stair (Dalrymple's father, not named by Aberuchil in his deposition), said that without the king's warrant the document was useless, and Colin Campbell ran his pen through it, and gave it to Moncreif, Clerk of Council. Dalrymple, in London, does not seem to have been consulted, and it does not appear that the matter was laid before the Privy Council in Edinburgh.<sup>59</sup> It seems to be by error that Mr Hill Burton says that the deleting of the submission, "if not done by Dalrymple's own hand, was done to fulfil his views." Dalrymple was not in Edinburgh (perhaps his father is meant?), nor is there any evidence that the paper was sent to London.<sup>60</sup>

MacIan went back to his glen thinking that all was well. On January 16 William signed a letter to Sir Thomas Livingstone, commanding in the Highlands. The Jacobite generals, Buchan and Cannon, he said, had passes to go to Leith and to the Netherlands. Glengarry and his clan might take the oaths in Livingstone's presence if they gave up the castle. Their lives would be safe; for their estates they must trust to the king's mercy. If the Castle of Invergarry were too strong to be taken, then Glengarry, on handing it over and taking the oath, was to receive "an entire indemnity for life and fortune." It would be better that "they should be obliged to render upon mercy," as they had outstayed the date of December 31, 1691, but if the castle could not be reduced, then absolute indemnity should be offered.

He went on: "If MacIan of Glencoe and that tribe can be well separated from the rest, it will be a proper vindication of



public justice to extirpate that sect of thieves." A duplicate was sent to Hill, at Inverlochy.<sup>61</sup> Now, in London, Dalrymple, we saw, on January 9 had heard that MacIan had taken the oaths at Inveraray. On January 11 we saw he heard from Argyll that MacIan had *not* taken the oaths. Probably he had learned that the oaths were taken too late, like those of Glengarry, and he saw his chance. William must have known whatever it was that Dalrymple knew, and he signed the order to "extirpate that sect of thieves." In all probability William merely meant to send "a punitive expedition," wishing, as Dalrymple wrote on January 16, that "the thieving tribe of Glencoe may be rooted out in earnest."<sup>62</sup> But did William know the deadly earnestness of Dalrymple's purpose? On January 16 Dalrymple wrote to tell Hill that Argyll and Breadalbane had promised to hem off fugitives into their bounds, that "the passes to Rannoch, &c. [&c. meaning Lochaber], would be secured, and that a party at Island Stalker [the castle on an isle off Appin] must cut them off"; while to flee by boat across Loch Leven left the MacIans to the mercy of the garrison at Inverlochy, and of Argyll's men in Keppoch, now told off to assist the garrison there.

If William knew these details, he knew that the scheme did not mean "uprooting" the MacIans, in the sense of driving them away,—a broken clan,—but aimed at *absolute extermination*. Such were Dalrymple's orders of January 16, January 30.<sup>63</sup> Not a cranny was to be left open to the fugitives. The MacIans were to be taken and slain in a net which had not one broken mesh. Did William know? He never would punish his instruments; the rest is between himself and his Maker. Be it observed that for Dalrymple's plan, as it stood on January 30, no domestic treachery was necessary, no acceptance of Highland hospitality, to be repaid by "the felon steel." The mere disposition of the forces, and an onslaught *by day*, were all that Dalrymple needed for the success of his scheme of absolute extermination. His officers acted in the dark of night, on a system of unheard-of treachery, but happily blundered in its execution. When William, later, gave Dalrymple (by that time Viscount Stair, and expelled from office) a general indemnity, he stated that Dalrymple, being in London, knew nothing of "the manner of execution," which "was contrary to the laws of humanity and hospitality." That was true, but Dalrymple's own strategy meant absolute extermina-

tion, and nothing short of that, though he did not suggest an onfall by treachery. The glen was to be netted, and no prisoners were to be taken. The guilt of that resolve lies on Dalrymple's memory, and the memory of William must take its chance.

As for the actual assassins, Hill, who could scarcely help himself except by sending in his papers, left the command of his part of the forces to Lieutenant-Colonel Hamilton. He was apprised by Livingstone, from Edinburgh (January 23), that "the order is positive to me from Court not to spare any of them" who came in after December 31. "Do not trouble the Government with prisoners." If Claverhouse had written thus, we may imagine the virtuous indignation of the Historic Muse.<sup>64</sup> At Court, by this time, it was known that MacIan had taken the oaths, but too late.

Campbell of Glenlyon commanded the 120 men who peacefully entered Glencoe and were billeted in the cottages on February 1. Old MacIan's son, Alexander, had married a niece of Glenlyon, and the military party drank, dined, and played cards at the houses of the chief and his sons, whose throats they were determined to cut.

On February 12 Hill gave his Lieutenant-Colonel, Hamilton, written orders to march with 400 of the Inverlochy garrison to Glencoe, where 400 of Argyll's regiment, under Major Duncanson, would aid them in executing Livingstone's orders. Hamilton communicated this command to Duncanson. All were to be at their posts by 5 A.M. on the following day, Duncanson watching the southern exits, and especially taking care "that the old fox nor none of his cubs get away." All boats were to be moored on the northern side of the narrow ferry of Ballachulish. Duncanson, on February 12, conveyed the orders to Glenlyon. No man under seventy was to be spared. The massacre was to begin by 5 A.M. whether Duncanson had arrived or not. "This is by the king's special command, . . . that these miscreants be cut off, root and branch." Duncanson's message had only to travel some four miles, from Ballachulish to Glenlyon in Glencoe.

According to the tradition of the glen, the cottars and soldiers were taking part in some sports in the afternoon of February 12, in a field near the monumental cross of to-day. A large boulder stands there erect, and one of the soldiers, slapping it with his open hand, said—

“Thou grey stone of the glen,  
 Though great is thy right to be in it,  
 If thou but knewest what is to happen this night,  
 Thou wouldst not abide here.”

Some clansmen are said to have acted on this warning. (The original is in Gaelic verse.\*)

At five in the morning of February 13 Lieutenant Lindsay with a few soldiers roused MacIan, were admitted, shot the chief, and stripped Lady Glencoe's rings from her fingers with their teeth! Two or three men were shot. Soldiers called to young Glencoe before dawn, and he slipped up to Inverrigan, where Glenlyon was quartered. He and his men were arming, and explained that they were going to set out against the Glengarry-Macdonalds. Had mischief been meant, Glenlyon said that he would have warned the husband of his niece. Young Glencoe went back to bed, his servant again roused him, he saw twenty soldiers approaching with fixed bayonets, took to the hill, and heard the shots at Achnacon, where Achintriachatan and four others were killed. He was then joined by his brother Alexander, and now the sounds of shooting at Inverrigan reached their ears. At Inverrigan nine men were caught, bound, and shot. Captain Drummond prevented Glenlyon from sparing a lad of twenty; a boy who pitifully implored mercy of Glenlyon was done to death; a child's hand was found lying loose,—for the child the foxes and eagles may have accounted. Three or four women perished by sword or shot, the houses were burned, and about 1000 head of cattle and horses were driven away.

But Hamilton, who now came down from the upper end of the glen to stop the passes, had moved too late, and failed to keep tryst. The glen therefore was not netted, and probably not more than twenty-five or thirty persons died by shot or steel. The blundering Hamilton arrived in full daylight, to find blackened huts, corpses lying across the doorways, and a survivor of the age of eighty, whom he shot. Probably some of the weaker fugitives died of cold and hunger. We hear of no resistance, except in local tradition, which points out a field as the burying-place of two or three soldiers.

On the 5th of March Dalrymple writes to Hill: “There is much

\* “The Massacre of Glencoe,” Melven. This is an excellent account of the topography, and a good criticism of the whole affair.

talk of it here that they are murdered in their beds after they had taken the allegiance; for the last, I know nothing of it. I am sure neither you nor anybody empowered to treat or give indemnity did give him the oath, and to take it from anybody else after the date [diet] elapsed did import nothing. All I regret is that any of the sect got away, and there is necessity to prosecute them to the utmost."<sup>65</sup> But this cruel man was disappointed. On October 3 Hill received the Glencoe men into peace.<sup>66</sup>

Though the affair was known in London on March 5, it was unnoticed by the news-sheets. 'The Paris Gazette,' in April, published a brief but fairly accurate account of the massacre of Glenlyon, dated Edinburgh, March 22, 1692; it was erroneously said that two of MacIan's sons were slain. The Whig story was that MacIan had been taken in an ambuscade, sword in hand. In April 1692 a printed letter told the tale: for some apologetic reason Macaulay tries to make out that this paper was of 1693.

On March 6 William went to his glorious wars, and the affair does not seem to have interested him in any degree. But the soldiers said that MacIan "hangs about Glenlyon night and day, —you may see him on his face." Dalrymple had expressed his mortification at the failure of his strategy; and it is not matter of marvel that Claverhouse, who knew the man, greatly disliked Dalrymple. In later years a Stair is said to have paid a man to murder James's son, the Chevalier de St George, at Avignon, —a fact of which there is but shadowy evidence.<sup>67</sup>

By way of relief to the black tragedy of Glencoe, there occurred a very gay and gallant feat of arms by four young cavaliers. At Cromdale Haughs Livingstone took, in the night surprise, four officers of Dundee, —Middleton, Haliburton, Roy, and Dunbar, names worthy to be remembered. They were placed in the fortress on the island rock of the Bass, "a solid mass of trap" which stands sheer out of the sea, the counterpart of North Berwick Law on the mainland. Except for a rocky shelf on which the ruins of the fortress and prison stand, and the grassy top of the Bass, all is perpendicular cliff, beaten on by every wind that blows and haunted by innumerable sea-birds. On this rock had been imprisoned many of the saints of the Covenant, including the prophet, Mr Peden; Mitchell, who shot the wrong bishop when aiming at Sharp; Mr Blackader, and others. Here Peden was visited by an angelic form; here he predicted the end of a lass, who was pres-

ently reft from her lover's side by a gust of storm and carried down by the wind to the sea. The prisons of the Bass, which had rung with psalmody, heard a different sort of singing soon after the cavaliers were lodged therein.

On June 16, 1691, the sergeant commanding in the Bass sent his garrison, as was usual, down to the shelf of rock which constituted the landing-place, with orders to take in a cargo of coal. He then, according to Livingstone, released Roy, Middleton, Haliburton, and Dunbar, who overcame the solitary sentry, trained the guns on the soldiers below, and offered them their choice of standing fire or taking passage in the collier to Edinburgh. They preferred the latter alternative, and for nearly three years, till June 1694, the cavaliers kept flying the flag of King James.<sup>68</sup> The dauntless four men were joined by other adventurous blades. They were provisioned by two French men-of-war; and, as they had two boats, they raided far and near, seizing sheep that were pastured on the Isle of May.

There was something very heartsome, as the Scottish say, in this adventure. The little garrison made prize of several passing ships, and drove off two English frigates, one of sixty, one of fifty guns, with shattered sails and rigging. They were provisioned by help of a Mr Trotter, who, unfortunately, was taken and hanged opposite the Bass. The garrison disturbed the ceremony with their guns, but Trotter had to suffer. Meanwhile warships watched the rock so closely that in June 1694 the cavaliers sent in a flag of truce. They received the Government's negotiators well, entertained them with French wine and dainties, hoarded for the purpose; stationed dummy figures of soldiers on the higher walls, and altogether made so brave a show that their unprecedented terms of surrender were accepted. They departed with all the honours of war, with an absolute indemnity, and with whatever they had taken as prize, while all their abettors were pardoned. This splendid close to their gallant feat they owed to their courage and address; for of their number not only Trotter, but a Captain Middleton (not the cavalier of that name who commanded on the rock for King James) and two others, were taken and were condemned, but seem not to have been executed.<sup>69</sup>

The affair of the Bass probably gave William little uneasiness, and the Massacre of Glencoe gave him no uneasiness at all, till public opinion later called for an inquiry. What did concern him

was the reviving spirit of unrest among the Presbyterians, and the anomalous and melancholy condition of the lately conformist clergy, as represented to him by the Rev. Dr Canaries. Carstares and men of his moderate opinions were nervous about the next meeting of the General Assembly. The Kirk had a legal right to a yearly Assembly: that of 1691 had been adjourned, and the next Assembly met on January 15, 1692. It was, apart from justice and Christian charity, in the interest of William that the late Episcopal incumbents, if they took oaths of allegiance, should remain in their parishes and be represented in the Assembly. This was the one way of winning them from Jacobitism, and of preventing them from arousing dangerous sympathy among churchmen in England. But the Assembly of 1692, consisting of but 170 members, was not in a placable temper. In the Kirk were many ministers much in sympathy with the Cameronians, though not inclined to abandon their cures and go out into the wilderness. These men were found not so much among the aged "sufferers" as in the new generation.

Polwarth, now Lord Polwarth, and *rallié* to the Government, wrote to Portland (January 26, 1692), "The Assembly is a set of men much younger and hotter-spirited than the last was." The lay members from the western shires were youthful and zealous. After three weeks they had not satisfied the king's desire "by receiving such conformists to prelacy as are orthodox, free of scandal, &c." The Committees were eager to make strait the way of return into the fold. On February 13, 1693, the Commissioner, Lothian, dissolved the Assembly. The Moderator wanted to speak, but Lothian said that he could only now be heard as a private person. The Moderator asked him to appoint a day for the next meeting. Lothian said that the king would do so when he chose. The Moderator, Crichton, "a man of a somewhat violent character," says Polwarth, asserted that "the office-bearers in the House of God have a spiritual intrinsic power from Jesus Christ, the only Head of the Church, to meet in Assemblies about the affairs thereof," and he named a day, August, the third Wednesday, 1693.<sup>70</sup>

The Assembly, however, did not meet, even in the scanty form of the Assembly of Aberdeen under James VI. The declaration which would have satisfied William on the part of the Episcopal clergy only set forth that they "will submit to the Presbyterial form of Government"; it did not say that no other form of Church

Government was genuine, though the conformists were to accept the Confession of Faith and the Catechisms. If admitted, they would have been in a majority, and it was not in nature that the Presbyterians should welcome them.

The Estates met on April 18, 1693, under a Commissioner ungrateful to the Presbyterians, Hamilton, now reconciled to William again. He had heartily opposed the sanction given earlier to the rabblings of curates executed by the Brethren after the Revolution. New violence was done on May 19 to the Presbyterian and Jacobite consciences. Ministers were to take the oaths of allegiance and acknowledge William and Mary as king and queen *de jure*. What right had the State to impose obligations, good enough for Highland chiefs, on ministers of the Gospel as a condition of office, without the consent or command of the courts ecclesiastical? The conformists were also hit (June 12) by an Act for "settling the quiet and peace of the Church," a body which has seldom evinced an inclination to be peaceful and quiet, especially in obedience to the dictates of the State. A General Assembly was also summoned, by secular authority, for the following year, and members of the Assembly who did not come in within a month were to be deprived of their livings,—deposed by lay authority.<sup>71</sup> Some of the English Presbyterians, in a letter to their Scottish brethren, declared that the Bill "threatened Presbytery in Scotland with a fatal blow." Grub thinks their letter a Jacobite forgery; if so, it is a good and amusing one. The Kirk, says the letter, was "wounded in a most sensible manner," as it was taken for granted by the State that there was "no Assembly in being." The Bill aimed at "the extinguishing rather than the calling of General Assemblies," at "ruining you with the present and rendering you infamous to all future generations." "The Church shall be miserably enslaved, and ministers necessitated to juggle with almighty God by oath." The preachers were obliged in duty to "assert a king-dethroning principle," the principle dear to Knox and George Buchanan. Was William king by blood, election, or conquest? No mortal could say. William was hostile, and it was now the interest of James to support the Kirk. Even Episcopalians in England were often nonjurors, much more should pure Presbyterians refuse the oaths. William's advisers "would gladly see all Churches and their discipline destroyed."<sup>72</sup> Apparently these English Presbyterians preferred a chastened James to an exuberant William. But were the writers English Presby-

terians? They well understood the old Presbyterian mode of expression, whoever they were.\*

The new Assembly, summoned by the king for December 6, 1693, was adjourned to March 29, 1694, Lord Carmichael being Commissioner. Government had given in, the oath of allegiance was not imposed, yet Bible-loving Crawford had approved of the oaths.<sup>73</sup> Of what were William's advisers afraid? The Presbyterians could hardly become Jacobites! But the times were ticklish, and the Government quailed. There is a well-known story that Carmichael sent a flying packet to William advising submission, while the preachers sent an appeal to Carstares. He was out of town, and came to Kensington after Dalrymple, a stern young man, and Tarbet had persuaded William to be resolute. The king's despatch was written, sealed, and in the hands of the messenger. Carstares took it from the man. It was now late at night; he disturbed William in bed, and said "he had come to ask for his life," since he had interfered with the messenger. The king was angry, but listened. Carstares explained that his Ministers had succeeded in uniting Presbyterians and Jacobites, and that the king by cancelling his despatch would win the hearts of the Presbyterians. William saw the point; he bade Carstares burn his letters and write others of the opposite tendency.<sup>74</sup>

The Assembly, thus happily escaped from peril, met in a complacent humour both towards convertible conformists and Cameronian malcontents. They did convert a few Episcopal ministers, and one or two others were deprived. In 1695 many were allowed, by Act of the Estates, to hold their parishes, though they could not take a share in Church Government: 1116 now came in.<sup>75</sup> On the whole the Episcopal party tended to dwindle, the Bishops had no Sees, and the clergy became more and more the tutors in Jacobite families, as of the Earl Marischal, and the repositories of Jacobite principles, while the Cameronians clung to the Covenant and were a people apart.

\* The author regards this letter as a clever Jacobite piece of irony.



## NOTES TO CHAPTER II.

- <sup>1</sup> Lockhart to Melville, Leven and Melville Papers, pp. 232, 233.  
<sup>2</sup> Leven and Melville Papers, pp. 238, 239, 245, 246, 295.  
<sup>3</sup> Leven and Melville Papers, p. 259.  
<sup>4</sup> Scots Episcopal Innocence, 1694.  
<sup>5</sup> A Continuation of the Answer to the Scots Presbyterian Eloquence, p. 34 :  
1693.  
<sup>6</sup> Leven and Melville Papers, pp. 296, 297.  
<sup>7</sup> Leven and Melville Papers, p. 293.  
<sup>8</sup> Burnet, iv. 60-66.  
<sup>9</sup> Annandale's Confession, August 14, 1690 ; Leven and Melville Papers, pp.  
506-509.  
<sup>10</sup> Leven and Melville Papers, p. 380.  
<sup>11</sup> Leven and Melville Papers, p. 414.  
<sup>12</sup> Leven and Melville Papers, p. 430.  
<sup>13</sup> Balcarres, Memoirs, p. 60.  
<sup>14</sup> Act. Parl. Scot., ix. 110, 111.  
<sup>15</sup> Act. Parl. Scot., ix. 113.  
<sup>16</sup> Hill Burton, vii. 431. Note 1.  
<sup>17</sup> Balcarres, Memoirs, pp. 61-64.  
<sup>18</sup> Leven and Melville Papers, pp. 437, 438.  
<sup>19</sup> Act. Parl. Scot., ix. 133, 134.  
<sup>20</sup> Act. Parl. Scot., ix. 170.  
<sup>21</sup> Act. Parl. Scot., ix. 198, 199.  
<sup>22</sup> William to Melville, June 9, 1690.  
<sup>23</sup> Ferguson the Plotter, pp. 284, 285.  
<sup>24</sup> Act. Parl. Scot., ix. 191.  
<sup>25</sup> Leven and Melville Papers, pp. 523-525.  
<sup>26</sup> Leven and Melville Papers, pp. 582, 583.  
<sup>27</sup> Crawford to Melville, Oct. 9, 1690 ; Leven and Melville Papers, p. 539.  
<sup>28</sup> Crawford to Melville, Oct. 9, 1690 ; Leven and Melville Papers, pp.  
541-544.  
<sup>29</sup> An Historical Relation of the Late General Assembly, p. 23 : 1691.  
<sup>30</sup> Monro in Grub, Ecclesiastical History of Scotland, iii. 319, 320.  
<sup>31</sup> Grub, Ecclesiastical History of Scotland, iii. 325-327.  
<sup>32</sup> An Historical Relation of the Late General Assembly, pp. 36, 37.  
<sup>33</sup> Faithful Contendings, pp. 448, 488.  
<sup>34</sup> Leven and Melville Papers, pp. xxiv-xxvii. Note.  
<sup>35</sup> Memoirs of the Lord Viscount Dundee, by an Officer of the Army : 1714.  
<sup>36</sup> Leven and Melville Papers, p. 553.  
<sup>37</sup> Leven and Melville Papers, p. 585.  
<sup>38</sup> Leven and Melville Papers, p. 613.  
<sup>39</sup> Leven and Melville Papers, p. 618.  
<sup>40</sup> Highland Papers, Maitland Club, p. 22 ; Culloden Papers, pp. 18, 19.  
<sup>41</sup> Highland Papers, p. 40.  
<sup>42</sup> Highland Papers, p. 45.  
<sup>43</sup> Leven and Melville Papers, p. 647.

- <sup>44</sup> Highland Papers, p. 28.
- <sup>45</sup> Highland Papers, pp. 35, 37.
- <sup>46</sup> Leven and Melville Papers, pp. 649, 650.
- <sup>47</sup> Leven and Melville Papers, pp. 422, 423.
- <sup>48</sup> Sir John Dalrymple, *Memoirs of Great Britain and Ireland*, ii. 210: 1773.
- <sup>49</sup> State Trials, xiii. 904.
- <sup>50</sup> Macaulay, iii. 520-522.
- <sup>51</sup> Dalrymple, ii. 216, 217.
- <sup>52</sup> Report of the Glencoe Commission, 1695.
- <sup>53</sup> Highland Papers, pp. 55, 56.
- <sup>54</sup> Highland Papers, pp. 57, 58.
- <sup>55</sup> Highland Papers, pp. 58, 59.
- <sup>56</sup> Highland Papers, pp. 60, 63.
- <sup>57</sup> Highland Papers, p. 62.
- <sup>58</sup> State Trials, xiii. 897; Highland Papers, p. 101.
- <sup>59</sup> State Trials, xiii. 898-900.
- <sup>60</sup> Hill Burton, vii. 402.
- <sup>61</sup> Highland Papers, p. 65.
- <sup>62</sup> Highland Papers, p. 66.
- <sup>63</sup> Highland Papers, pp. 60-71.
- <sup>64</sup> Highland Papers, p. 69.
- <sup>65</sup> Highland Papers, p. 75.
- <sup>66</sup> Highland Papers, pp. 85, 86.
- <sup>67</sup> Gualterio MSS., Add. MSS. British Museum, 20. 311, f. 342. Mr Paget's *Paradoxes and Puzzles*, pp. 32-76, contains a good account of Glencoe, in criticism of Macaulay. See also *A Letter from a Gentleman in Scotland*, April 20, 1692; and Gallienus Redivivus, in *Memoirs of Dundee*, 1714.
- <sup>68</sup> Leven and Melville Papers, p. 622.
- <sup>69</sup> State Trials, xiii. 843, 878; *Memoirs of the Rev. John Blackader*, Appendix; *The Siege of the Bass*, in *Memoirs of the Lord Viscount Dundee*, 1714.
- <sup>70</sup> Marchmont Papers, iii. 401-407; Grub, *Ecclesiastical History of Scotland*, iii. 328, 331.
- <sup>71</sup> Act. Parl. Scot., ix. 262-264, 303.
- <sup>72</sup> M'Cormick, *Carstares*, pp. 51-57.
- <sup>73</sup> Secretary Johnston to Carstares, May 19, 1693; M'Cormick, *Carstares*, p. 179.
- <sup>74</sup> M'Cormick, *Carstares*, pp. 58, 62. Hill Burton and Grub doubt this family story, told by M'Cormick, grandnephew of Carstares. Principal Story defends it (William Carstares, p. 235). Probably the influence of Carstares prevailed, whether in picturesque circumstances or not. Grub, *Ecclesiastical History of Scotland*, iii. 333, Note 1. Hill Burton thinks the story a Märchen,—“these beggings for life after a bold act are a common State anecdote, repeated in all ages and nations.” The begging for life is almost certainly a myth.
- <sup>75</sup> M'Cormick, *Carstares*, p. 263; Ogilvy to Carstares, Oct. 26, 1695.

## CHAPTER III.

THE EAST INDIA COMPANY. THE DARIEN DISASTER.

1693-1702.

THE blood of the MacIans had cried from the earth, vocal in Jacobite pamphlets, and in the mouths of the countless enemies of Dalrymple. In 1693 William had been induced to commission Hamilton and others to inquire into the matter, but the death of Hamilton was the cause or excuse for delay. When the Estates met, in May 1695, as William was starting for the Continent, they were gratified by the receipt of a Latin document appointing a commission of inquiry, under Tweeddale the Commissioner, Annandale the traitor, Cockburn of Ormiston, and several of the judges.<sup>1</sup> Political and religious prejudice apart, and despite the indifference of Lowlanders to whatever was done in the Highlands, "murder under trust" was the last crime that the country could overlook or forgive. On June 10, also, it was determined to try Breadalbane for treason, in connection with his negotiations for peace in the Highlands, the charge which William and Dalrymple had scorned.<sup>2</sup> Whatever the methods of Breadalbane had been, peace had followed, partly in consequence of the defeat of James's French allies at La Hogue. On June 14, and on later days, the report of the Glencoe Commission was demanded; on June 20 the commissioners informed the House that it was ready, but "in decency" must first be sent to the king. But, judging from a letter of Argyll to Carstares, the delay was only for three days:<sup>3</sup> it may be remarked that Carstares has left no expression of his own opinion of the massacre. The report was read on June 24. The House, as we shall see, cleared the character of the king; and, whether as a reward or not, the Bill for the founding of the

Scottish East India Company, generally known in connection with the ruinous Darien expedition, was introduced on June 26.<sup>4</sup> The Glencoe report stated, with precision, the events as we have already described them, giving special attention to the evidence of MacIan's sons as to the threats of Breadalbane in July 1691 and to Dalrymple's letters. There was also evidence from officers of Hill's regiment, two of whom, in a pamphlet of 1692, are said to be in prison at Glasgow for having refused to take part in the crime. The officers cited were Major Forbes and Lieutenants Francis Farquhar and Gilbert Kennedy: the two last may have been the honourable men, alluded to by the pamphleteer, who would not share in the crime.

The Commission decided (1) that "a great wrong" was done in not presenting MacIan's submission to the Privy Council, and was committed "with a malicious design against Glencoe." But the designers were not named, and escape in a cloud. (2) The commissioners held that Dalrymple knew (indeed he had written on January 30, to Livingstone, that he was glad of the news) that MacIan had overstepped the time prescribed for taking the oath, yet had taken it. The king's instructions permitted, as in the case of Glengarry, the admission of the dilatory, yet Dalrymple did not countermand the orders for massacre given by William on January 16, 1692. In fact, the admission of the dilatory seemed especially to apply to Glengarry. By what looks like a quibble, the language of William's order of January 16, 1692, was held to imply that Glencoe, too, might be received to mercy.<sup>5</sup> (3) Dalrymple's letters, the report said, "quite exceeded the king's instructions"; and they did, so far as the plan, carefully laid for *exterminating* the clan, outruns the order for "extirpation," taken in the sense of uprooting the clan out of its glen. The result of Dalrymple's letters was "a barbarous murder." Parliament now examined the case in detail, and, on July 2, heard and exonerated Hill.<sup>6</sup> A warrant was granted for the citation of Hamilton, who commanded the party at the upper end of the glen, but he fled from the country. It was decided to prosecute him, and to request the king to send home for trial Duncanson, Lindsay, a Sergeant Barber, and others especially guilty.<sup>7</sup> The king was also invited to relieve the distress of the MacIans.

On July 10 the House, in an address to William, extolled his clemency and mercy, as exhibited (rather obscurely) in the affair

of the massacre. He had "offered mercy" (in a manner not conspicuous), and yet the men had been killed. This was murder—by somebody. Dalrymple had exceeded the royal orders; Livingstone was covered by Dalrymple's orders; Hill was exonerated; the subordinates were in Flanders. As for Dalrymple, "we beg your Majesty will give such orders about him, for vindication of your Government, as you in your Royal wisdom shall think fit."<sup>8</sup> Thus Dalrymple was left in the king's mercy, while his Majesty was asked to sanction the prosecution of the agents, from Hamilton to Sergeant Barber. It is difficult to evade Macaulay's argument that disobedience by the subordinates to military orders would have been morally virtuous but legally criminal. Two lieutenants, we know, are said to have disobeyed. The Estates really could not ask for the trial of Dalrymple,—William would certainly not concede that point: indeed, how could the case be honestly tried, if William did not himself appear as a witness in court? William under cross-examination would have been a pleasant spectacle! Again, we cannot suppose that Dalrymple, now Stair, knew beforehand that the attack, though designedly murderous, was to be "murder *under trust*."

William was far away. He dismissed "Viscount Stair" from office (all that his enemies could really hope for), and he gave him an indemnity, the murder under trust being described as "a fault in the actors, or those who gave the immediate orders on the place." Stair had "no hand in the barbarous *manner* of execution," with which, however, he thoroughly sympathised, regretting that any had escaped. Finally, "as a mark of his favour to John, Viscount Stair," William gave him grants of teinds in Glenluce! Not one of the murderers was punished, none was tried, all were promoted, though as to Sergeant Barber history saith not.<sup>9</sup>

Macaulay speaks of William's clemency as "a great fault." It is certain that William thought Dalrymple, who had his ear, did nothing wrong. It was quite customary—it remained customary for some time—to give orders for uprooting clans.<sup>10</sup> Stair's orders, however, had arranged that extirpation should be actual extermination: William, knowing that, saw no harm in that. It is an inexplicable blot on the character of a great, brave, wise, tolerant, and very useful man, and there is no more to be said.

The Estates, in addition to passing the Bill for the Scots company trading to the Indies,—in its consequences ruinous to the

finances of Scotland, and injurious to the character of William,—confirmed an Act of Charles II. against blasphemy, reasoning against the existence of a Deity, railing at the persons of the Trinity, and so on. Offenders were to be imprisoned till they did penance in sackcloth (“Rags of Popery”); for the second fault, a heavy fine, for the third, death was decreed.<sup>11</sup>

The Restoration, at least in England, had been fertile in advanced religious speculation. Glanvil, More, Bovet, and others, like Telfer and Sinclair in Scotland, had combated materialism with the facts and theories of psychical research, in narratives of the Drummer of Tedworth, the Dæmon of Spraiton, the Poltergeists of Glenluce and Rerrick: in the last case the evidence, collected by the Rev. Mr Telfer (whom we shall meet again), is really good and strong. These old compilers of ghost stories certainly prove, by their contentions against it, the popularity of what they sweepingly style “Atheism.” In Scotland witches were now, and for several years later, being tried and burned—a fate shared by books deemed heterodox. Capital punishment for blasphemy seems to have been rare; but Principal Baillie of Glasgow, and Professor Sinclair in his ‘Satan’s Invisible World Disclosed,’ mention a sturdy beggar who was hanged at Dumfries for saying that “he knew no God but salt, meal, and water.” He was suspected of having set the devil to work in the case of the Poltergeist disturbances at Glenluce.

In 1696, after the revival of the Acts against blasphemy, a lad named Thomas Aikenhead was accused by that fickle politician, Sir James Stewart, then King’s Advocate, of railing upon or cursing one of the persons of the Trinity,—an offence punishable with death under an Act of the first Parliament of Charles II. This Act, as we have seen, had just been revived, in 1695, with three grades of penalties, culminating in death. The offender was a minor, the son of a not very reputable apothecary. Aikenhead, who may have heard of Spinoza, was accused of saying that the Pentateuch was post-Exilian, a fraudulent composition by Ezra; that our Lord was an impostor, who had learned magic in Egypt; that materialism is the only faith in which a man of sense can live and die,—with a great deal more of that free-thinking which is at least as easy as free. In England Aikenhead would have been a subject for the satire of Swift, and he was certainly a young fellow of great conceit and of very bad taste. He sent in a petition avowing the most extreme orthodoxy, and averring that he had only mentioned in

conversation the opinions with which he was charged as being those of certain writers whose books had been lent to him by one of the witnesses against him. He therefore asked the judge to "desert the diet"—that is, abandon the case. He had recanted and the Inquisition would not have taken his life. Five persons, summoned as jurors, refused to attend, and were fined a hundred merks each. The witnesses were students and clerks, most of them minors.

To judge by the evidence, which runs in a stereotyped form, Aikenhead was a very inconsistent unbeliever. But he had no counsel, and was found guilty and condemned to be hanged on January 8, 1697. Aikenhead petitioned for a respite, that he might be reconciled to heaven, and might listen to godly ministers. It was argued that one of the witnesses, a wretch named Mungo Craig, who had lent blasphemous books to the boy, alone alleged Aikenhead's use of the words which brought him under the death penalty. The celebrated John Locke advocated this view in a letter to Sir Frederick Masham (Feb. 27, 1697). Lord Fountainhall, the Judge and Diarist, with Lord Anstruther, visited the condemned boy, and pled for mercy before the Privy Council. "It was told," writes Anstruther, "it could not be granted unless the ministers would intercede; . . . but the ministers, out of a pious zeal, spoke and preached for cutting him off. . . . Our ministers generally are of a narrow set of thoughts and confined principles. . . ." It appears that two ministers did make an effort; however, the Chancellor, Polwarth (the Earl of Marchmont), delivered in the Privy Council his casting vote against mercy, and Aikenhead was duly hanged. The Rev. Professor Halyburton of St Andrews, who confesses his own early struggles against unbelief, calls Aikenhead "an inconsiderable trifler," which is true enough, but to hang him was no inconsiderable error. "Wodrow has told no blacker story of Dundee," says Macaulay, rather fatuously. When his own History appeared, he was attacked for inaccuracy in an Edinburgh newspaper, 'The Witness,' and defended by a Unitarian preacher, Mr Gordon, from what Macaulay himself calls "idle and dishonest objections."<sup>12</sup>

The affairs of the Kirk were now for some time condemned to the background of politics: a lively interest had arisen in Scottish commerce, and events occurred which proved that Scotland must sever her connection with England, or be joined

to her in a Union. Throughout the one hundred and thirty years that followed the Reformation, the history of Scotland seems mainly concerned with religious issues. There is the long war for "spiritual independence," which involves the right of the Kirk to coerce the State; and there is the counter-struggle by the State for secular freedom,—a battle in the course of which the Kirk is often coerced. This contest so completely fills the historic field that we scarcely notice things done in a corner,—the attempts made to found Scottish industries, and to find some outlet for Scottish products. Yet through the hundred and thirty years of secular and religious war many douce Scots, merchants and burgesses, must have been tempted to invoke a plague upon "both your houses," the preachers and the persecutors. Poverty was ever the mate of Scotland as of Hellas. Her poverty gave England the power to purchase Scottish statesmen, or at least to influence them in favour of the policy of the English Court. Poverty drove the flower of the youth to emigrate and seek fortune, whether as scholars, merchants, or men of the sword. To poverty was due the inefficiency of the ill-endowed and often robbed universities; the squalor of streets and houses, reprobated by every traveller; and even the laxity of morals, for we are told that peasants could not afford to marry young, and therefore "maun do waur." While Scottish industry and trade were hampered (as has been explained in vol. ii. pp. 552-555) by English jealousy, and by the strange economic ideas which prevailed; while to export eggs was reckoned a thing contrary to ordinary civility; while the trader opposed the introduction of English commodities, and was too proud and patriotic to learn from English teachers how to make shoes and soap,—Scotland must remain poor, and must suffer from English contempt and neglect.

These facts became obvious as soon as the rich and the poor country were united under a single king, James VI. and I. He made efforts to secure privileges for Scottish trading companies,—a Whale-Fishing and East India Scottish Company and others; but there was always a pre-existing English company, whose rights stood in the way. The Scots had to retire from the competition, now and then with some compensation for their outlay. Under Charles I., and again under Charles II., fishing companies were launched by energetic and speculative men, and were wrecked on



the reefs of local interests, of English and foreign competition, or died of lack of capital. In 1681 Scotland tried a scheme of Protection. The importation of fabrics in linen, cotton, and wool was forbidden, by way of encouraging home industries, while the exportation of lint and yarn was forbidden, and foreign raw materials were admitted free.

The records of the New Mills Company for manufacturing cloth (1681) show how the protective system worked. Scottish-made cloth was very expensive, and the Scottish Government made an exception for itself from its own rules, and imported English cloth for the army. Unofficial purchasers, following this high example, took to smuggling in English cloth. The New Mills Company was then given rights to search for smuggled cloth in private houses, and got the privilege by bribing persons in office. Such methods do not conduce to national prosperity.

After the *regifugium* of 1688, a good deal of capital which had been lurking timidly emerged from its shy retreats and sought investment under the Companies Act of 1681. Labour was in part provided by the Huguenots exiled from France by the Revocation of the Edict of Nantes. There was a period of inflated speculation in 1695-96. Many companies were floated for the most diverse purposes, and then came the inevitable reaction.

Scotland had been prohibiting the importation of the manufactured goods of other countries, especially of England. They retaliated: if Scotland excluded English cloth, England would exclude Scottish linen, the chief product of northern industry. Thus Scotland had no outlet for her manufactures, while she had prohibited the export of her raw materials. The owners of sheep could not sell their wool abroad; the Scottish cloth-makers might get that wool very cheap, but could find no foreign market for the cloth into which they worked it up.

It was during this deadlock that the scheme of a Scottish East India Company was conceived,—a Company trading in many places, as remote as Hindostan, and possessing a factory and *entrepôt* on the Isthmus of Panama. The world at large was expected to purchase Scottish products, and when the scheme took practical shape great consignments of heavy tweeds and serges, perruques, kid gloves, thick blue bonnets, and Bibles were hurried out to supply a non-existing demand, that of the natives of tropical America! Meanwhile capital was withdrawn from the new Scottish manu-

facturing companies and placed in the great East India project, where it all disappeared.\*

The initiator of the Scottish Company trading to Africa and the East Indies, involving the Darien disaster, "was not a mere visionary or a mere swindler." He was no swindler, but, as a man of genius labouring under the irreparable misfortune of being in advance of his time and of the national conditions, he was a visionary.

William Paterson, son of John Paterson "*in* Skipmyre"—that is, tenant of Skipmyre<sup>13</sup> (a farm of Sir Robert Dalrymple of Glenal, in the shire of Dumfries)—was born in 1658. Of his education nothing is known.<sup>14</sup> In a memorial of Paterson to George I. (1714), he says that for twenty-nine years he "has had experience abroad and at home in matters of general trade and revenues," which takes us back to 1685.<sup>15</sup> The pamphleteers accused Paterson of having begun his career as a pedlar, and of having been a missionary or a buccaneer (chaplain to a buccaneer?), or both, in the Spanish Main. How he came to travel in the neighbourhood of Panama is uncertain. We have no proof that, as a Westland Whig, he was "out" in 1679, at the date of Drumclog and Bothwell Bridge, and was sent to the plantations. He was a convinced Presbyterian, but a man of liberal mind.† It was as early as 1684 that Paterson conceived the idea of a colony in Darien, as he states to William in 1701.<sup>17</sup> In 1692 he was in London, and concerned in a project of *la haute finance* which came before a Committee of Parliament.<sup>18</sup> He is famous as "the chief projector" (so styled in 1711) of the Bank of England of 1694, and was one of the first directors, with a stake of £2000, which he sold out in 1695, presently repurchasing his stock.<sup>19</sup> That he was "neglected" or "elbowed out" does not appear: he may have differed from his fellow directors on some point of business. In 1694 he successfully reorganised a fund for the benefit of orphans of London freemen.<sup>20</sup>

\* The author here condenses the lucid account of the economic conditions of Scotland given in Mr W. R. Scott's "Fiscal Policy of Scotland before the Union" ('Scottish Historical Review,' No. ii., pp. 173-190). In a series of articles, Mr Scott gives the history of the early commercial undertakings of the country.

† His family was in no way connected with the Patersons of Bannockburn, and "Clementina Paterson, daughter of Sir Hugh, and the first wife of the Pretender," as Mr Bannister says, thinking of Clementina Walkinshaw, and "making more mistakes than the words admit of."<sup>16</sup>

It is plain that, in London, Paterson was a financial light; and he cannot, as Sir John Dalrymple says (writing in 1788), have had "few acquaintances and no protection." He twice married. His wives were English, and it is curious that he did not submit, as far as we know, the Darien part of his scheme to English capitalists in the first place. The drawbacks, sanitary and international, to the Darien settlements were so far from being obvious "to every coffee-house politician," that the English Council of Trade, in a document signed by the famous John Locke among others, advised England to steal Paterson's plan, and occupy a port in Darien before the Scots arrived!<sup>21</sup>

However it chanced, Paterson took his East India Company plan to Scotland, the scheme for a Darien colony being kept carefully in the background. Dalrymple says that he acted on the advice of that professional patriot, Fletcher of Saltoun, author of a notorious plan for reintroducing slavery. Dalrymple says—on the ground of "common report" apparently—that Fletcher introduced Paterson to Tweeddale, and by force of eloquence induced Tweeddale, Stair (Viscount Stair, the Glencoe man), Johnstoun, and Sir James Stewart to procure the Act of June 26, 1695, conveying to the Scottish East India Company "a patent, by way of Act of Parliament," as King William, we shall see, complains.<sup>22</sup> Macaulay has adopted Dalrymple's story, adding, what is pretty obvious, that desire to soothe the public fury concerning Glencoe may have been a motive with Tweeddale. William, as will presently appear, thought that an advantage had been taken over him, in the "touching" of this Act, by his Ministers. On May 29, 1697, Sir Robert Murray writes to Carstares: "You know whence the *origo mali* was; but £4000 is a good reward for putting two nations by the ears."<sup>23</sup> Carstares may have known who paid, and who took the £4000, but we are without information.

We have seen that the Scottish East India Act passed on June 26, 1695. It seems to follow on an Act of 1693 for the Encouragement of Foreign Trade. It is announced that William promised to give Letters Patent under the Great Seal to companies dealing abroad. He understands that foreigners as well as natives of Scotland are "willing to engage themselves, with great sums of money, in an African, American, and Indian trade," to be exercised from Scotland. Now one chief cause of ensuing trouble

was that foreigners—namely, Englishmen—did take half the capital of the Scottish Company. That was part of Paterson's idea: he saw that Scotland alone could not supply capital for such an undertaking, and, when admitting England to a half share, probably hoped to enlist English backing in general, as well as English money. On this point he certainly reckoned in the style of a "visionary." His new Company not only aroused the jealousy of the English old and new East India Companies, but of the nation. Scotland was to be the *entrepôt* of the whole wealth of the East and West,—gold, spices, fabrics, and every sort of wares; and to the English people this meant that Scotland was to be one great smuggling concern. Holland, William's other realm, could not look on the prospect with more favourable eyes. Yet as early as December 10, 1695, when England was already murmuring, Sir James Ogilvy, writing to Carstares, hit the other fatal blot in Paterson's scheme, the blot which made English jealousy needless. There was nothing for England to fear. "I am sorry," writes Sir James, "our India Act occasions so much trouble, for I think it will do little hurt to England, *seeing we lack a fleet.*"<sup>24</sup>

Thus Paterson's idea must be wrecked on English jealousy, and yet did not deserve to provoke jealousy, for Scotland had neither a fleet nor the material means of building a fleet, though the promoters appear to have expected to be backed by the English navy, on which it was obviously vain to rely.

These being the fatal faults of Paterson's great idea of a Scottish, African, American, and Indian trading company, how did William come to allow such a Bill to be "touched" with the sceptre and passed by his Commissioner, Tweeddale? Macaulay writes, "William had been under the walls of Namur when the Act for incorporating the Company had been touched with his sceptre at Edinburgh, and had known nothing about that Act till his attention had been called to it by the clamour of his English subjects."<sup>25</sup> But it was William's business to know about that Act! This is true; but a march was stolen on William in his absence. In the Lords' Journals for December 18, 1695, he is quoted as saying, "I have been ill-served in Scotland. . . ." In a paper, Carstares' draft for a despatch to the Scottish Privy Council, the phrase occurs, "I have been ill-served in that matter by some of my Ministers whom I employed—since the instruction I gave contains only a warrant for an Act to be the ground of a patent in favour of foreign plantations, with such rights

and privileges as we grant in like cases to the subjects of our other dominions, *the one not interfering with the other*; but it leaves the granting of the patent to me, to be timed and ordered as I should see cause, so that I must say a patent by way of Act of Parliament was a surprise to me, having had no notice of it till it was past, nor had I any account of the particulars of it till I returned to England." Tweeddale, Secretary Johnstoun (son of the Covenanting Johnstoun of Waristoun), and other Ministers were therefore dismissed for misinforming William, or leaving him without full information.<sup>26</sup>

On this showing, William incurs no blame for the portentous Act of June 26, 1695, and that Act once passed, the lamentable consequences were such as, with the best will, he was powerless to avert. The Act, in short, launched Scotland, of all nations, on a career of imperial aggrandisement, though all the coin in the country was estimated at £800,000, and though she had neither a navy nor any means of obtaining a navy. Alone she was to defy France and Spain and England. She gallantly threw down her glove!

The Act, of which William knew nothing in detail, granted the most sweeping powers to the Scots Company. Belhaven, Paterson, and several others were constituted directors: most of the directors were "merchants" in London or Edinburgh. One of the Londoners was a Cohen, a Jew; most were Scots by name. Subscriptions were to be received up to August 1, 1696. The lowest subscription was to be £100, the highest was limited to £3000. None of the property of the Company was to be confiscated for cause of breach of peace, or declaration of war by a foreign Power. For ten years the English Navigation Acts of 1661 were to be suspended as regarded the Company. Towns and forts may be built with consent of the natives on any land not possessed by any European Power, and the adventurers "may seek and take reparation of damage done by sea and land,"—a right which they exercised freely, even on the English. Ships shall return with their wares to Scotland only. If any State detains the Company's ships, "His Majesty promises to interpose his authority to have restitution." All concerned in the Company are declared free denizens of Scotland, as natives of this kingdom. His Majesty ordains Letters Patent under the Great Seal of Scotland, confirming all these privileges and others.<sup>27</sup>

William cannot have known that he was committed to all this:

the chartering of a Company of "interlopers" into the privileges of his English East India Companies; the suspension of the Navigation Laws; the promise to support Scots who settled in lands where the rightfulness of the claims of European Powers were to be estimated by the Company. The Act was a wasp's nest of causes of English wrath and of foreign war. In October 1695 the books were opened in London, and the capital for England was subscribed: English East India Stock fell twenty points in a week. All was done in *dern* privacy, "and oaths of secrecy were taken."<sup>28</sup> Lords and Commons now united in an Address to the king against the Company. English commerce with America and Asia, it was argued, would be destroyed by the scheme.<sup>29</sup> William could only answer that he "had been ill served," and that he hoped the inconveniences arising from the Act might be remedied. The Commons ordered the seizure of the Company's books and papers: they examined and thoroughly frightened the English capitalists concerned: they examined the Scottish Secretary of the Company, Mr Roderick Mackenzie, and tried to extract from him information as to how the Act was procured.<sup>30</sup> They did not frighten Roderick, and he had his revenge on a later day. They voted that Belhaven and others should be impeached of high crimes and misdemeanours, as if they were English subjects. They were, in fact, safe in Scotland. As a result of all this, the English capitalists ceased to pay up their subscriptions, and the Scots subscribed for the full £400,000, of which about £220,000 was actually paid—and lost. But there was no jobbing. The shares did not rise in the market, and the original holders did not "unload" on a confiding public and pocket a premium. Hamilton, Belhaven, and Stewart of Grandtully alone took £3000 apiece. The daughters of the landlord of Paterson's father in Skipmyre farm made their modest ventures. Merchants, whether what we now call merchants or, as in Scots phrase, small shopkeepers, "plunged" all over the Lowlands. The Celt did not invest, though Macaulay says that "from the Pentland Firth to the Solway Firth every man who had £100 was impatient to put down his name." Practically a good deal of stock was bought in by the Company, which guaranteed the money to the nominal subscribers.<sup>31</sup>

It is an exaggeration to say that "men of sense staked everything" on Paterson. Landlords did not sell their estates and "go banco" in this gamble. The thing did not really cause

such enthusiasm as the signing of the Covenant, as Dalrymple declares, and, unlike the case of the Covenant, people were not bullied into subscribing. But there was very little money in the country, and a large portion of that was swept into the scheme. Investors could not ask themselves what kind of place Darien was, and whether it was claimed by any European Power,—questions which Macaulay thinks should have given men pause,—because the Darien dream, Paterson's addition to the East India project, had been kept under secrecy, though alluded to in an early pamphlet. In 1696 the directors ordered that "some particular discoveries of the greatest moment to the designs of this Company ought to be committed to writing and sealed by Mr Paterson, and not opened but by special order of the Court of Directors. . . ." <sup>32</sup> A settlement was to be made "upon some island, river, or place in Africa, or the Indies, or both"—nothing more explicit was arranged while subscriptions were coming in. The directors on September 12, 1696, were concerned with improvements in the manufacture of salt, and with encouragement of the fisheries—modest and practicable schemes. <sup>33</sup> The papers about "the principal designs," the Darien venture, were sealed up with many seals.

Paterson and others were now to be sent abroad to engage the aid of foreign merchants (July 28, 1696). Men were despatched to contract for supplies and weapons (September 30, 1696). Cargoes of goods were selected for the Gold Coast and Archangel. Alexander Grieve, shoemaker at the Goose Dub; took up a contract for 300 leathern bandoliers; wigs, combs, fish-hooks, buttons, kid gloves, and other articles adapted to the simple taste of savages were ordered in considerable quantities. The Company began to build a lordly set of offices near the Grey Friars Church: they were later used, "by one satiric touch," as an asylum for pauper lunatics. In 1697 the English Resident abroad bullied the merchants at Hamburg, and they were cautious enough not to engage without a declaration of approval from William. Till 1699 William replied not, except in a dilatory way, and later merely said that the details about a proposed foreign settlement had not been communicated to him. Everybody, after the subscriptions came in, wanted to know what was intended, and Tullibardine bought £500 of stock for the mere purpose of satisfying an intelligent curiosity. <sup>34</sup> He explained

that he wanted to be able to prevent "any designs that may prove uneasy to his Majesty."

By June 1697 the esoteric aims of the Scots Company were understood in London. They meant to apply their very limited capital (for "calls" were slowly paid in diminishing quantities) to the settlement of a colony at Acla, now Caledonia Bay, on the Isthmus of Panama. The advantages of the situation have ever since attracted capital, while the difficulties of the transit of the neck of land have proved the ruin of enterprise. On July 2, 1697, Lord Tankerville, John Locke, and other members of the English Council of Trade, examined the famous navigator, Dampier, as to the European claims to own the coveted spot. Having received a report from Dampier, Locke and the rest advised the Lords Justices that it would be easy for Europeans to make a settlement, which would be injurious both to Spain and to the Colonies of England, and they recommended "a prohibition of help to the Scotch."

On September 16, 1697, the English Council of Trade represented that "the said country has never been possessed by the Spaniards, and that England should instantly seize Golden Island and the port opposite to it on the main, to the exclusion of all other Europeans, . . . lest the Scotch Company be there before us, which is of the utmost importance to the trade of England."<sup>35</sup>

Thus, if Paterson was misinformed as to the claims of Spain on Darien, he erred in company with the English Council of Trade. Meanwhile Paterson was robbed of part of the Company's funds by an unscrupulous agent abroad, and, if his character did not suffer, he certainly lost authority and prestige.

In July 1698 the Council of the new colony was appointed, and authority was vested—civil, military, and naval—in seven persons, with power to add to their number. Some arrangements were made for what was called a "Parliament" in the colony, and for partition of profits that never accrued. Indeed, corruption must have been active, for only an idiot, if uncorrupted, would send thousands of perruques and even bales of thick tweeds to a tropical market. Most of the Company's capital went to buying ships, cargoes, and munitions: three ships and two tenders.<sup>36</sup> A Journal kept by a Mr Hugh Rose tells how the expedition fared, leaving Leith on July 26, 1698, with 1200 men and two preachers. On



October 3 they took possession of an eligible island, which, on October 4, turned out to be Danish. On October 5 they enlisted a practical buccaneer, who had been with Captain Sharp on a peculiarly godless expedition, and was present when Panama, Portobello, and Carthagena were taken. This mariner was to guide them to the promising havens of Golden Island. By October 30 they anchored off the Gulf of Darien, and their circle of acquaintances was enriched by a few very sophisticated Indians, who spoke pretty good Spanish, a little English, and drank like fishes. The good old days of discovery were over; these were not "shy traffickers": like the dark Iberians who dealt with the Sidonians, they slept off their liquor on board the *St Andrew*. They said they were at war with the Most Catholic King, and were made happy by a gift of old hats, penny glasses, and knives. The bloom of romance had faded from the Peak in Darien. Soon a "Captain Andreas" came: he was a native official under Spain, but was pleased to learn that the Scots would undersell the Spaniards, and, if necessary, would fight them. A Frenchman arrived who dissipated some myths of lands of gold: the nearest gold mines were worked by Spaniards. The captains or chiefs of the tribes were sometimes "Indian clergymen" (medicine-men), sometimes bore Spanish sceptres of command, silver-tipped sticks, and always had Spanish Christian names. One chief could read and write very well. In short, the Scots had come into a place undeniably within the Spanish sphere of influence. Nevertheless, Captain Andreas was given a neatly engrossed commission under the Company, and "a hearty glass." The committee of seven councillors, appointed at home, split into two parties on arrival, and, by an almost Athenian stretch of jealousy, a new president was appointed in each succeeding week.

By December 12 the Spaniards knew all about the new-comers, who set about fortifying "a very crabbed hold," in a haven whereof Paterson seems to have learned nothing, but which they found convenient for their purpose. In the same month a colonist wrote that so far the climate was temperate and as healthy as could be expected. There was abundance of good water, and of excellent fish, fowl, and wild hogs; venison was thought likely to be found, "monkeys and baboons are the best and choicest that we have hitherto met with." Apparently

monkeys and baboons turned out to be the staple of the native food-supply, otherwise the colonists would not have been starved, as they were.<sup>37</sup>

All this time an English captain, Long, with a general roving commission, was cruising in these regions. He expected the French to make a bid for them in the confusion which, as diplomatists foresaw, would follow on the death of the childless and half imbecile Charles II. of Spain. He visited the Scots and found 1200 proper men, in good health, and secure in the very crabbed hold. Long left them, and thought good to set up the English flag, with four men to retain the whole country for England. Not that he hated the Scots, "I am a lover of them, . . . but what I have done I thought it my duty to do for my master, as they thought to do for theirs"—the Company. The Governor of Carthagena wished to assail the Scots at once, but the Admiral of the Spanish fleet said that he would await royal orders: the Scots had not invaded Spanish ports, and he knew not the territorial rights and wrongs in the case. This report gave Captain Long, and then he went on a treasure hunt, looking for pieces of eight and for wrecks of the plate-bearing galleons.<sup>38</sup>

On February 6, 1699, swords were crossed with Spain, or rather shots were fired. A party of Scots aided a native chieftain, Captain Pedro, and drove a Spanish party into the hills: the Scots lost two men killed and twelve wounded. Courteous notes passed between the Spanish Governor of Santa Maria on one side, and, as the Don said, "the Illustrious Council of Caledonia, whom God preserve many years, in Fort St Andrew," on the other. But the colony had few provisions, except monkeys and baboons, and sent their ship, *The Dolphin*, to Barbadoes for supplies. They were not likely to get them from an English colony, as they had no credit, or insufficient credit, but *The Dolphin* struck a rock, and was forced to run into Carthagena for repairs. The men were imprisoned, the ship was seized, and on March 11 the Council sent to remonstrate. If all the captives were not restored, the Council declared reprisals, and they forwarded a copy of the Act of June 25, 1695. The Governor of Carthagena, not duly impressed by this august document, tore it up, and called the Scots "rogues and pirates." They instantly set about making reprisals, while Paterson in-

formed the Council of a discovery of French designs on the colony. As for the Scottish prisoners at Carthagena, they were sent to Seville, condemned to death, and lay in irons till September 1700. The Spanish Ambassador carried his plaint against them to William (May 1699); and as the Scots now seized an English trading vessel, it seemed that the colony of Caledonia was at war, or on the verge of war, with three of the four great naval Powers.

Meanwhile from home but scant supplies had come, it was a year of dearth (King William's years were long remembered for famine and diseases), there were no reinforcements: the rainy season and fever arrived, and Beeston, the Governor of Jamaica, issued a Proclamation forbidding English colonists to supply the Scots, or hold any communication with them, "as they will answer the contempt of his Majesty's command to the contrary at their utmost peril" (April 8, 1699). This terrible order was issued before England could have heard of the affair of Carthagena and the war between Spain and Caledonia.<sup>39</sup> Government later disavowed the Proclamation, and Beeston himself wrote (December 14, 1700), "I could not forbear thinking that the Scots had but uneasy measures."<sup>40</sup> In June 1699 disease and death and anarchy prevailed at Darien. There was no head, Paterson was powerless, all was confusion, and not a line had been received from the Company in Scotland. The Company had recently drawn up rules, rather late in the day, for the Government of a colony that, before the rules could reach it, had ceased to exist. In the first place, the "commands of Holy Scripture are to have the full force and effect of laws within this colony,"—a crazy observation. There were thirty-three special applications of the general text. Ships were freighted and presents were sent "to the chief ladies" (native), but all was too late.<sup>41</sup> In May and August reinforcements were despatched, but in June the survivors of the colony had fled, and the expedition of May, arriving in August, found the colony a desert wilderness. The new-comers, for the most part, sailed off to Jamaica. After a fearful voyage of two months, in which hundreds of men died, the two vessels of the original settlers drifted to Sandy Hook, where they received the most timid and dilatory hospitality. Paterson seemed to be dying, but by November he was in Edinburgh. The *St Andrew* was

not better treated at Port Royal than the other two vessels at New York.

The third expedition with four ships, carrying our old covenanting friend, Mr Sheild of 'The Hind let Loose,' another preacher, and 1300 men, was on its way with instructions for erecting a presbytery and everything handsome at Darien, and with a worker in fine gold (of which there was none), when the Company received mournful colonial letters of April 21. They replied in a scolding despatch, and added the news that the English were to boycott the Scottish colonies, and that all Powers were hostile. The directors ought to have seen that the situation of their colony was impossible. As they wrote, letters from the stranded and starving adventurers at New York and Sandy Hook were on their way. By September 19 the Company, long anxiously sceptical about the bad tidings, were convinced that Darien had been deserted, "shamefully and dishonourably," as they wrote to "the original Council at New York" (October 10). The new expedition of relief found nobody to relieve save a few men returned from New York under Captain Drummond. "The site marked out for the proud capital which was to have been the Tyre, the Venice, the Amsterdam of the eighteenth century was overgrown with jungle, and inhabited only by the sloth and the baboon." Drummond and the new-comers were soon at odds, and all was confusion and despondency.

So ended the first expedition with its sequel, and to this extent had the promised "Authority of his Majesty" protected and encouraged his Scottish subjects. To be sure, his Majesty seems to have been unaware of the promise made in his name.

Mr Borland, the colleague of Mr Sheild, in attendance on the next expedition, seems to have relied on the royal promise. From Boston (Massachusetts), on the way to Darien (September 19), he wrote advising the Company "to address his Majesty for some ships of war. . . . We hear that the English are likely to be concerned in the settlement and all."<sup>42</sup> The chance of English co-partnership, indeed, was the only hope for escape from a second ruin. Borland described the first settlers as "a viperous brood that neither fear God nor regard man, . . . Jacobites, Papists, and Atheists. . . . There was no room for God's worship, nor time for His service, even on His own day, where, if any durst peep to complain thereof, they were hissed at as impudent turbulent

Whigs." <sup>43</sup> It was natural that adventurous young Scots of 1698 should be Jacobites. Messrs Borland and Sheild, of the extreme left of the Kirk, were not in tune with their own detachment of gentlemen adventurers: their stipends were not, apparently could not be, paid, and there was an entire lack of godly elders for the Darien Presbytery.

The new colony seems mainly to have lived on shipboard; intestine quarrels were fierce and complex; the supposed silver ore of the region proved to be copper; the "gold, very thick here, proves really nothing at all but slimy stuff, . . . of the dust or ore, not one grain." (December 23/29, 1699.) Huts were built in February 1700, but the settlers had not £50 worth of vendible goods; provisions or practicable credit for money must be despatched from Scotland. Captain Alexander Campbell of Fonab, a trusty soldier, had been sent out by the directors in October 1699, followed by a vessel laden with provisions, *The Speedy Return*, which became famous for not returning in a later year. Campbell heard of a Spanish expedition against the colony concentrated on the farther side of the Isthmus, at Tubalcanti. He mustered his fighting-men; all were not in love with war; one, probably to tease the militant Sheild, maintained that the idolatrous Spaniards were in the right (as they really were), and that to attack them was wicked! Sheild found that the Knoxian Book of Discipline, with its rule that preachers should be obeyed implicitly, was obsolete in the Spanish Main.

However, Fonab had brave adventurers enough. After a three days' march across the mountains, he charged the palisades of the Spanish fort, cleared out the foe in a quarter of an hour, and drove them into the jungle. The colony now heard (February 23, 1700) of an attack to be made against them by sea, but were full of hope. <sup>44</sup> The end was that the Council of the colony surrendered to the Spaniards, who surrounded them by sea and land. Scotland had just heard of, and had begun to celebrate, Fonab's victory when this crushing news arrived. The riotous character of the celebration will later be described. The Company did not expire, it had still a romantic stroke to deal at the English, but the money was gone, the men were scattered or were dead: since Flodden or Pinkie the nation had not reeled under so heavy a loss, a loss of money and of prestige. One vessel of the Company's tiny fleet engaged in the West African trade had orders to

defy even English vessels which might interfere, if William's orders for interference were not countersigned by the Secretary for Scotland. Now Spain had taken up the glove thrown down by the reckless Company—and all was over.

Of shouting and murmuring against England and William there had been much, and more, naturally, was to come, though the king's character was treated with more civility than Jacobites would have wished. Even moderate writers of pamphlets remarked that Scotland, when her interests collided with those of England, had, in fact, no king, no royal guidance or support. If things continued thus, Scotland would not lack friends: she had an ancient ally not unwilling to renew the old League—France.

We now take up the thread of public affairs in Scotland during the period of the colony. When Seafield, as President, met the Estates in July 1698, he was much pleased by his reception and popularity. But in the same month there was an inconvenience unusual in Scotland,—drought, short straw, an ill appearance of the crops.<sup>45</sup> So Polwarth, now Earl of Marchmont, and Commissioner, reports. "Almost a famine, appearance of an extraordinary bad crop," says Seafield. This was one cause of the slackness in provisioning the first Darien colony. Tullibardine was active in opposing supply. Seafield had to employ that useful old cry, danger from the Jacobites. Annandale deserted Tullibardine, opposition was checked by personal greed of office, supply was passed. The Burgh members were won by the Provost of Edinburgh, but there were troublesome petitions in favour of the Company. Her first colony had just sailed, and Seafield says that it is backed out of patriotism, though "most people here believe it will not succeed so well as is expected." The success of Government, so far, "looks like a dream," says Argyll, who, of course, had the old feud to wreak on Tullibardine in the new Parliamentary way. The affairs of the Company were debated after the king had got his business done, on August 1. Tweeddale and Tullibardine were strong for the Company against William's agents, who discouraged subscribers abroad. Seafield replied that William had bidden his agents abandon opposition, but the Company asked for much more, including the use of two frigates. Primrose of Dalmeny, a man of great estate, had been very useful; Seafield asked for a Viscountship for him. The family had prospered greatly in a century since one of them corresponded with Cecil.

The Club was still regarded as not extinct, or as revived, under Tullibardine. Dalrymple, now Lord Stair, was advised not to take his seat in Parliament, though encouraged by "the Club party."<sup>46</sup> The semi-Jacobite, Arran, was made Duke of Hamilton, and was later to be tempted to claim the Scottish Crown for himself, as next heir, setting aside the Prince of Wales, born in 1688. Now first appears the famous Simon Fraser, later Lord Lovat, executed in 1746. He had abducted a bride, *vi et armis*, and had held a muster of the Frasers, his clan. The circumstances will be recounted later. Meanwhile, Argyll advised Carstares that Simon should not be put at for this, "for if one begin, all the Highlands will in ten days fly together to arms." As for his abduction of "the Dowager of Lovat," Simon disclaimed all "barbarity," and would stand his trial. Atholl was pressing the Frasers hard, and Lovat wished that the estates of both clans were set as a prize of battle, "the result of a fair day between him and me." "We will not be commanded and oppressed by any strangers . . . in this end of the world." There is more than a hint, in the clan's letter to Argyll, of the desirability of a king, not a "stranger," in Scotland.<sup>47</sup>

In Scotland (1699) there was great discontent about the interference of William's agent at Hamburg, Sir Paul Ricaut, with foreign subscriptions to the India Company. An address to William in "a style which will not please" was intended, and the proclamations of English Colonial Governors against dealings with the Darien adventurers caused much excitement, the preachers praying heartily for the success of the second expedition (August 1699). "The nation is bent one way, and the king is of another persuasion," wrote the Lord Advocate. On the Duke of Hamilton's arrival at his home, the preachers, the Directors of the Company, and he, with the news of the desertion of their colonists fresh in their minds, met, and were eager for an Address to William. In November, Lord Basil Hamilton was desired to carry the Address to Court. In January 1700 there was a demand for William's appearance in the new Parliament, where the discontented meant to use much freedom. The king would not come down, would not receive Lord Basil, but "would think of their demands."<sup>48</sup>

On March 25, 1700, William so far yielded as to receive an Address presented by Tweeddale, but replied curtly that he had fixed May 15 for the meeting of Parliament, and stood

by his resolution. He then turned his back and walked out.<sup>49</sup> The Scottish Parliament met, and Queensberry, the Commissioner, in face of a proposed resolution maintaining the legal character of the Darien settlement, said that he had a bad cold, must consult the king, and adjourned. Discontents increased,—the revived Club used to meet at Steel's tavern, in June, and discuss a fresh National Address to William. "It looks very like Forty-One," the rising against the man Charles Stuart, wrote Colonel Ferguson, brother of the notorious Ferguson the Plotter (June 15, 1700). The 10th of June, the birthday of the Prince of Wales, was lustily celebrated at Edinburgh. There were threats that if William would not declare Darien a legal settlement, a Convention of Estates would be called. "We are all in flame, . . . the fuel comes both from France and England."<sup>50</sup> Letters from the Scottish prisoners in Spain increased the national anger, and on June 20 unauthorised illuminations to applaud Fonab's victory over the Spaniards were being prepared; Hamilton attended a meeting at Pat Steel's tavern, and the Lord Advocate trembled for his window-panes.<sup>51</sup> In fact, the mob did break windows not illuminated, though the statement that they "destroyed five thousand pounds' worth of glass" must be a wild exaggeration. The Tolbooth was broken open, prisoners were released, gentlemen with drawn swords protected the rioters. Murray of Philiphaugh wrote from Edinburgh that if William went abroad he would imperil his hold on his kingdom. In August, when some of the rioters were put in the pillory, the mob threw white roses to them.

Though the news of the colony's capitulation to the Spaniards followed hard on the heels of the tidings of the triumph of Fonab, the public persisted in the desire to be revenged.<sup>52</sup> While the mob threw bouquets to rioters, and bade the bellringers of St Giles' toll to the tune of "Wilful Willie," and released, among other denizens of the Tolbooth, some Fraser prisoners locked up for the Lovat misdeeds—the Club was for boycotting goods that brought duties to the Exchequer. The death of the Duke of Gloucester, son of the Princess of Denmark (later Queen Anne), a spirited little boy of popular promise, was no sorrow to the Jacobites.

Meanwhile the leading politicians were in alarm, especially Murray of Philiphaugh, never noted for courage, whose letters are of the blackest pessimism. Argyll and Tullibardine pursued their



ancestral feud, not with fire and sword, but with intrigue and back-biting,—Argyll working in the Lovat interest against the House of Atholl. This Argyll had no more taste than his grandfather, the Marquis, for a duel, and, after a quarrel over a horse-race with Crawford, apologised on receiving a challenge, which the next Argyll, Red John of the Battles, would probably have accepted joyfully. Argyll had a scheme for “buying some, purchasing others, and making some places vacant for others,” so as to carry on the King’s Government.”<sup>53</sup> Government struggled on through August, working by aid of secret service money. The opposition, the “Country Party,” consisted of Jacobites, malcontents not Jacobite, “and honest Presbyterians in the African interest,” solely concerned with promoting trade. Only the Jacobites were in favour of doing away with the standing army; the malcontents looked for a change of Ministers, and the spoils of office for themselves; the trading party were the most numerous, and might be won over by Government.<sup>54</sup> This last party were busy in trying to raise £300,000 for a reconstructed colonial, manufacturing, and fishing scheme, on the lines of the unlucky Act of 1695.

A new Address to the King was sent up in September; Queensberry ventured to face the Estates in October 29, 1700; and the Royal Message was not so sullen as the temper which William had for long shown to the perplexing kingdom which he must have wished well under the sea. With his great European schemes for paralysing France, he always found, like the dying Henry V., “a Scotsman in his beard.” The king would let all legislation pass for the improvement of trade, but acknowledge the legality of the Darien colony he would not; for reasons of international policy he could not, without facing a world in arms.<sup>55</sup> “Now that the state of that affair” (Darien) “is quite altered, you will rest satisfied with these plain reasons.” But the Scots would not rest satisfied with the logic of facts. Acts for prohibiting importation of foreign and exportation of domestic goods were introduced: Scotland was to try the policy of “retaliation.” Supplies for the army were voted only till the great business of Darien should be discussed.<sup>56</sup> On January 13, 1701, it was unanimously voted that the Darien settlement was a lawful colony. “Long jangles” on constitutional niceties accompanied each step of the business.<sup>57</sup> “There were very pretty discourses for a long time,” says an

appreciative listener. Was an Act embodying grievances and remonstrances to be passed, or merely an Address to the King? The Company wanted an Act; milder men preferred an Address, which did not so fully commit Scotland to an impossible policy of war with Spain, if not with half of Christendom. An Act, it was argued, would not be touched with the sceptre and passed. Stair said that "an Act here was but a decree of the Baron Court," and, being rebuked by Hamilton, made matters not much better by explaining that "none sat in Parliament but Barons," and the representation in Scotland was feudal. "He was excused, but desired not to use such an expression again."<sup>58</sup> An Address, not an Act, was carried by a majority of twenty-four.<sup>59</sup> The Address asserted the Company's "complete right," as settlers among natives in "independent and absolute freedom" in a country "void and unoccupied" by Europeans. They complained that they had been encroached upon by the English colonial proclamations, and been treated as pirates by Spain. They asked for the royal favour, and compensation for their losses.<sup>60</sup>

The nervous Murray of Philiphaugh wrote to Carstares that "this business is brought to as happy a conclusion as could almost be wished for," though the debate, in the most modern fashion, had been attended by "a mighty incessant noise."<sup>61</sup> The unsympathetic Commissioner denounced the vivacities of the House as "unparliamentary and against the rules of all society." The House had been most excited on a question as to entering the names of the voters on both sides in the registered proceedings: this was done. "Debates," Philiphaugh remarks, "lose time, and introduce many unnecessary questions," and he obviously pined for the good old days of the Lords of the Articles.

The country was not less excited, and the hopes of the Jacobites rose as William became more and more unpopular. He could not or would not come to Scotland, where curious inquirers asked, "Of what religion would he be—north of Tweed?" In the previous year (February 1700) he had recommended to the English House of Lords a scheme of Union, manifestly the only method of preventing those quarrels between the two countries in which France and the Jacobites saw their opportunity. There was a risk that Scotland, as of old, would soon have a Stuart king and a French ally. William now declared himself to be "very sensibly touched" by the disaster of the Scots, and recommended the Lords to think

of "some happy expedient" for union.<sup>62</sup> The Lords in England sent, as "of great consequence," a Bill concerning union to the Commons, who seized on the phrase as an insult to their dignity, forsooth,—their commercial jealousy of Scotland thus picking "a German quarrel." The Bill for union was therefore rejected. The Darien Company continued to agitate and draw up petitions, but no advance was made towards granting their desires.

On February 20, 1702, "the little gentleman in velvet," as the Jacobites called the mole, did his fatal work. In the park of Hampton Court William's horse stumbled over a mole-hill: in his fall the King broke his collar-bone, and in his failing health the accident proved mortal. On February 28 he sent to the Commons a message, "in the most earnest manner recommending the consideration" of a scheme of union. He was known to be dying on March 7, when the subject of union was to be debated: it was not touched upon; and, after hours of agony, William passed to his rest.

Of Scotland he had scarcely been king: the affairs of Holland, of England, of the struggle against France, had diverted his attention from the land which he never saw, which no king of England was to see for a hundred and twenty years. In Carstares he had an excellent adviser, but Carstares was not always at his side, and is not known to have uttered one sentence about Glencoe, while he could not possibly prevent the obscure intrigues which must have made possible the introduction and "touching" of the Company's Act of 1695. A few months before William's death, James had gone before him "down the night-wandering way," and Louis XIV. had recognised as King of England, Scotland, and Ireland, the Prince of Wales, James III. and VIII. In him, though a boy of thirteen, all parties had recognised a more dangerous claimant of the throne than his resigned and outworn father. But James II., in youth, would have been infinitely more dangerous than was the son of his sorrows: a better man than his father, but a futile leader of a forlorn hope.

## NOTES TO CHAPTER III.

- <sup>1</sup> Minutes in Act. Parl. Scot., ix. Appendix, p. 98.
- <sup>2</sup> Act. Parl. Scot., ix. 366.
- <sup>3</sup> M'Cormick, Carstares, p. 232.
- <sup>4</sup> Act. Parl. Scot., ix. 376, 377.
- <sup>5</sup> See Report, in M'Cormick, pp. 252, 253.
- <sup>6</sup> Act. Parl. Scot., ix. 408.
- <sup>7</sup> Act. Parl. Scot., ix. 421, 422.
- <sup>8</sup> Act. Parl. Scot., ix. 424, 425.
- <sup>9</sup> Highland Papers. Cf. Paget, Paradoxes and Puzzles, pp. 74, 75.
- <sup>10</sup> Hill Burton, vii. 413, 414.
- <sup>11</sup> Act. Parl. Scot., ix. 386, 387.
- <sup>12</sup> State Trials, xiii. 918-938. Macaulay on Scotland. Articles from 'The Witness.' Thomas Aikenhead, by John Gordon: London, 1856.
- <sup>13</sup> Mr Mathieson says that the elder Paterson was owner of his small estate (Scotland and the Union, p. 25).
- <sup>14</sup> The Birthplace and Parentage of William Paterson. By William Pagan. 1865.
- <sup>15</sup> Bannister, Writings of William Paterson, ii. 236.
- <sup>16</sup> Bannister, ii. pp. xcvi, xcix.
- <sup>17</sup> Bannister, i. 117, 118.
- <sup>18</sup> Commons' Journals, x. 631. Jan. 18, 1692.
- <sup>19</sup> Bannister, ii. 255.
- <sup>20</sup> Anderson's Origin of Commerce, ii. 206. Writings of William Paterson, i. p. xxxiii (Bannister).
- <sup>21</sup> Writings of William Paterson, ii. 261.
- <sup>22</sup> Dalrymple, ii. 96.
- <sup>23</sup> M'Cormick, Carstares, p. 303.
- <sup>24</sup> M'Cormick, Carstares, p. 270.
- <sup>25</sup> Macaulay, iv. 489.
- <sup>26</sup> Story, Carstares, p. 251.
- <sup>27</sup> Act. Parl. Scot., ix. 377, 381.
- <sup>28</sup> Commons' Journals, xi. 401.
- <sup>29</sup> Lords' Journals, Dec. 13, 1695.
- <sup>30</sup> Commons' Journals, Jan. 21, 1696, p. 400.
- <sup>31</sup> Burton, viii. 29-32.
- <sup>32</sup> Darien Papers, II.
- <sup>33</sup> Darien Papers, 15.
- <sup>34</sup> Ogilvy to Carstares, July 24, 1697. M'Cormick, Carstares, p. 321.
- <sup>35</sup> Bannister's William Paterson, ii. 258-261.
- <sup>36</sup> Darien Papers, p. 54.
- <sup>37</sup> Darien Papers, p. 80.
- <sup>38</sup> Darien Papers, pp. 81-84.
- <sup>39</sup> Darien Papers, p. 303. Note.
- <sup>40</sup> Darien Papers, p. 304.
- <sup>41</sup> Letter of April 15.
- <sup>42</sup> Darien Papers, p. 155.

- <sup>43</sup> Darien Papers, p. 158.  
<sup>44</sup> Darien Papers, pp. 245-252.  
<sup>45</sup> M'Cormick, Carstares, pp. 384, 385.  
<sup>46</sup> Seafield to Carstares, August 20, 1698. M'Cormick, Carstares, p. 426.  
<sup>47</sup> M'Cormick, Carstares, pp. 431-436.  
<sup>48</sup> Darien Papers, p. 280.  
<sup>49</sup> Darien Papers, pp. 283, 284.  
<sup>50</sup> M'Cormick, Carstares, pp. 527, 528.  
<sup>51</sup> M'Cormick, Carstares, p. 533.  
<sup>52</sup> M'Cormick, Carstares, pp. 543, 547, 615.  
<sup>53</sup> M'Cormick, Carstares, p. 599.  
<sup>54</sup> M'Cormick, Carstares, pp. 626, 628.  
<sup>55</sup> Act. Parl. Scot., x. 201, 202.  
<sup>56</sup> Act. Parl. Scot., x. 234.  
<sup>57</sup> Hume of Crossrig's Diary, p. 51.  
<sup>58</sup> Hume of Crossrig's Diary, p. 52.  
<sup>59</sup> Act. Parl. Scot., x. 246, 248.  
<sup>60</sup> Act. Parl. Scot., x. 248, 250.  
<sup>61</sup> M'Cormick, Carstares, pp. 689-691.  
<sup>62</sup> Lords' Journals, Feb. 12, 1700.

## CHAPTER IV.

## THE EVE OF UNION.

1702-1705.

BEFORE his death William of Orange had involved his kingdoms in the dynastic feuds of Europe. His insatiable hatred of France, the Testament by which the spectral Charles II. of Spain left his crown to Philip of Anjou, the aggression of Louis XIV. on the Spanish Netherlands, and the wayward generosity which recognised the Prince of Wales as King of England on the death of James II., were so many provocations to William and to Protestant Whigs. The Triple Alliance of the Empire, England, and William's beloved Holland, concluded in September 1701, was to be presently followed (May 1702) by a declaration against France of that war in which Marlborough acquired gold and laurels. The Whigs who came in at the general election in the end of 1701 were, on the whole, favourable to the Union with Scotland, while at the moment of William's death the Revolution Ministry held power in the Northern kingdom. The veteran Whig and Presbyterian, Marchmont, was Chancellor; Queensberry, now regarded by Cavaliers as "the proto-rebel," was Privy Seal. He was a man of agreeable manners, so remote from avarice that he might rather be called lavish, and there came an incident in his career which might deserve for him, as for Hamilton, the Shakespearian title of "Duke of dark corners." Hyndford (Carmichael), one of the Secretaries of State, was of Revolution principles; Seafield, the other Secretary, was no extremist; Cockburn of Ormiston was staunch to the ancient Protestantism of his House; and the Lord Advocate, Sir James Stewart, had been fickle enough, but was a sad good Whig at heart. All of

these men were likely to be in favour of union, but in England the Tory advisers of Anne were less sweetly reasonable as regarded Scottish rights and claims than the Whigs were inclined to be.

The accession of Queen Anne was more welcome to the Jacobites than to the Whiggish Presbyterians in Scotland. The queen was known to be deeply attached to the Church of England, for which the late king could only have a political preference; and, now she was childless, she certainly in her heart preferred the claims of her brother, the exiled Prince of Wales, to those of her Protestant German kinsfolk of Hanover. "The Cavaliers," writes Lockhart of Carnwath, who sat in the subsequent Scottish Parliaments till the Union in 1707, a wealthy, able, and sardonic Cavalier, "expected mighty things from her: the Presbyterians . . . were more upon the melancholick and dejected air than usual," even,—for the Presbyterians were always in apprehension of popery and prelacy. The preachers thundered in the old way; their flocks "must be ready to suffer for Christ's cause—the epithet they gave their own."

Anne, meeting her first English Parliament, requested the House to consider a scheme of union, the more necessary as England, Holland, and the Emperor were about to declare war against France and Spain. A bitterly discontented Scotland would be a heavy weight on the arms of England; but how the discontent was to be soothed among Presbyterians by union with a country of prelatic "Baal worshippers," or among Jacobites by union with the deadly foe of France and of the rightful king over the water, was not obvious. Compensation, trade, and security for her own colonies, when she got any, was what Scotland desired. However, on April 20, 1702, despite the arrogance and anti-Scottish tone of the Tory speakers, a Bill for nominating a Commission to discuss the Union was passed at Westminster.

Anne (April 21) wrote a letter of a friendly and conciliatory kind to the Scottish Parliament. She was concerned to maintain the dignity and independence of their ancient kingdom, and to respect its laws and liberties: she trusted that the Scots would reciprocate the desire for union displayed by the English Parliament. She deeply regretted the losses and disasters of Darien, and would concur in any reasonable scheme for repairing them.

As funds for the support of the Army in Scotland were almost exhausted, it was necessary to ask money from a Scottish Parliament in the summer of this year, 1702. The Cavaliers, under the Duke of Hamilton, naturally urged that there should be an appeal to the country, in consequence of the death of the late king, and that a new Parliament should be chosen in place of the long seated "rump." Hamilton, Tweeddale, Marischal, Rothes, and other nobles went to London to ask Anne's consent to this proposal. But a Scottish Act of 1696 had provided that the House, if in session at the moment, might sit for six months after a king's decease—namely, for the purpose of keeping things quiet and securing the succession in the Protestant line. If not in session, the Parliament should meet for these purposes. Parliament had not met, and Hamilton's party argued that a new Parliament should now be chosen. The meeting of the old Parliament would be technically illegal, or at all events open to doubt and cavil. Queen Anne, either in hope of conciliating the suspicious Presbyterians or of finding the old Parliamentary hands more subservient than a newly elected House, declined to listen to Hamilton, and summonses were issued for June 9.

Hamilton opened the debates by denouncing the legality of the Parliament, and with seventy-nine gentlemen of good estate marched out of the House. The populace expressed approval by cheering, and the seceders went to that undignified *Mons Sacer*, the Cross Keys Tavern.<sup>1</sup> Of a hundred and ten members who remained, Lockhart avers that eighty were pensioners or placemen. The seceders sent Blantyre to Queen Anne with an address justifying their proceedings: she received Blantyre, but would not look at the address.

The remnant of the Rump continued to sit, passing an Act in favour of their own legality. The country met this in the spirit of passive resistance. "Near one-half the nation," says Lockhart, refused to pay the taxes voted, and this measure caused anxiety in England.<sup>2</sup> It was thought that Scotland had taken a Jacobite turn, and that if Anne's command to Hamilton to come to town was not obeyed the Jacobites were to blame.<sup>3</sup> The sitting remnant of Parliament showed their loyalty by Acts recognising the queen's authority and that of the Kirk, and Sir Alexander Bruce was expelled the House for saying that presbyterial government was inconsistent with monarchy.



As the House was, after Bruce had been expelled, "all one man's bairns," in Lockhart's homely phrase,—that is, all of Revolution principles,—Marchmont, against Queensberry's wish, presented a Bill for the imposition of an oath abjuring the son of James II. Marchmont ought to have known the evils of abjuration by the experience of 1685. The House was at once divided: matters were far too uncertain for an Act of this kind, and "the Pretender" was useful to various parties in turn as a bugbear. To the cause of Scotland he was a valuable card: by keeping the question of the succession to the Scottish throne open, men were able, they thought, to put pressure on the English in favour of their claims to good terms in the matter of the Union. Lockhart says that Queensberry had no instructions from England as to Marchmont's proposal; but he was mistaken, as Murray of Philiphaugh informed Carstares. "His Grace had an instruction to give the royal assent to such an Act," but found that it was a cause of strife. Some openly took the line that England would become careless about the Union if they had security as to the succession. Marchmont's Bill received a first reading in defiance of Queensberry's request that he would not introduce it; so Queensberry, not knowing how matters might turn out, adjourned the Parliament (June 20).<sup>4</sup> "So we take our leave of this monstrous Parliament," says Lockhart, "which from a Convention was metamorphosed and transubstantiated into a Parliament, and when dead revived again."

The politicians hastened to London, whence Secretary Johnstone (son of the unhappy Johnstone of Waristoun the Covenanter) wrote to Baillie of Jerviswood that "the inclination of the Court is absolutely for changes" in the Scottish administration. In the English Parliament "the Whigs reign in the House of Lords and espouse the bishops: the Tories reign in the House of Commons and espouse the lower clergy" (November 21).<sup>5</sup> As to the changes, they fell heavily on the most Presbyterian of the Scottish Government. Marchmont, Melville, Cockburn of Ormiston, Leven (commander of Edinburgh Castle), and Hyndford, "were all laid aside." Queensberry and Tarbat, who was dipped in Jacobitism, were Secretaries of State; Atholl (late Tullibardine) held the Privy Seal; the Earl of March succeeded Leven in the Castle, and Seafield was made Chancellor, while Annandale was President of Council. Seafield, originally something of a Jacobite, had long served William III., and had "trimmed and tricked shamefully in the affair of Darien," says

Lockhart. He was "a blank sheet of paper which the Court might fill up with what they pleased."<sup>6</sup> This was the character of most of the new Ministry, which was not so popular as the old with the Presbyterians, and therefore was less utterly distasteful to Cavaliers.

Meanwhile the queen had appointed Commissioners of both kingdoms to discuss the Union. Among the English were Nottingham, Marlborough, and Robert Harley (later Earl of Oxford), a statesman destined to enjoy great power and to undergo strange vicissitudes of policy and fortune. On the Scottish side were, among others, Argyll, Queensberry, Stair, and the provosts of Edinburgh, Glasgow, Dundee, and Aberdeen. They first met on October 28, 1702; on November 20 the preliminaries were adjusted; on December 14, Anne, in a very brief speech, said that she hoped the Union would make the island "more formidable." The meetings of the Commissioners only proved the difficulties of their task. Though the incendiary question of religion was not touched, matters of free trade, of colonial privileges, and of compensation for Darien blocked the way, and the Commissioners parted, *re infecta*, on February 3, 1703. The champions of the two nations had only been feeling each other's foils. Much bargaining of a rough sort had to be done, on sea and land, by deeds and speeches, before the kingdoms could understand,—the richer, how little would be accepted; the poorer, how weak was its power of enforcing its demands. Presbyterians were in needless alarm. On February 13, 1703, Johnstone wrote to Baillie of Jerviswood that, in a meeting of English about the Union, the Archbishop of York had said, "Now is the time for restoring Episcopacy in Scotland," while Rochester and Normanby agreed with him, and Nottingham "trimmed."<sup>7</sup>

While Presbyterians like Johnstone and Jerviswood terrified each other with such stories, the Cavaliers would drop salt, not oil, into the sore places of their spirits. Would the people of Zion, they asked, consent to a union with prelatric Moab,—even England, where the mitre was already pushing with its horns? Presbyterian voters, looking forward to the approaching general election, must have felt sorely puzzled. To vote for Cavaliers was, indeed, to postpone or prevent union with a prelatric people, but it was also to open the doors to a popish Pretender.

As this general election produced the last Scottish Parliament, it may be proper here to consider the conditions at which a Scottish

Parliament had arrived after the overthrow of the Spiritual Estate in the Revolution and the abolition of the Lords of the Articles.<sup>8</sup> The famous Act of James I., in 1427-28, had relieved "the small barons and free tenants" of the duty of attending Parliaments and great Councils, provided that two or more wise men of each shire were chosen at the head court of the sheriffdom to be commissioners of the shire. Each shire was to pay the expenses of its commissioners. Meanwhile Bishops, Abbots, Priors, Dukes, Earls, "Lords of Parliament," and Bannerets were summoned by royal precept. The burgh aldermen, baillies, and other officers, till 1469, appear to have been elected in a popular way, "with multitude and clamour of common, simple persons," till November 1469. It was then decided that the old town council shall choose the new council, and that both together shall choose their parliamentary commissioner, baillies, and so on,—a change which tended naturally to place burgh representation in Parliament on a very narrow basis.

In the Regent Moray's Parliament of December 1567, while Queen Mary was a prisoner in Lochleven Castle, an Act was passed which constituted all non-noble county freeholders into an elective body, privileged to choose "one or two of the most qualified and wise barons within the shire" to represent the freeholders of the crown. The qualification of the electors and the mode of election were left rather vague. In December 1585 the electors were to be holders of not less than "forty-shilling land in free tenantry held of the king," and resident in the shire. In July 1587 all qualified freeholders of each shire, not being prelates or Lords of Parliament, were to be warned to be present at county elections at the first head court after Michaelmas yearly, unless, for reasons, any other date were preferred. There was annual election; but this custom tended to become obsolescent, and members were members during the existence of each Parliament. In 1703 the Rump of 1689 was still sitting. Most members were "old parliamentary hands," as, indeed, is obvious from the nature of their proceedings. In 1661 the county franchise was somewhat extended; in 1681 crown freeholders with a taxable landed rental of £400 were admitted.

The mode of election was also regulated anew in 1681. The freeholders were to meet on the first Tuesday in each May to draw up a roll of qualified electors, which was to be revised yearly

at the Michaelmas court. At the elections the electors were to meet in the room of the Sheriff Court, and no others were to be present except by their desire. The presence of others was a frequent ground of contesting the result of an election. One of the members of the last choice, or the Sheriff Clerk, was to bid the electors choose a chairman and a clerk. Then persons who wished to be on the roll as electors were to make and substantiate their claims, and objections were recorded, and later decided on, if now undecided, by Parliament, or, if no Parliament were sitting, by the Court of Session. In 1669 the residential qualification had been abolished. In 1690 new members, 26 in all, were allotted among fifteen counties: the shires had now, and until the Union in 1707, 92 representatives. The county electors were few in number, ranging from 12 in Bute to 205 in Ayrshire as late as 1788; and many electors did not usually take the trouble to come and vote.

In the burghs also voters were very few, merely the members of the incoming and outgoing town councils. In the House, officers of the Crown and peers sat in the same chamber with the representatives of counties and burghs. The House, in Scotland, was not a house of debate before the Parliament of 1640, when Lords of the Articles were first removed, to return with Charles II. at his happy restoration. The Parliaments of the Restoration were not wholly silent; nor did they pass a large block of legislation on one day, as had been the usage, when it was presented by the Lords of the Articles. Bills were talked over, and sometimes amended, throughout the course of the session; and we have seen that Lauderdale, when King's Commissioner, met with a great deal of constitutional opposition.

Under William and Mary, William, and Anne, members were occasionally checked, and even caused to quit the House, for indulgence in vivacities of language and gesture. The procedure was much as it is at present: leave was obtained to move a resolution; the Bill was read, or left to "lie on the table." There was a second reading, if so it seemed good; then came voting. If the Bill were carried, the Commissioner, if authorised by the Crown, must touch it with the sceptre before it became law. When touched, it had received the royal assent. Members after 1690 learned very quickly, or independently evolved, the methods and stratagems natural to debating and voting assemblies. The Royal

Commissioner, representing in fact "the Court," or the policy of the English Ministry, could usually obtain a majority by manipulating the various fluctuating groups into which members fell, and from which they were attracted into other groups, like the shifting combinations in a kaleidoscope. Members for shires and burghs sat on forms at the lower end of the hall; peers sat at the upper end, by the throne. Parties were not, as in England, separated from each other by the breadth of the floor, though there were moments when men's hands were on their sword-hilts.

Having thus sketched the aspect of the Scottish Parliament in its latest years, we return to the situation in 1703. Queensberry, the "proto-rebel" of 1689, has been already characterised as agreeable, lavish of money and of courtesy; so complex in his intrigues that we shall soon find him involved in a mystery almost as obscure as, and much more ramified than, "the Incident." His influence was all on the side of the Union. The Earl of Mar, again, impoverished by his grandfather's career, was ready to be of any party which promised personal advantages. The husband of a daughter of the Duke of Kingston, he proved in the end an uncomfortable brother-in-law to Lady Mary Wortley Montagu, and, while he was on the side of Union, under Anne, and alternately attached to the Whig and Tory parties of England,—Bobbing John, as he was called,—was to endeavour, in 1715, to break the Union, with consequences equally disastrous to Scotland, to the White Rose, and to his own reputation.

The Argyll of the moment was destined to die before the scheme of Union took shape, leaving his private affairs in an unpleasantly confused position. His successor, "Red John of the Battles," was the most distinguished of his ancient house: of him there is much to be told in this period of his country's history. One reproach is spared him: Argyll could not be called "obsequious" to king, or Minister, or party. The Atholl of the moment was also destined to brief days, and to trouble arising from his inclination to Jacobitism. Marchmont and Annandale we know already. Tweeddale was of the party who, without much enthusiasm, backed the Union from common-sense, as the least of many apparent evils. Watching them all, and noting their ways, was Lockhart of Carnwath, a Jacobite from patriotism and from dislike of the godly, rather than from sentiment. In reading Lockhart's account of these times we are frequently reminded, by the sardonic style, of a

later member of the clan,—“the Scorpion,”—John Gibson Lockhart, the son-in-law and biographer of Sir Walter Scott.

The chief factions to be represented were, first, that of “the Courtiers,” headed by Queensberry. They took their orders from the English Ministers, thus making Scotland subservient to, though her interests were not yet identical with, the interests of England. For the Courtiers, the Earl of Seafield dealt with the second party of the three, the Cavaliers, as the Jacobites still called themselves. His object was to get the legality of the last and disputed session of the Rump confirmed in the new Parliament. “With horrid assertions and solemn vows,” Seafield assured the Jacobites that Queen Anne “would trust the Government to their management,” and take care both of the distressed Royal family in exile “and of the Church.”

The result was that Seafield persuaded the Jacobites to elect several Presbyterians, but the Presbyterians voted solidly for none but such as were “True Blue.” The activity of the Presbyterian party was concentrated on one point—no tolerance even of popery or prelacy.

The Duke of Hamilton, the more than half Jacobite Arran of William’s reign, was a Hamilton only by the maternal, and a Douglas by the paternal, side—his mother being heiress of the Hamilton titles. Hoping to steady Arran, William had conferred the Dukedom of Hamilton on him; but nothing could make him steady. In March 1695 he had written to James with proposals for a French invasion, and with news, derived from Sunderland, as to the intended attack on Toulon by the Mediterranean fleet.<sup>9</sup> After being created Duke by William, he had been, as has been seen, seeking popularity by his turbulence in the cause of the Darien Company. Lockhart gives him credit for “heroic courage” and great dexterity as a party manager. But in England he had great possessions, and, being “very active for his own preservation,” he was no audacious leader of the Jacobites. He was “somewhat too selfish and revengeful”—indeed, was an untrustworthy personage. In January 1703 an envoy was sent to him from Saint Germain. Young James suggested, or his advisers suggested, a secret treaty with Anne, assuring her the Crown for life, while arrangements were being made for a restoration. Meanwhile James should have the Crown of Scotland, and live with Anne (the author of the Memoir very innocently remarks) “in as strict friendship as their great

grandfather [James VI.] lived with Queen Elizabeth." <sup>10</sup> If any part of this plan succeeded, the Union would be as remote as ever.

In February 1703 Seafield came again from London with more promises to the Cavaliers, and a letter from the Queen to the Council, suggesting that the Episcopal ministers should be provided for out of the revenues of the Bishoprics,—a thing intolerable to the Presbyterians. Queensberry, who was Commissioner, promised all that the Cavaliers could hope for in this way, if they would vote for the legality of the last session of the Rump, recognise Anne's title, and grant supplies,—so Lockhart avers. <sup>11</sup>

In addition to the Court and Cavalier parties was the "Country party" (patriots by profession rather than Presbyterians, though more Presbyterian than Jacobite), led by Hamilton, while Home was the chief of the party of the White Rose. On May 6, 1703, was a stately and famous "Riding of Parliament" from Holyrood to the Parliament House. The glittering ceremonial was described in print and illustrated: on this occasion the street had been cleaned, a thing worthy to be had in everlasting remembrance. Knox, it will be remembered, denounced the wrath of God on "the stinking pride of women," when Queen Mary did the riding in similar splendour.

Mr Hill Burton contrasts unfavourably the method of debate in this Parliament with the riper usages of England, but we have the witness of a member, Hume of Crossrig, to the fact that "there was long and tedious and nauseous repetitions in debate," as is customary in legislative assemblies. <sup>12</sup>

The main object of Government was to obtain a vote of Supply, and for that reason they had wheedled the Cavaliers with promises to tolerate their religion. To carry out the Cavaliers' share of the bargain, Hamilton presented a Bill recognising Anne and declaring it high treason to impugn her title. Argyll proposed an additional clause, making it high treason to impugn her exercise of the government since her accession. After some opposition the Cavaliers acquiesced, though the clause was ruinous to their hope of making the last session of the Rump (1702) illegal. They fully paid their pound of flesh, considering that they could trust the queen and the courtiers, with their promises, better than they could trust Presbyterians and the disgusted Courtiers who had just been removed from office.

Still anxious to conciliate the Courtiers and Queensberry, the Cavaliers chose the Earl of Home to move a vote of Supply: the grateful Queensberry renewed his vows to them, and, Lockhart believed, did so in good faith. But before Home spoke, Argyll, Annandale, and Marchmont went to Queensberry and told him that they, with a party holding Revolution principles, meant first, before Supply was moved, to ratify the Revolution and Presbyterian dominance. Queensberry, in a sea of troubles, knew not whither to turn. Home's motion for Supply was left to "lie on the table." Finally, Queensberry decided to desert the Cavaliers, break with Hamilton, and shelter himself under the protection of Argyll, Marchmont, and Annandale, whereby, of course, he was certain to cause the Cavaliers to oppose Supply. This Argyll, soon to leave "his lewd profligate life" (he kept a mistress, and was on ill terms with his wife), is accused by Lockhart of having "turned Papist to curry favour with King James"; and, on the old Scottish plan, he had, when Lorne, offered to serve against his father, the Earl who won the martyr's crown after his futile invasion in 1685. Now, at all events, he was "the darling of the Presbyterians."

Meanwhile, as against Home's shelved bill for Supply, Tweeddale had a motion for regulating the conditions of government and the preservation of religion and liberty after Anne's death. The Cavaliers, after remonstrating with Queensberry on his treachery towards them, which he could not deny, met, and determined to form an independent group. Balcarres, the inefficient ally of the great Dundee in 1689, deserted them; in 1715 he blundered into joining the Jacobite army. Marchmont's Bill for securing Presbyterian dominance passed,—Lothian declaring, amid shouts of laughter, that "the Presbyterian government was the best part of the Christian religion."<sup>13</sup> The Bill for tolerating Episcopacy was dropped,—the Commission of the Kirk declaring that toleration was "the establishment of iniquity by law."<sup>14</sup>

Queensberry now fought hard for Supply, but the excited House insisted on first safeguarding Scotland from English domination. They would not grant taxes nor do any business till they had security for religion, liberty, laws, and trade; and the Cavaliers informed Queensberry that they would go, on this point, with the Country party.

The Cavalier and Country parties carried, against the Courtiers,



an "Act of Peace and War," making it unlawful, after Anne's death, for any monarch both of England and Scotland to declare war without consent of Parliament. This Act was "touched" in hopes that Supply would be granted; but not "touched" was the Scottish Act of Security. In England that Act settled the Crown, failing issue of the Queen's, on the House of Hanover. In Scotland there was fierce debating till September 16, when Queensberry adjourned the House. The debates were mainly concerned with the procedure to follow on the Queen's death; but as Queen Anne survived the institution of a Scottish Parliament, all the eloquence of the solitary, patriotic, advanced Liberal, Saltoun, recorded in his works, and all the finesse, went for nothing. The decision was that, when Queen Anne died, the Estates should name a successor descended from the Royal line of Scotland; but he or she should not be the person who succeeded to the Crown of England, except under conditions securing the honour and sovereignty of the Scottish kingdom, frequent Parliaments, and safety of Scottish trade, religion, navigation, and colonies, and liberty from English or any foreign influences. The terms were almost identical with those in a motion of the Earl of Roxburgh, of July 16.<sup>15</sup> A clause enjoined on landlords and burghs the duty of arming and drilling "fencible" Protestants: this looked like preparation for war with England. The debates were very fierce and noisy. Atholl, Seafield, and Cromarty seceded from the Courtiers and joined the Cavaliers. Queensberry refused to touch the Act of Security,—he had no warrant to do so; and the Act produced no effect, except as a safety-valve for Saltoun's eloquence, for patriotic emotion, and for defiance of England. In this capacity it showed how necessary the Union was, and what difficulties beset its achievement on every hand. No Supply had yet been granted; an Act permitting the importation of French wines, despite the war with France, was passed, and on September 5 the House was full of members and strangers who, for the space of about two hours, bellowed "Liberty!" and "No Subsidy!"<sup>16</sup> Next day the House was prorogued. The English tendency, at least as much after as before the Union, was to ignore Scotland. For a while it was plain that Scotland could not safely be ignored.

On one point the semi-republican Saltoun and all true Scottish hearts, whether Jacobite or Presbyterian, were certainly in the right. "The Courtiers," the Queensberry administration, were

governed by their deference to Godolphin and the other English ministers of Queen Anne. Their position, so far as they were honest in pressing for the Union and for the acknowledgment of the succession of the House of Hanover, left them no choice. They must consult with the English Ministers and be guided by their advice, for they were all working towards the same end, Union, and a single king for both countries, after the death of Queen Anne. The majority of Scots, all the trading class in particular, and the more moderate ministers, despite covenanting scruples, could look forward to no better issue. "There are good marriages, but no delightful marriages," says de la Rochefoucauld. The wedding of the two kingdoms, if not good, was the least of many evils: "delightful" it could not be, but it would save Protestantism and might improve trade. But, on the other hand, the most calmly sensible Scots could not but detest the obsequiousness of Queensberry's administration in their relations with Godolphin and the English Government. The independence of Scotland was practically non-existent: except in debate, she was ruled, or threatened with the prospect of being ruled, from England. Queensberry was vexed by all that was said of him, publicly and privately, by his opponents in and out of the Scots Parliament. When a chance was given him of proving that some of them were dealing with the king over the water, he took the opportunity of proving their disloyalty to Protestantism, always the most useful of accusations against an adversary. He became involved in a plot against a plot.

The crisis produced by Scottish parliamentary eloquence and public emotion distressed statesmen like Harley, who appealed to the moderating influence of "Cardinal Carstares," as that quiet and astute politician was nicknamed. In Parliament, said Harley, there had been "heat without light." The speeches had been printed and circulated in England, where people took very little interest in, and did not pretend to understand them. That was precisely the Scottish grievance. Nobody understood that if they dwelt in an independent kingdom they must not be ruled by the Ministers of another kingdom, enjoying privileges which they did not share.<sup>17</sup> Carstares was called to London to give advice. The Queen was dissatisfied with Atholl, and more so with the Scottish Act of Security: such measures should be considered after, not before, the Treaty of Union.<sup>18</sup>

Atholl's difference with Queensberry was important. He had a great Highland following of fighting men, and the House was always in a wavering balance, dipping towards Jacobitism. Colonel Hooke was showering Jacobite memoirs on De Torcy, foreign Minister of Louis XIV.; and now a remarkable person, Simon Fraser of Beaufort, by revealing things true and false to Queensberry, induced him to meddle in a scheme of proving the treason of Atholl and other distrusted Scottish politicians. The consequences were ramified and of long endurance: the facts reveal a strange state of society and morality in the Highlands.

Hugh Fraser, ninth Lord Lovat, had a brother, Thomas Fraser of Beaufort, who survived his brother's grand-nephew, Hugh, eleventh Lord Lovat, and was thus male heir to the Lovat title and estates. The eleventh Lord Lovat had married Amelia Murray, daughter of the first Marquis of Atholl: he had no son, and resigned his lordship to procure a new charter, with descent secured to his daughters, who would be under Atholl influence. He later reverted to affection for the male line, represented by Fraser of Beaufort, his great-uncle, and by his male progeny. But Lord Lovat died, and things were left in confusion. Old Beaufort seems to have been supine, but his son, Simon Fraser, insisted that the clan must elect a chief (himself). He might have married the heiress, if Lovat's attempt to restore the male line failed, but this did not suit Atholl. An attempt to elope with the heiress failed, and Atholl removed the child, aged nine years, to his castle of Blair. Meanwhile Simon, an officer in Tullibardine's regiment, quarrelled with his colonel, whom he accuses of cowardice, and set up as Master of Lovat, playing his own game for his own hand. Atholl looked round to find a Fraser who might wed the Lovat heiress, and yet be subservient to himself. He found his man in the Master of Saltoun, a Lowland Fraser who had not the Gaelic. A written remonstrance was sent to Lord Saltoun by Beaufort, Simon's father, and twenty lairds of the Fraser clan: if Saltoun visited the Frasers who took his part, he would not soon go home again. Saltoun, however, with Lord Mungo, a son of Atholl's, did visit the friendly set of Frasers. On his return he was seized by the Frasers of the Beaufort party, near Inverness, under Simon, and, with all his company, was carried to the tower of Finellan. On looking out of the window next morning, he saw a gallows and ladder convenient, and a gathering of 500 armed Frasers. He contracted a serious illness

under the threats with which he was entertained, and was forced to choose between the gibbet and a written renunciation of his scheme. He selected the latter alternative.

Atholl now procured permission to march in force against Simon for appearing with an armed band. According to an ally of Simon, Major Fraser of Castle Leathers, he now conceived the fantastic idea of conciliating Atholl by marrying that nobleman's daughter, the dowager Lady Lovat, mother of the heiress. With his clansmen he seized her: "there was some harsh measures taken, a parson sent for" (Mr Munro, minister of Abertarff), "and the bagpipe blown," apparently to smother the remonstrances of the reluctant bride. In about a week, according to Castle Leathers, the lady, "vowing she would ne'er consent, consented," and, like Lord Bateman in the ballad, "prepared another marriage," at which the Rev. Mr Fraser, minister of Kilmorach, officiated, the bagpipe being silent and the bride willing.

Simon now retired to Eilean Aigas, an isle in the Beaulieu river, later the home of the Pretenders of the nineteenth century, John and Charles Allen, otherwise John Sobieski and Charles Edward Sobieski Stuart. Here Simon was safe, and did not answer to a summons on a charge of treasonable armed assembly. After many uproarious proceedings, Simon's bride was carried to Atholl's house at Dunkeld, and, willingly or unwillingly, renounced her marriage. Simon fled from Atholl's forces to Skye, but returned and captured two of Atholl's sons, Lord James and Lord Mungo, whom he released. Simon now went boldly to Edinburgh to prove his innocence of a rape on the Dowager Lady Lovat. He relied on the protection of Argyll, who was pursuing his ancient feud with the House of Atholl. But all that Argyll could do was to supply Simon with horses and money for instant flight. He escaped to France, where he made interest, as being a powerful and loyal Jacobite, with the Foreign Minister, De Torcy, and with James II. On the king's death he still persevered, but his record was not satisfactory to a pious Princess, like Mary of Modena; and when, in 1707, Simon was allowed, outlaw as he was on the charge of treason, to go to Scotland and try the temper of the clans, he, in fact, was brought by Argyll to Queensberry in Edinburgh and betrayed his mission. He was accompanied, or rather preceded, by the watchful James Murray, of the House of Abercairney, to observe his movements, and, after seeing Queens-

berry, he went with Murray to the Highlands.\* What he did there was of little importance. He has told his own story in his own way in *Memoirs* couched in French. (There is an English translation of 1797.) This is one of the most entertaining of books: the ancient and loyal nobility of the Frasers; the gallant, chivalrous, and courageous conduct of Simon; the poltroonery of Tullibardine; the virtues of Argyll; the ineffable wickedness of some "traitor Frasers"; the black duplicity and treachery of Glengarry; the feebleness of Lord Saltoun,—are all described in a manner worthy of Barry Lyndon, whom Lovat, though a better educated man, greatly resembled in character and accomplishments.

Returning from the Highlands, without much success, he *did* wait on Queensberry,—“in order,” he says, “to amuse and throw him on a wrong scent.” Queensberry said that he knew all about Simon Lovat’s business, and advised him to betray all he knew against Atholl (Simon Lovat’s deadly foe) and Hamilton. Simon replied that Hamilton “was devoured by the absurd idea”—the old Hamilton idea—“of becoming himself king of Scotland.” Hamilton had told Graham of Fintry that the Presbyterians would back his claims, and that he patronised the Cavaliers merely for the purpose of embroiling the kingdom. Simon knew that Hamilton had dealt with James (which was true), and that “he had never expended a sixpence” for the Prince,—which is probable. Atholl, he said, had been the most faithless of men to James, and a persecutor of himself. He therefore told Queensberry everything against Atholl and Hamilton which rumour and a lively imagination could suggest. They had commissions from Saint Germain: they would rise at the first opportunity to restore their king.

The delighted Queensberry offered Lovat an amnesty, a regiment, a pension, and the justiciaryship of Inverness. Lovat replied that, in honour, he must first revisit his exiled king, and then, if he permitted, would make his peace with Queen Anne. All he asked for was a passport signed by Queensberry. This he received: he was also to visit Queensberry secretly in London, to obtain an English passport for Holland. Lord Drummond con-

\* This James Murray was the uncle of Murray of Broughton, the Secretary of Prince Charles in 1745. Broughton says that Simon Fraser, finding Murray inconvenient, induced the Government to place a reward of £500 on his head. He then fled to France. (*Memorials of John Murray of Broughton*, pp. 15, 16.)

gratulated him on the success of his "romances" about Atholl and Hamilton, "and such was the first and sole guilt of Lord Lovat."

This is Lovat's story.<sup>19</sup>

In London Lovat made acquaintance with Ferguson the Plotter, and William Keith, a retainer of Atholl. To them he posed as an ardent Jacobite, who wished, for loyal purposes, to be reconciled to Atholl. Ferguson, smelling out Lovat's design to implicate and ruin Atholl, gave the Duke warning, and Atholl, in self-defence, informed Queen Anne of the whole intrigue—"The Queensberry Plot." Queensberry, on his side, declared that Lovat when in Scotland had offered himself as a spy, and as a spy had been given a passport to France to make more discoveries. As against Atholl, Lovat had produced a letter of Mary of Modena to L—— M—— that is, "Lord Murray," the title under which the Court of France recognised Tullibardine, now Duke of Atholl on his father's death. This letter Queensberry sent, as proof against Atholl, to Queen Anne. It appears that this was an unaddressed letter of Mary's, not meant for Atholl,—nobody would dream of approaching Atholl through Lovat,—and that the address to L—— M—— was the work of Lovat himself.<sup>20</sup> Arrived in France, Lovat was suspected, and lay long in durance, indeed till 1715.\*

Queensberry was now in an awkward situation, for he had produced the letter to L—— M—— as evidence against Atholl, who was in Scotland, and the world was buzzing with tales of Scottish disloyalty. In Scotland it was angrily urged that instead of employing Simon as a spy and denouncing Atholl to the English Ministry, Queensberry should have locked Simon up and publicly examined into the affair at home. There he was looked upon, with Argyll, as himself the chief conspirator, and Simon as his *agent provocateur*, in a scheme to ruin Cavaliers. On returning to France, it was said Simon had orders to get letters from the Court of St Germain to Atholl, Hamilton, Seafield, Cromarty, and the Cavaliers. He would give these letters to Queensberry, who would then use them in his revenge upon good Scots—his parliamentary opponents. This was Lockhart's view of the case, and no doubt the view was popular.<sup>21</sup>

Atholl, warned by Ferguson, proved to Queen Anne his own innocence, while she invited the Scottish Privy Council to investigate the case. But the Whigs who ruled the English House

\* See Macpherson's State Papers, i. 641-690, for details.

of Lords selected a committee of their own body to conduct an inquiry, thereby increasing Scottish irritation. They found a conspiracy proved, and that the Scottish refusal to accept the Hanoverian Succession in the late session was the plotters' opportunity. The English House of Commons resented this as an unconstitutional proceeding on the part of the Lords, a mere Tory move against the Whig peers, but popular in Scotland.<sup>22</sup>

Whatever the case of Atholl might be, Hamilton was so deeply dipped in Jacobite intrigue that he felt himself in danger. As was his practice, he deceived the Cavaliers while he kept measures with them, if we believe Lockhart. That historian was *lié* with Hamilton to the end, yet has frequently to record his disappointing evasions. When Atholl reported from London the perils of the situation and the excitement about the plot, Hamilton convened numbers both of the Cavalier and Country parties. He first consulted fairly safe men, such as Tweeddale, Roxburgh, Rothes, Belhaven, and Jerviswood, without speaking his mind to Lockhart, Strathmore, Home, and other Cavaliers. As envoys to go to London he and his safe men selected Jerviswood—a noted Presbyterian,—Rothes, and Roxburgh. The Cavaliers could not reject but did not trust these envoys, whose business was to persuade the queen of the necessity for a speedy meeting of the Scots Parliament to inquire into Queensberry's charges of disloyalty. The consequence was that the emissaries "depended sneakingly on the English Ministry," and were only useful to Hamilton by allying the Country rather than the Cavalier party with his interests.<sup>23</sup> Anne disclaimed an intention of keeping an English army in Scotland, an idea supposed to have been mooted by Stair in Council. Godolphin employed Johnstone (the son of the ancient Covenanter of evil days, Waristoun) to deal with the three Scots, and a bargain was struck with them. They, with Tweeddale and the Country party, were to be allowed to propose limitations on Anne's successor, and by their command of office and places they would secure in Scotland the claims of the House of Hanover.

Queensberry had fallen almost into ridicule, and quite under suspicion, through the plot of Simon. He was not, therefore, reappointed as Royal Commissioner: that important post was entrusted to the less obnoxious and less able Tweeddale, "a well-meaning but simple man." Cromarty (Tarbat) was alone in

the Secretary's place, Seafield was still Chancellor. Johnstone was Lord Register, and was regarded as the subtlest and most sycophantic of Courtiers. Johnstone, ransacking records, like his father, found a precedent of 1641, in favour of "a policy of securing the succession at the price of a few limitations." The Cavaliers well understood all these machinations, and arranged that the discontented friends of the fallen Queensberry should join them in opposing the plans which the English Ministry had entrusted to the new Commissioner, Tweeddale, while they on their side would stifle the inquiry as to Queensberry's dealings with Simon. In truth, they cannot have been anxious to see an investigation of the intrigues with St Germain and the French Court. Many men deserted the Cavaliers and the Country party, following the lead of Tweeddale, Roxburgh, and Jerviswood, and worked in the interests of the Court: they may have found light enough to see that these were also the true interests of Scotland.<sup>24</sup> Their old associates, however, thought that they had been won over by less reputable motives. However that may be, the disgusted Queensberryites, and "the courage and conduct of the Cavaliers," secured the honour of the nation and the disappointment of the so-called Courtiers.

On July 11, 1704, Tweeddale presented the Queen's Message to the Scottish Parliament. Their dissensions, she said, encouraged her enemies across the seas. She insisted that they must show their sense and loyalty by settling the Succession in the Hanover line. Any reasonable proposals of limitations on the prerogative of that line would be accepted by her. She hoped that they would improve trade and industries. Tweeddale added that the evidence as to Simon's plot would be laid before the House.

On July 13 Hamilton produced, and on July 17 spoke to, a motion that the House would not touch on the Succession till they had a satisfactory treaty on trade, and other matters, with England. Rothes proposed the converse course. Which motion was to be first debated? Lord Phesdo (Falconer, a judge) proposed to blend the motions (the intricacies of parliamentary methods here become vexatious in a high degree); the Courtiers were compelled to allow a vote by the speech of "a certain member," probably Lockhart. He spoke of "demanding the vote sword in hand," and the vote was in favour of "the two resolves as conjoined together."<sup>25</sup> The general public was



charmed, Hamilton was applauded: it was a night of mirth and jollity. The double-barrelled motion now ran to this effect: "Resolved that this House will not proceed to the nomination of a successor until we have had a previous treaty with England, for regulating our commerce and other affairs with that nation. And further resolved, that this Parliament will proceed to make such limitations and conditions of Government for the rectification of our Constitution as may secure the religion, independence, and liberty of this nation, before they proceed to the nomination of a successor to the Crown."<sup>26</sup>

Marchmont next drew the trail of "No Popery, no Pretender," across the line of the appointed discussion, and much eloquence was let loose. As days went on a Bill of Supply passed its first reading, and on July 25 Hamilton brought in a new device culled from the English parliamentary armoury—the "tacking" of last year's Act of Security and free trade with England to the money bill. By way of a contemporary account of these manœuvres, we may quote an extract from the Diary for this day (July 25) of a member who does not conceal the tedium of the "long and nauseous debates." Hume of Crossrig confides to his journal that "It was moved by the Earl Marischal and the Duke of Hamilton that the Act of Security might be read, and added as a clause to the Act of Supply. It was said by Lord Marchmont [*sic*], he desired to be heard before reading. No, said the Earl of Marchmont, it behoved first to be read, for it was a part of his speech. Earl of Buchan said if the Earl of Marischal had a mind to read the Act he might, as a part of his speech; but the Clerk could not read it till members be heard why it should not be read. The Earl of Marchmont desired to be heard why it should not be read. Earl Rugland said he was up before the Earl of Marchmont, and desired to be heard, so there was a long jangle. . . ."

Still more lively was Fletcher of Saltoun. "He knew and could make it appear that the Lord Register [Johnstone] had undertaken to promote the English designs for promotion to himself. The Register said there could be no influence but the place he had, and it was known he had lost a higher place for his concern for his country. . . . Saltoun still insisting, Sir James Halkett said he was impertinent. Saltoun said he who would call him impertinent was a rascal. . . . I came out,"

ends honest Crossrig, — and we only wish to imitate him as rapidly as possible.<sup>27</sup>

On August 5 Tweeddale, having instructions so to do, touched and passed that Act of Security (lacking the clause on communication of trade) which, in the previous session, had been voted but not touched. In return, the House voted Supplies for six months, the price of the touching, about £25,000.

The instant need of Supply for troops, as discontented as unpaid soldiers are wont to be, procured the touching of the Act of Security. The Cavaliers were now anxious to nominate "honest men" as Commissioners for the Treaty of Union. But Fletcher of Saltoun seized the occasion for a harangue against the behaviour of the English Lords' Committee of Inquiry into the Plot, and as the Plot was essentially private business the angriest passions were aroused, Hamilton and Annandale being especially fierce. No Plot papers were produced, no Commissioners for the Union were elected, as it could not be known who were under suspicion of treason. The Act of Security thus reached England unmitigated by any advance towards union, while the Cavaliers lost their chance of having Commissioners of their own mind. An Address to the Queen threw the blame on the impertinence of the English House of Lords and the absence of the Plot papers and witnesses.<sup>28</sup> In delaying the recognition of the House of Hanover, the Scots thought that they had a *fulcrum* whence to move England to their will; but the English, when they slowly and reluctantly began to trouble themselves on the subject, showed that they had the means of putting pressure on Scotland.

The English House of Lords in November was addressed by Lord Haversham on the state of Scottish affairs. The Protestant heritors and the boroughs had been ordered to arm and exercise their fencible men once a-month. This movement, he said, might be meant to resist French invasion and a Highland rising, or it might have another intention. Here, then, in Scotland was great poverty, great discontent, and an armed and disciplined multitude. France was in the background, expectant.

These perils were matter of debate on November 29, and Queen Anne was present—"to moderate the heats." She sat on a bench beside the fire—because of the cold.<sup>29</sup> Though a lady was present, noble Lords were not much more polite than Fletcher of Saltoun, and Mohun tried to have Nottingham sent to the Tower for a

remark about the late king. The Peers, without censuring the Scottish Act of Security, decided to accept a Bill from the Commons. The Queen should be enabled by Act to name Commissioners to treat for a Union when the Scots Parliament had taken the same step. By way of squeezing the Scots, they were to have no privileges as Englishmen (what had they before?), with some exceptions, as of officers in English service and Scots settled in England or the Colonies. Scottish cattle were to be excluded from England; Scottish ships trading with France were to be captured; English wool was not to be imported into Scotland; Scottish coals and linen were to be excluded; and the northern ports and Carlisle were to be fortified, the militia drilled, and regular troops moved to the border. These precautions were proposed in an Address of the Lords to the Queen. The clause arming Protestants of the Northern counties alone did not pass: the rest was to come into operation after Christmas 1705, unless the Scots by that date accepted the Hanoverian succession. The Post Nati Act of James VI. and I. would be repealed.<sup>30</sup>

Tweeddale had to resign in spring 1705, and the new young Duke of Argyll was appointed Commissioner. Roxburgh, in London, heard that Argyll and his followers would be for a Treaty with England, while, if Hamilton was against it, nothing could be done. He was "vain and necessitous," but to purchase him would require time and trouble. Meanwhile, the new Scottish Ministers were Seafield, Roxburgh (Secretaries), and Rothes (Privy Seal),—all these being traitors in the eyes of men of sound Cavalier principles like Lockhart of Carnwath. Jarviswood and Lord Selkirk also accepted office, "all cheerfully concurring with the designed ruin of their native country. . . . But few and evil were their days," for young Argyll presently took matters into his own hands, and a new Ministry served under him.<sup>31</sup>

The renegades had hardly sipped the sweets of power when Seafield was made Chancellor, Annandale and Loudoun, Secretaries of State, Queensberry, Privy Seal, and Philiphaugh, Lord Register, with Cockburn of Ormiston as Lord Justice. But before these changes occurred, a brilliant little feat of arms was achieved for the Scottish East India Company by their Secretary, Mr Roderick Mackenzie,—a gentleman already mentioned as having been baited by the inquiries of the English Parliament in 1695, when they interfered with the nascent enterprise of Darien.

The Scottish East India Company had kept up an aspect of animation, and had on hand various small shipping ventures. There was anxiety about the fate of a vessel long missing, a ship which had come back from Darien, *The Speedy Return* (Captain Drummond), and excitement about *The Annandale*, which had been seized in the Thames at the instance of the East India Company, for some real or alleged breach of that Company's privileges.

In August 1704 an English vessel, *The Worcester* (Captain Green), came into Leith roads to repair. Mr Roderick Mackenzie now beheld a chance of exercising the Scottish Company's right "to seek and take reparation for injuries done by sea and land." As the Government of Scotland would not move, Mackenzie stepped into the High Street on a Saturday afternoon, and, as he says, "got together a sufficient number of genteel pretty fellows,"—"pretty" meaning bold and athletic. He mustered an eleven, who had pistols as well as swords; divided them into two small boat-parties, starting one from Newhaven, the other from Leith; and, with all the materials for making punch on board, the gentlemen visited *The Worcester* as friendly sight-seers. When a good deal had been drunk, and a Scottish song was being sung, the officers of *The Worcester* found pistols presented at their heads: the crew ran for the loaded blunderbusses lying ready on racks, but between them and their weapons shone the swords of the Scottish gentlemen. *The Worcester's* men were bound, the cargo was sealed up, and *The Worcester* lay without rudder or sails in Burntisland harbour, under her own guns, which Mackenzie mounted in an old fort on shore. An English man-of-war was lying in the Firth, within sound of a pistol shot, but no shot was fired.

The cutting out of *The Worcester* occurred on August 12; Mackenzie began an action against the ship in the Scottish Court of Admiralty, and, in his report of September 4, wrote that "from some very odd expressions dropped now and then from the ship's crew," who had fraternised with the people at Burntisland, he suspected that they had been "guilty of some very unwarrantable practices." In fact, the friends of the officers and crew of the missing ship, *The Speedy Return*, had very naturally asked the mariners of *The Worcester* if they had any news of that vessel. "You won't see her in haste," said an English sailor named

Haines, to Mackenzie, and he babbled of terrible deeds done by the sloop of *The Worcester* on the coast of Malabar. Other men of the ship dropped hints in their cups, and Haines made confidences to a girl with whom he was in love: the girl did her best to keep his secret.

The Privy Council now arrested and examined *The Worcester's* men, and, on March 5, 1705, their trial began before the Scottish Court of Admiralty. The popular conviction was that *The Worcester* had seized the Company's missing vessel, the ill-named *Speedy Return*. On the Bench were Loudoun, Belhaven—an energetic friend of the Darien venture,—Hume of Blackadder, and two of the judges, Dundas of Arniston and Cockburn of Ormiston—a Whig of the party of the Courtiers. The surgeon of *The Worcester*, Mr May, and two Africans, the cook's mate and the captain's man, gave evidence that, off the coast of Malabar, about February or March 1703, the sloop of *The Worcester* had piratically seized a ship and murdered English or Scottish sailors. May, who was on shore, had heard firing, and learned from the black sea-cook, Francisco, that he himself had been wounded in the fight, and that the crew of the captured vessel had been killed in cold blood. It was also proved that the cargo of *The Worcester* consisted of arms valued at only £1000, while she carried twenty guns, and had a crew of thirty-six men, and her captain communicated with her owners in cypher. *The Worcester*, "the old black bitch" as one of her crew called her, certainly does not seem to have been engaged in legitimate commerce.

The jury found that "there was one clear witness," the black cook (who was dying when he gave evidence), to "robbery, piracy, and murder," and that there was cumulative corroboration. It was not alleged that the pirated vessel was *The Speedy Return*; piracy had been committed on some vessel unknown, and there was, so to speak, no *corpus delicti*. The captain, Green, was condemned, with four others, to be hanged on April 4, four others on April 11, the other five on April 18. Meanwhile Haines, who had already blabbed, and another sailor named Bruckley, made full confessions: Haines had already spoken to Anne Seaton, the girl whom he was courting, of something valuable to the prosecution: he now said that it was his diary of the voyage, which he had thrown into the sea.

On March 28, 1705, came a letter to the Chancellor from the

queen, written by Argyll, and ordering a respite till the whole case was laid before her Majesty. The Privy Council, as the queen's proceeding was informal, sent in an account of the trial, but asked that no respite should be granted.<sup>32</sup> A week's respite, however, April 4-11, was permitted to Captain Green. Meanwhile, on March 21, two English sailors at Portsmouth had made affidavit that they had been members of the crew of *The Speedy Return*, and that they had escaped from pirates who took that vessel off the coast of Madagascar, while Captain Drummond was on shore. If they told truth, Green did not seize *The Speedy Return*. "This business of Green is the devil and all, it has spoiled all business," namely as to the Union, wrote Secretary Johnstone from London (April 9). In the Cabinet Somers said that he knew not Scots law, but by all the law he knew the trial was illegal, as no ship was specified as the victim of Captain Green.<sup>33</sup> The English Whigs said that the trial was a Jacobite move: it would make a good cry for them at the elections. On April 10 a mob, demanding the death of Green, arose in Edinburgh; on April 11 it roared round the meeting-place of the Privy Council in the Parliament House. The Chancellor was attacked in his carriage, and had to take refuge in a friend's house. The Council gave in to the mob: Green, Madder, and another were duly hanged on Leith sands.

Many years later (1737), Forbes of Culloden, in 1705 a very young man, told the House of Commons, on the occasion of the Porteous Riot, that he had believed in Green's innocence, had attended his funeral, and knew that, after his hanging, letters reached the friends of the crew of *The Speedy Return* announcing their safety. What was the date of these letters, and what was the date of the seizure of *The Speedy Return* off Madagascar, according to the affidavits of two Englishmen of the crew? In 1729 'Robert Drury's Journal' appeared, and Drury testified that he met Captain Drummond in Madagascar, long after Green's hanging. But the latest editor of Drury's 'Journal,' Captain Pasco Oliver (1890), makes it appear that the book is a fanciful compilation, probably by De Foe, and that Drury was himself a pirate,—at all events, was a suspicious character. Finally, Hamilton, in his 'New Account of the East Indies,' chap. xxv. (1727), describes at length his own meeting with Green and his crew, including May, the surgeon, at Calicut, in February 1703. Green told Hamilton

that he had sold most of his cargo of arms to pirates in Madagascar. The mate, Madder or Mather, in Hamilton's presence, confessed to crimes, which the crew of drunkards, he feared, were sure to blab. Hamilton replied that he had been informed of their sinking a sloop with European sailors off Coiloan. The surgeon, May, told Hamilton what he later told the Scottish Court at the trial. "I have heard of as great innocents condemned to death as they were," ends Hamilton drily. Captain Green, it seems, in Lord Braxfield's words, "was nane the waur o' a hanging," but probably he was not guilty of the seizure of *The Speedy Return*.<sup>34</sup>

During these proceedings Tweeddale's party yielded place to Argyll, and constituted themselves into the *Squadron Volante*, a mass of votes that might turn the scales when so it suited the leaders. It was a Parliament of groups, not of a united Government and compact Opposition, that met on July 3, 1705. The new Commissioner, the young Duke of Argyll, was the greatest man of the family since the friend of Bruce, Sir Nigel. He was no coward, either in Council or on the field of battle. He had no desire to practise the statesmanship which is led by the mass of the party, and, in a familiar phrase, to "shout with the larger mob." Though he inherited the liking of the Presbyterian party, he was not a Puritan in his private life: indeed, perhaps, none of the house ever was, except the martyred Marquis. His letters announce his determination to employ only steady friends of the Revolution of 1688, though Tweeddale's friends of the *Squadron Volante* were supposed to stand high in the favours of Queen Anne. He asked for Green Ribbons (of the Order of the Thistle) for Lothian, Mar (the Mar of 1715), and Haddington, and remarked that some twenty votes had been lost by injudicious thrift in not purchasing them.<sup>35</sup> His Ministry, as we have seen, were Whigs.

The Queen's Message, read on July 3, 1705, and the speeches of Argyll as Commissioner, and of the Chancellor, all dwelt on the urgent necessity of arranging a Treaty of Union; but the House preferred to begin by discussing questions of trade and finance, fishing and salt-making, the currency, and the banking dreams of a Dr Chamberlain and of the brilliant gambler, Law "of Lauriston," later so famous as the deviser of the Mississippi Scheme. All this was deliberate waste of time—the Darien affair had proved that Scotland could not be a great trading country on her own bottom. Lockhart himself saw that the Cavaliers should have gone into the

question of the Treaty of Union while they were fresh and the session was young. Then they might have rejected the Treaty or modified it to their minds, electing partisans of their own as Commissioners to meet those of England. But as time went on, the money and influence of the Court, and the wiles of Queensberry, who came late to Scotland, won votes if not hearts for the English policy.<sup>36</sup> One useful vote created a Council of Trade to inquire into the national finances. After about three weeks (July), the malcontents, under Hamilton, resolved that they must have a treaty settling commercial and other relations with England before they would settle on a successor to Queen Anne, who, good lady, was always seeing her winding-sheet waved before her eyes,—as Queen Elizabeth had expressed it. The House also decided that they would make such limitations to the future monarch's power as they pleased, before nominating the coming king. To the horror of good Cavaliers, the Marquis of Montrose, the great-grandson of the hero, voted against them by the side of the son of the detested Johnstone of Waristoun. Worse, he had taken the Holy Communion at the hands of Presbyterian ministers, which was equivalent to confessing their power to excommunicate the great Marquis. But *he*, too, had been a Covenanter,—a point forgotten by Cavaliers!<sup>37</sup>

The House now drifted back to questions of trade, probably on purpose to show the English how little they cared for them. At the end of July, however, Lothian demanded a first reading of his Bill for a Treaty, while the Opposition insisted that a Bill of Limitations on the power of the future monarch should first be taken. They carried the vote by a majority of three, says Argyll, and by the aid of the *Squadron Volante*. Yet, as Argyll writes indignantly, some of these men had offices and others had pensions. An example should be made of Cromarty, the Commissioner wrote; Cromarty being the Tarbet of the years following the Revolution. The "limitations," much akin to those forced on Charles I. during the period of the Bishops' Wars, were voted, but were not "touched" with the sceptre.<sup>38</sup>

The Cavaliers restricting royal power presented an odd spectacle, but they had good party reasons of popularity and obstructiveness. Fletcher presented a grand scheme of eleven Radical measures, the twelfth being that the king was to forfeit his crown if he infringed any one of them. "Most part of people here are stark mad, and



do not themselves know what they would be at," wrote Argyll; but the various groups of the motley Opposition knew their own private motives, in each case, very well. On August 24 Mar's motion as to a Treaty of Union was considered: this is the Mar who led and bungled the rising of 1715. Fletcher denounced the insolence of the recent English Act. That Act gave to Queen Anne the nomination of Commissioners to arrange the Treaty: Mar's draft left a blank on this important point. The Cavalier and Country parties strove "to clog the Commission with such restrictions as should retard the Treaty's taking effect." Hamilton proposed "that the Union should no ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of this nation." Of course such a union would not be "an incorporating union" at all. Hamilton's resolution was defeated by only two votes; a few canny Cavaliers did not attend when the vote was taken,—probably they saw just in time that a quarrel with England and the fulfilment of the threat to make Scotsmen aliens were not desirable results. These results really honest Cavaliers were pining for; the king over the water would have his opportunity. But common-sense triumphed over romance. "From this day may we date the commencement of Scotland's ruin," writes Lockhart; and, as a matter of fact, during the remainder of his life Scotland seemed to have lost her dignity as a nation, and gained very little in the way of worldly wealth. Hamilton, acting treacherously as Cavaliers thought, had proposed that the queen should have the nomination of the Commissioners, as Commissioners for a treaty there were to be. "The true matter was, his Grace had a great mind to be one of the treaters himself." Parliament saved its dignity by an address to the Crown, praying that nothing should be done in the treaty till the English dropped their threat of making the Scots aliens. Supply was granted, Argyll adjourned till December, and the session, he writes, "ended with all the decency imaginable."

The Court had recognised that with time and tact Hamilton was to be won. They had gained him, and the English menace of alienation had produced its effect. Even Lockhart could not conceal from himself that the House, in its heart, despite loud patriotic talk and adverse votes, did desire the Treaty of Union. After a miserable century of presbyterial government, Cavalier persecutions, poverty, strife, and demoralisation, men were returning to the wisdom of Bacon and James VI.

## NOTES TO CHAPTER IV.

- <sup>1</sup> Lockhart Papers, i. 47 ; i. 276, "Letter to an English Lord."
- <sup>2</sup> Lockhart Papers, i. 44-47.
- <sup>3</sup> Jerviswood Correspondence, pp. 2-7.
- <sup>4</sup> Lockhart Papers, i. 48 ; Carstares Papers, pp. 714-716.
- <sup>5</sup> Jerviswood Correspondence, pp. 7, 8.
- <sup>6</sup> Lockhart Papers, i. 52.
- <sup>7</sup> Jerviswood Correspondence, p. 11.
- <sup>8</sup> The facts are collected and set forth in Professor Sanford Terry's 'The Scottish Parliament,' 1603-1707. MacLehose, Glasgow, 1905.
- <sup>9</sup> Macpherson, Original Papers, i. 512-514.
- <sup>10</sup> Macpherson, Original Papers, i. 623-625.
- <sup>11</sup> Lockhart Papers, i. 51-59.
- <sup>12</sup> Hume of Crossrig's Diary, p. 101.
- <sup>13</sup> Lockhart Papers, i. 65.
- <sup>14</sup> Lockhart Papers, i. 66.
- <sup>15</sup> Crossrig's Diary, p. 117.
- <sup>16</sup> Lockhart Papers, i. 69.
- <sup>17</sup> Carstares Papers, pp. 719-722. August 19, Sept. 16, 1703.
- <sup>18</sup> Atholl MSS., Historical Manuscripts Commission, XII., viii. 61.
- <sup>19</sup> Lovat, pp. 160-182 : 1797.
- <sup>20</sup> Lockhart, i. 78-83 ; Ferguson the Plotter, pp. 336, 342.
- <sup>21</sup> Lockhart Papers, i. 81.
- <sup>22</sup> The story of Lovat's affair is based on Lockhart, Macpherson's Papers, 'Major Fraser's Manuscript,' edited by Colonel Fergusson (Edinburgh, 1889), and Lovat's Own Memoirs. Cf. Mr Mackinnon's 'Union of Scotland and England,' "A Plot and its Sequel."
- <sup>23</sup> Lockhart Papers, i. 93, 94.
- <sup>24</sup> Lockhart Papers, i. 96-99.
- <sup>25</sup> Lockhart Papers, i. 101, 102.
- <sup>26</sup> Lockhart Papers, i. 101.
- <sup>27</sup> Hume of Crossrig's Diary, pp. 145-148.
- <sup>28</sup> Act. Parl. Scot., xi. 204, 205.
- <sup>29</sup> Parliamentary History, vi. 369-371.
- <sup>30</sup> Parliamentary History, vi. 369-374 ; Jerviswood Correspondence, i. 14-18 ; Boyes, iii. 165, 166.
- <sup>31</sup> Lockhart Papers, i. 107-109.
- <sup>32</sup> Jerviswood Correspondence, pp. 64, 65.
- <sup>33</sup> Jerviswood Correspondence, p. 70.
- <sup>34</sup> State Trials, xiv. ; Hill Burton's Scottish Criminal Trials ; Historical Mysteries, pp. 193-213 (A. Lang).
- <sup>35</sup> See Letters of Argyll in 'The Edinburgh Review,' October 1892.
- <sup>36</sup> Lockhart Papers, i. 116.
- <sup>37</sup> Lockhart Papers, i. 118, 119.
- <sup>38</sup> Lockhart Papers, i. 120-122.

## CHAPTER V.

## THE UNION.

1705-1707.

“THE fort that parleys and the woman who listens—surrender.” In the matter of the Union Scotland had listened and had parleyed; her surrender of distinct and independent sovereignty was certain to follow. The weightier part of the nation knew, in the deeps of their hearts, that this must be so. They knew that the independent sovereignty had been the cause of poverty and of the expatriation of the flower of the youth to fight under foreign flags. Worse, the appearance of independence had either been the germ of civil war, and was likely to be so again, or had degenerated into a farce, the Scottish Ministers being puppets moved by the English Court. Charles I., trying to tyrannise over Scotland by the strength of England, had caused the Bishops’ Wars. More recently Scotland had really been governed, through the royal commissioners and with backstairs methods, by the English administration. There was actually more real independence and much less corruption in the country when it came to be represented in the open air and light of the Parliament of Great Britain, than when fighting against English Court influence, with an Opposition made up of hostile groups, in the Parliament House of Edinburgh. A Parliament of Great Britain, an incorporating union, was, if not wholly satisfactory to the smaller country, still an intelligible conception. All the plans of federation and of a local Parliament were ingenious “whimsies,” the hobbies of this, that, and the other amateur of constitution-making. Moreover, England was determined to have an “incorporating union,” or none at all. Every person of sense in Scotland knew this, and knew that the alter-

native to complete union was civil war. Even the Cavaliers were aware that in such a war they could not depend on the aid of France; while, even if they could, the Presbyterians would be driven to make any concessions to England rather than receive the Chevalier de St George with his wicked and idolatrous Mass.

Thus, as De Foe remarks, everything worked together to produce the Union, and the many grounds of objection to it cancelled each other. "The Union grew up between all the extremes as a consequence, *and it was merely formed by the nature of things rather than by the designs of the parties.*"<sup>1</sup> The Union was a natural flower of evolution. Many of the objections to it—patriotic, historical, sentimental, and even economic—were far from being idle fancies; but the Union, as the least of all possible evils, was, in process of time, to become the greatest of all possible goods in this imperfect world. The Commissioners, thirty-one of either country, were, almost all of them, men who understood this. They met to do the business by interchange of written documents, and not to debate and jangle. Parliament might be trusted to do that part of the discussion afterwards.

Anne entrusted the nomination of the Commissioners for the treaty to her Ministers,—mainly to Godolphin for England, to Queensberry and Argyll for Scotland.<sup>2</sup> Neither Hamilton nor Argyll appeared for Scotland,—Hamilton being distrusted, while Argyll appears to have been offended by the omission of Hamilton. The names of the Commissioners show the reasons for which they were chosen distinctly enough. They were the Duke of Queensberry, Earls Seafield, Mar, Loudoun, Sutherland, Wemyss, Morton, Leven, Stair, Rosebery, Glasgow, Lord Archibald Campbell (brother of Argyll, and later Earl of Islay), Duplin, Ross, Sir Hugh Dalrymple, Cockburn of Ormiston, Dundas of Arniston, Stewart of Tillicultrie, Francis Montgomery, Sir David Dalrymple, Ogilvie of Forglen, Sir Patrick Johnstone (Provost of Edinburgh), Montgomery (late Provost of Glasgow), Smollett of Bonhill (an ancestor of the author of 'Peregrine Pickle'), Morrison of Prestongrange, Grant of Grant, the younger; Stewart (a Galloway Stewart), Campbell of Ardentinnie, Lockhart of Carnwath, and Clerk, younger, of Penicuik, a financial expert. Among the Commissioners are scarce any Highlanders, for we can hardly reckon the two Campbells in the truly Celtic fraction of the nation which took no part in parliamentary politics. Argyll and the Chief of Grant,

however, had large Highland followings. Lockhart was the only professed Cavalier. He was requested by his party to accept the office, but to say nothing. He watched the case for the Jacobites, and incurred some ill-will for his purely passive attitude among Cavaliers who did not understand his position. Roxburgh, Jerviswood, and Rothes, the leaders of the New Party, were omitted, with Fletcher of Saltoun, the eloquent and unpractical. No flowers of rhetoric were desired.

Behind the public scenes the Earl of Marchmont, the Polwarth of Argyll's ill-fated expedition, had been bustling like a Nestor, giving advice to Anne, to Somers, to Wharton, to Argyll, on the choice of Commissioners. He desired the choice of none who had Jacobite tendencies, for the Hanoverian succession, in Scotland as well as in England, was a necessary corollary of the Union.<sup>3</sup> Marchmont had good reasons, apart from the security of the Presbyterian faith, to desire an end of the international troubles. His pension as Chancellor had not been paid for three years, “which makes me very uneasy in this time when so little can be made of our estates in the country.” In truth, Scotland was being starved into agreement with her rich neighbour: even regimental officers were ruined by the long arrears of pay. In January 1706 the leading politicians of Scotland learned, from various broad hints, that only an incorporating union would satisfy the English Ministers. Carstares was not forgotten, and to him, in Scotland, Portland wrote to this effect. A partial union, with full commercial privileges,—the ideal of Scots of all parties,—was impossible: to haggle for this would destroy the conciliatory temper of the English.<sup>4</sup>

Mar, the ruinous Earl of “the Fifteen” (1715), from Whitehall (March 9, 1706), wrote to Carstares in similar terms, and through Carstares the Scottish leaders would learn the English intentions. “They will give us no terms that are considerable for going into their succession—if any—without going into an entire union.” They “think all the notions about federal unions and forms a mere jest and chimera.” This news was not to be made generally known in Scotland, lest the people should “despair of the treaty,” and the secrets of the negotiations were well kept. “*What we are to treat of is not in our choice,*” wrote Mar. To Cavaliers and patriots like Fletcher of Saltoun this phrase must have meant that *Scotia invicta*, which had resisted Romans, Danes, Normans, and English, as patriots boasted, was now diplomatically conquered without draw-

ing a sword or firing a shot. Indeed, when the Treaty of Union came before Parliament, and before a people singularly proud of its own history, this was the general opinion. Mar was writing after February 27, 1706, when the queen announced the choice of Commissioners.<sup>5</sup> Even Carstares appears to have demurred to the English ideas, which Portland briefly restated, apparently in answer to his objections.<sup>6</sup>

Stair, on April 26, reported a meeting held by the Scottish Commissioners. They were determined to retain Presbytery, their judicature, and their laws, by express articles in the Treaty, lest they should afterwards be altered by the Parliament of Great Britain, in which the Scottish members would be outvoted. On the other hand, "an eminent person of the English Commission" was very earnest with Stair that nothing should be said about Scottish Church government,—a thing already secured,—as open mention would give the Tories a chance for their useful cry, "The Church in Danger." It was, indeed, a humorous anomaly that, in one nation, Great Britain, Presbytery should be allowed to persecute north of Tweed, and be barely tolerated south of that river. The religious question, however, tried to force itself on attention.

After the two sets of Commissioners had met, and done much useful business, Leven wrote to Carstares about the complaints of Atholl and other "people of quality" anent "the severities of the presbyteries in several shires against the episcopal clergy." Loudoun was to write to the Lord Advocate "that matters may be managed with moderation *at this time* . . ." (June 11).<sup>7</sup> The English Tories had some reason for their dreaded outcry. Meanwhile, from a letter of Leven (April 27), Carstares must have understood that the Scottish Commissioners had abandoned all hope of any but an incorporating union. They were not going to struggle on that point.

The two sets of Commissioners, on April 16, met in different apartments of the "Cockpit" in Westminster: in another room they held joint meetings for the exchange of papers containing their proposals and replies. The Archbishops of Canterbury and York were on the English Commission, but he of York, a high churchman, adopted the attitude of Lockhart. He did not approve of the curious anomaly of Presbyterians as persecutors in the northern part of the new nation of Great Britain. The Duke

of Somerset, a descendant, as Mr Mackinnon observes, of the Somerset who won Pinkie fight, and was concerned in a proffered scheme of union a century and a half ago, gave historic interest to the assembly; while Cowper, Somers, Godolphin, Harley, and many others, represented modern politics. The Scots gave in, as they had made up their minds to do, on the central question of an incorporating union, before the news of Marlborough's victory at Ramilies (May 23) impressed them with a sense of the weakness of their only possible ally, France, in case they offered resistance. A slight demur was offered by the Scots on April 22; on April 25 the English answered, courteously but firmly, that that incorporation was "a necessary consequence for *an entire Union*."<sup>8</sup> "Now let God and the world judge," cries Lockhart, "if the making of this proposal in such a manner was not a bare-faced indignity and affront to the Scots nation and Parliament." The Scots "resiled pitifully and meanly" from their suggestion of federation, but asked, and obtained, national reciprocity in trade.<sup>9</sup> At home, when all came out, the Scots "traitors" were styled "traitors," and were the occasion of much eloquence and of many broken windows, the simple rhetoric of the mob.

The Scots had now to make the best terms they could for their country in matters of detail. Scots, as citizens of a new nation, Great Britain, would be taxed as British subjects,—having equal trading rights, they must pay equal taxes and duties; though, on the one hand, they had no responsibility for incurring English national debt, nor, on the other, had they capital and "plant" for enjoying, in the same degree as their southern fellow-subjects, their new commercial opportunities. No subject could well be more intricate than the adjustment of equal incidence of taxation in these circumstances, which were further complicated by the differences in methods of collecting taxes, the difference in the mode of life, and the differences in weights and measures. A committee was therefore appointed to consider the revenue and debt of either country, and to report. Scotland owed no stiver of English debt, yet her contributions would go in great part to the payment of that debt. It was proposed that, to rectify this, England should hand over to Scotland a pecuniary Equivalent. It was also thought proper that the land tax of Scotland should not rise, proportionately, above the English maximum of a nominal four shillings in the pound,—nominal, because that tax included the ex-

penses of collection in England. The whole sum should not exceed £48,000 yearly.

On May 10 the English Commissioners admitted the principle of the Equivalent. De Foe says that this was the most anxious day, and that men most eager for the success of the Treaty "apprehended something here too difficult to be mastered, and that would render all the rest abortive."<sup>10</sup> The difficulties, indeed, are conspicuously complex. Clerk of Penicuik, a young man with a genius for commercial calculations, writes that he "gave the greatest application possible to understand" the comparative financial conditions of England and of Scotland, where he had for some time been a Commissioner of the Public Accompts.<sup>11</sup> He was a member of the small Joint-Committee which was aided, as regards the Equivalent, by Professor Gregory, who had deserted Edinburgh in 1691 for Oxford, and by William Paterson of the Darien enterprise,—"bred in England from his infancy," says Clerk, whether correctly or not. Clerk went with Queensberry to see Queen Anne, whom he found in an agony of gout, her face red and spotted, her dress squalid, her foot in "nasty bandages," while she kept speaking of "my people of Scotland." The poor queen visited the Commissioners several times, and listened to the puzzling minutes of their proceedings.

The English revenues from customs and excises amounted roughly to £2,300,000; those of Scotland to £65,000, but that revenue was unburdened by debt. The two peoples might pay their debts and unite their resources, or, "putting the general accounts of debts and stock together, the English might make good the inequalities to the Scots some other way"—namely, by the Equivalent: thus De Foe states the case. The English, on May 10, insisting on equality of taxation, agreed to "an Equivalent for what Scotland shall be taxed towards payment of the debts of England in all particulars."<sup>12</sup> The Scots in return yielded as regarded equality of excise "on ale, beer, rum, cyder, sweets, low wines, aqua vitæ, and spirits," as well as on goods exported to England and the Colonies. But in regard to all other burdens and excises, they asked that Scotland might have a breathing-space, and the English promised to grant this or pay a heavier Equivalent. So the stamped paper, windows, lights, coal, malt, and salt of Scotland were granted a respite; the Scottish poor, says De Foe, lived mainly on salted meats, and the difference in price of salt made adjustment peculi-



arly difficult. The English imposts, many of them, were war taxes, and were about to expire.

The Scots (May 17) announced that the "difference" between them and the English "is brought to a very narrow compass," but still pleaded for a period of general exemption from all burdens except those already specified. The English (May 18) declined to make further concessions: the Scots had to be content with a few slight changes, and their land tax was fixed at a maximum of £48,000, to decline in proportion to the English land tax, then a war tax. The Scottish proportion is small, but land rents in Scotland were, to a great extent, paid in chickens and manure, or otherwise in kind and services,— "mail-duties, kain, arriage, carriage, lock, gowpen, and knaveship," as Scott says in the case of Davie Deans. The glorious successes of the English arms on the Continent had caused all things taxable to be taxed, such as "hawkers and pedlars, hackney coachmen, births, deaths" (or at least burials), "and marriages, glass windows, stamped paper, and the like," as De Foe ends his promiscuous catalogue. An English citizen could not even expire without burdening his estate, unless he drowned himself in deep water with a cannon ball fastened to his feet. De Foe remarks that this kind of taxation "had none of the material to work on in Scotland"—there were few glass windows, and almost no hackney coaches,— "while others," like fines on birth, death, and marriage, "could not rationally be expected from them."<sup>13</sup> Indeed, it is obvious that taxes of these kinds would not have increased the popularity of the Union in Scotland. When these concessions had been made "the Union appeared hopeful," and the small Joint-Committee laboured at the complicated calculation for the Equivalent prepared by the Savilian Professor of Astronomy, Dr Gregory.

On May 29 the Scots introduced the matter of judicature and laws, which were to remain unaltered, "but alterable by the Parliament of Great Britain." The laws regulating private rights included heritable jurisdictions, and these were not abolished till after the expedition of Prince Charles in 1745. The feudal superiorities of the chiefs were, of course, the main strength of Jacobitism. The English Courts were to have no right to review or alter the decisions of the Scots Courts, or to stay their execution. Had the Parliament of Great Britain not been allowed, in the future, to modify Scottish law in any respect, Scotland would have had no legislature at all,

the friends of Union argued ; to which the natural reply was that, in fact, it had none, and that this circumstance was the ground of quarrel with the Union. To the British Parliament—that is, to the English majority—it was left to decide on “the evident utility” to Scottish subjects of future alterations on the laws. It is easy to see that the propriety of these arrangements could only be tested by time and experience, and easy to understand the natural objections urged by patriotic Scots. They still regarded themselves as separate and distinct from Englishmen ; they did not project their imaginations into a thoroughly united new nation, and their failure to do so was only human. It was usual to tell the Scots that the Parliament of Great Britain would legislate in the interests of Great Britain, not of England. But no Scot could feel quite confident of that while English members were in a vast majority over Scottish members.

On June 7 the English proposed that the Scottish members of the British House of Commons should number thirty-eight. The Scots (June 11) found this so unsatisfactory that they proposed a conference, which was held on June 12.<sup>14</sup> Reckoning English and Scots proportions of pecuniary contributions, Scotland would have but thirteen members ; reckoning by population, about one hundred and seventy. Scotland finally received forty-five members, with sixteen representative peers, elected by their own Estate.<sup>15</sup> Appeals from decisions of the Court of Session had hitherto been referred to the Scottish Parliament : as that Parliament was no longer to exist, they were now to come before the House of Lords of Great Britain (that is, of course, the legal members, Scots and English, of the House), who thus adjudicate even in Scottish ecclesiastical cases. In the way of ceremonial badges, the flag of Britain was to bear the Cross of St George with the saltire of St Andrew. This combination, it is curious to note, occurs on the shield of a warrior represented on a Greek vase of the seventh century B.C. On heraldic bearings employed for Scottish national purposes the Lion, with double tressure, flowered and counter-flowered, was to be on the dexter side.<sup>16</sup>

The Darien affair came up, introduced by Mar on June 21. The Scots proposed that the rights of the East India Company of 1695 should remain in being, or be bought up from the holders of stock. The latter alternative was adopted. The Scots Company could not be allowed to join in the amalgamation of the two

English Companies (1708), for the Scots Company had no assets, and was deep in debt. Holders of stock were therefore to be bought out, with interest at five per cent, up to May 1, 1707. For the whole Equivalent to be paid by England the English Commissioners proposed £398,085, 10s. Part was to pay the Scottish public debt, part to buy out Darien Stock holders, the remainder was to improve fisheries and manufactures.

On July 23 the Commissioners, having reduced the Treaty to twenty-five Articles, presented a copy to Queen Anne: three copies were made for the English Lords, and Commons, and the Scottish Estates.

All had gone as smoothly as could be expected, but the Scots Parliament met on October 3, and then revived the din of battle, already loud in many pamphlets. Queensberry was Commissioner, with Mar as Secretary, and behaved with tact and good temper. It is plain that he was well served by spies, and used his information with extraordinary tact, gentleness, and firmness. Montrose—degenerate Marquis!—and Roxburgh joined the Unionists, but the preachers “roared against the wicked Union from their pulpits,” says Lockhart, who did not like the ministers any better than he liked the Union. Their zeal cooled presently, when Parliament passed an Act for the Security of the Kirk.

De Foe had come down to Scotland as Harley's spy, and as pamphleteer for the Union, and describes the four party groups which opposed it. First came the Jacobites, who, in 1705, to which date we must return, had been approached by Louis XIV., through Colonel Hooke, an ex-partisan of Monmouth, but had distinguished themselves by their caution. To his “cousins,” Hamilton and Gordon, and to Errol, Marischal, Montrose, Home, and Drummond, James wrote letters; while his mother, Queen Mary, also kept her eye on the Bishop of Edinburgh, Struan, Lochiel, Clanranald, and Gideon Murray of Elibank, as it appears. The nobles replied with courteous generalities, Hamilton thanking the king for the pity which he bestowed on the sad state of this nation, “which suffers from the *attentats* of the English.” (August 22, 1705.)<sup>17</sup> Hamilton added that the loyal party was much divided. The Bishop of Edinburgh asked for the landing of large forces both in England and Scotland, which was the last thing that Louis had in his mind.<sup>18</sup> The Bishop also wanted the Chevalier de St George to impose heavy disabilities on Catholics,

if he were restored. There was no comfort in the Bishop! In fact, nobody was enthusiastic except the Duchesses and the Countesses, and an old Lady Largo, a friend of the Duke of Hamilton. Errol had warned Hooke, on his arrival (August 1705), that Hamilton was not to be trusted, and had an eye on the throne for himself. "His partisans do not follow him—he follows his partisans." Marischal seemed to Hooke to be the best man of the Jacobite party: he would be a great man if he would drink less wine.

At last, when Hamilton met Hooke, in the dark,—they had been acquainted in 1689,—the Duke explained that he wished to be able to swear and save his oath that he had not *seen* Hooke. He was loyal to young James, but the party was rent by divisions, and nothing was ripe for action. Queensberry had led away fifteen of his adherents, and was buying the votes of poor North-country members. "We don't want to fight," said the Duke, "merely to oblige France by making a diversion." In short, the Duke wished to let things linger on till the death of Queen Anne, and then appear as a candidate for that airy crown which his House had chased for a hundred and fifty years. Presently the day began to filter through the shutters of the room where this odd interview was held: Hooke retired to Lady Largo's house, and on a later visit to the Duke in Holyrood found no more satisfaction. The Jacobites thought that they could raise 12,000 foot and 5000 horse in the Lowlands, with 8000 of the clans.<sup>19</sup> Lockhart deemed Hooke a man of mettle but rash, and with justice held that he was rather anxious to procure a diversion for France than to restore King James. The Jacobites sent a Captain Straton, for long an active agent, who was well known to Government, to France,—their enterprise went no further.<sup>20</sup> Indeed Queensberry's knowledge, and the use to which he could put it if he chose, muzzled Hamilton throughout.

Such was the position, and such were the prospects, of the Jacobite party, when the Treaty of Union came before Parliament. After describing the Jacobites, De Foe sketches the Episcopalians, not necessarily Jacobites, who foresaw that the Union would fix the presbyterial yoke on their necks for ever, and debar their English co-religionists from aiding them in their efforts for its removal. In religion there would be no Union,—there would still be the two nations, the godly and the prelati; and now the

prelatists, south of Tweed, would be bound to "oppose and suppress" their brethren north of Tweed. As a matter of fact, a measure of toleration for the worshippers at the *altare Damascenum* was not long afterwards introduced.

Thirdly, quite at the opposite pole, were Presbyterians who deemed the Union with a prelatist nation to be a left-hand falling off and a Cause of Wrath. The "Society men," Cameronians and followers of other popular preachers, were of this party, with which the Jacobites tried, as we shall see, to enter into an incongruous alliance.

Finally, there was the party of patriots, full of historical sentiment and rich in federatists and constitution-makers, very ready with tongue and pen. With them, in resistance to the Union, was the multitude which, in Scotland, has always had a keen love of old national glories and of old national sorrows. "It wad be lang before it makes up for Flodden," said the Border quack mentioned by Sir Walter Scott, when told that his favourite prescriptions, "laudamy and calamy," might imperil the lives of his English patients. The crowd were of the blacksmith's mind. The leaders of this Country party were much divided by party and personal piques and ambitions.

The Royal Message strongly recommended the Union, as what the majority of both nations had long desired. Queensberry, as Commissioner, and Seafield, spoke in the same strain. Order was given for the printing of the Articles of Union. At once the war of cries and pamphlets began afresh. The commons foresaw increase of taxation, loss of custom and of credit, the Parliament deserting the country, and the very Honours of Scotland—the Regalia—being removed, as they feared, to England. The trading classes deemed that their commerce with France was more profitable than their commerce with England could ever be, though the former brought only wine, brandy, and luxuries, while the latter mainly brought ready money. The poor held that they "would neither have food to eat nor beer to drink."

Their representatives would be out-voted, their liberties would be sold, and the British Parliament, in which Bishops sat in the vestments of Baal and Chemosh, would destroy the Kirk. Episcopacy in Scotland would at least be tolerated,—“a thing most tolerable, and not to be endured.” There was “an universal cry that this was a plain breach of the National Covenant,” says De Foe, but

the cry can hardly have been universal, and the Covenant had long lain in as many fragments as "that twice-battered god of Palestine."

A pamphlet by one Hodges (not a Scottish name) gave two-and-thirty conflicting interests of England and Scotland: many other pamphlets of the same sort were eagerly read, while the busy De Foe replied in a series of essays. He found that "men will be silenced, yet not at all convinced," reason being about the last motive that controls public opinion on the first blush of a new proposal.

There was in Parliament (October 12) great opposition to reading the Articles of Union. Constituents should be consulted, it was argued, before the Constitution was destroyed. The reading was carried, however, by a large majority; and later, by a majority of sixty-four it was decided to consider the Articles. Efforts for the proclamation of a general fast were made,—the Kirk's old resource, as before the meeting of the Parliament of March 1566, which was dissolved on the murder of Riccio. The great majority of sixty-four (or sixty-six) was of good omen, however, to Unionists, and the Commission of the General Assembly, so far, was behaving with moderation; but a reply to their Address to Parliament was postponed, which gave rise to suspicions.

On October 23 a Committee of three members from each of the Estates was appointed to examine, with the aid of skilled mathematicians, the proportions of the Equivalent, but the amateur calculators of the populace were now busy in making disturbances out of doors. "Here is a most confused state of affairs," wrote De Foe from Holyrood to Harley; "it seems to me the Presbyterians are hard at work to restore Episcopacy, and the rabble to bring to pass the Union. We have had two mobs, and expect a third. . . . The first was in the Assembly or Commission of Assembly, where very strange things were talked of and in a strange manner." Nothing fresh was being said by the wilder preachers, a minority,—it was the old story. "The power, *Anglicè* tyranny, of the Church—was described to the life, and *jure divino* insisted upon, to the prejudice of civil authority. . . ." "In general they are the wisest weak men, the falsest honest men, and the steadiest unsettled people ever I met with," says De Foe.

The lay mobs in October were "Scots rabble, the worst of its kind." They followed Hamilton's chair with huzzas, and besieged Johnstone, the late Lord Provost, one of the "Treaters,"

in his house. They were broken up by Captain Richardson with the Guard, and a few of them were lodged in the Tolbooth. Later they collected again, put out lights, broke windows, and made De Foe remember the fate of the De Witts. Queensberry bade the Provost send for the Guard "into the city, which they say is what never was admitted before," and Argyll, with the Horse Guards, rode at their head. Military precautions were later adopted, and the efforts by the mob were so futile, after Leven, from the castle, had garrisoned the ports, that the Union had obviously little to fear from "the rascal multitude."<sup>21</sup> Leven and the rest were congratulated by Harley (Nov. 21, 1706) on "their cool, sedate, determined steadiness." On the day after the riot an attack was made on the Privy Council for bringing the soldiers into the city, but the proceeding was approved of by a majority of fifty-six.\*

In the House, obstruction and enforced dilatoriness was the method of the Opposition: the English Parliament should speak first—the constituencies should be consulted. Hostile petitions were presented from the shires of Stirling and Dumbarton, and the towns of Linlithgow, Dunkeld, and Dysart. On November 4, after much speaking and voting, the First Article was read. Seton of Pitmedden, a man of ability, spoke, rehearsing the obvious advantages of the Union, the absence of any prosperous alternative, and the examples of successful unions, as in Scotland itself, when the Pictish and Scottish kingdoms became one with the English lowlands south of Tweed. Then uprose Lord Belhaven, "a rough, fat, black, noisy man, more like a butcher than a lord," says an unfriendly observer; while a friendly hand depicts the peer as "of a healthy constitution and a black complexion and graceful manly presence." Belhaven had been of the Revolution party from the first, but Darien had wakened the Scottish patriot in him, and all the pent-up eloquence of his nature now broke forth. Without replying to Seton, he made a long set speech—a Scots following of the classical model of Demosthenes, as far as he could compass it. This flight of rhetoric was printed, and was famous in its day. He kept remarking, "I think I see many phantasms of the deplorable future, such as the Kirk descending from its rock and fighting on the plain with Jews,

\* The difficulty about bringing regular soldiers into the city recurred at the Porteous Riot.

Papists, Socinians, Arminians, and Anabaptists." He beheld "the Macallanmores [and Macallan *is* more accurate than Macallum] receiving less homage and respect than a petty English exciseman." Vassalage would cease,—so far his lordship was a true seer; but the prospect did not intimidate Macallanmore himself, who was a Unionist. The impoverished burghers "walked their desolate streets," in this vision, ruined by English companies. The tradesmen would drink water, not ale, and their porridge would not be salted with salt. The thoughtful ploughman would dread the expense of burial, and be doubtful as to whether he should marry "or do worse." Caledonia sat forlorn among them, wrapped in her plaid, attending the dirk, and murmuring with her latest breath, *et tu quoque, mi fili!* These things must not be; some Joseph or Judah must arrive, some ram must be caught in some thicket, some political "patricide" must be tied up in a sack (called a *culeus*), with a cock, a viper, an ape, and thrown out to sea. Belhaven spoke of Hannibal, of cockatrice's eggs, of *spolia opima*, and of Nebuchadnezzar. Overcome with emotion, he went down on his knees and appealed to Queensberry to reconcile all divisions. Queensberry, no doubt also overcome or dreading the sack, cock, viper, and monkey, was silent; and Belhaven was on his legs again, moving that the Fourth Article of the Treaty be read, for to accept the first was to surrender everything.<sup>22</sup> Marchmont replied with a gibe.

Meanwhile, petitions against the Union flew as thick as the stones thrown by the boys at Queensberry's carriage. "The Kirk are *au wood*," wrote De Foe (meaning *a' wud*, all mad); but the First Article was voted on King William's birthday, by a majority of thirty votes, the Peers being in a large proportion for the affirmative; while Atholl headed a list of some sixty protesters, including Hamilton, Errol, Marischal, Annandale, and several other earls, with Lockhart, Balmerino, Fletcher of Saltoun, Beaton of Balfour, Graham of Fintry, Ogilvy of Boyne, and other Cavaliers.

"A broil among the ministers" was the next hope of the anti-Unionists, and on November 8 a petition from the Commissioners of the General Assembly was read. The Commissioners objected to the Anglican Sacramental Test administered to Scots in places of trust, and generally to oaths contrary to Presbyterian principles. The Coronation Oath should bind the occupant of the throne to maintain the Church of Scotland. There should be a judicatory



“for redressing grievances such as the growth of popery.” After the Union, Scotland would be subject to a Parliament containing twenty-six bishops, “contrary to our known principles and covenants.” Remedies were requested for these grievances.<sup>23</sup> “I must own this does some harm,” wrote De Foe to Harley, but the country had expected from the Kirk a general protest against the Union like those sent in by many of the burghs. Several of the laity on the Assembly Commission, including Marchmont, dissented from it. An Act of Security for the Kirk was passed, the English Sacramental Test was not interfered with, but the danger from new oaths was averted, the maintenance of the Kirk was inserted in the Coronation Oath, and a court for the plantation of kirks was established in a separate Act. Lockhart observes that the preachers were at first very much opposed to the Union, but the lay members—“none of the Cavaliers ever desiring such an employment”—kept them in order. “The brethren for the most part were guilty of sinful silence.”<sup>24</sup> The canniness of Carstares had much weight in their Councils. This new charter of the Kirk made her establishment a fundamental and unalterable part of the Union. But everything is subject to change, and the Dissenters now poll a heavy vote. The Presbyterians were not satisfied with what they got,—“the threatenings of the Church party are very high and plain,” writes De Foe to Harley (November 16).

The Articles concerning trade were then approached, and various modifications were made as to malt, while the cry of “robbing a poor man of his beer” was raised. De Foe wrote to Harley that he induced the Committee to put amendments about peas, oats, beer, and so forth, into an Act explanatory of the Articles.<sup>25</sup> He and Paterson were constantly consulted, and found that great economic ignorance prevailed, especially as to the consumption of salt, which was much exaggerated.

He had spies everywhere, and was all things to all men. “With the Glasgow mutineers I am to be a fish-merchant, with the Aberdeen men a woollen-, with the Perth and Western men a linen-manufacturer.” He posed as a glass-maker, a salt-maker, and, most improbable of all, as a gentleman of property.

From the second week in November onwards the country was in a condition of real danger. While little was visible on the surface except wild but vague popular tumults, especially at Glasgow, the Jacobites had arranged that Highlanders should slip in small

numbers into Edinburgh, while they at least persuaded themselves that 8000 armed western Whigs, whom they call "Cameronians," would join the Highlanders, and, as they said, "raise the Parliament" and break off the Union. This state of affairs is with difficulty to be understood, for the evidence has been mainly the testimony of Lockhart, from which dates are absent, and the 'Memoirs of John Ker of Kersland,' published in 1726. Lockhart knew all that was known to the Jacobite organisers, while Kersland represents himself as the adviser of the Cameronians and the agent of Queensberry. He was not, indeed, a member of any of the secret societies of the Remnant, but, as a Crawford who had married the Kersland heiress, he represented both that Presbyterian family and his brother, who had led the Cameronians to join Argyll in 1685 and had been stopped by the prophet Peden, who, in his clairvoyant way, saw Argyll already a prisoner. By his own showing, Ker was an amusingly unscrupulous professional spy, and his evidence must be taken with all caution. Historians have so far accepted it as to call him "the Cameronian leader." Mr Hill Burton, Mr Mackinnon, and Mr Mathieson, all use this phrase; and the famous Patrick Walker, a contemporary, and himself a sufferer during the Restoration, adopted Ker's statement of his proceedings.<sup>26</sup>

Having read Kersland's Memoirs, in 1897 the present writer deemed it desirable to consult, for disproof or corroboration, the manuscript Minutes of the Cameronian Societies in the library of the then Free Church of Scotland's New College in Edinburgh.\* Access to these documents was refused, and, in a magazine article ('Blackwood's Magazine,' December 1897), the writer, while mentioning that access to documentary evidence was denied to him, told Kersland's story, remarking that he was confessedly "a complicated liar," and, according to Lockhart, had been guilty of forgery. Following Lockhart, the Cameronians were represented as temporarily Jacobites,—almost certainly an error. Persons of similar sentiments were, in 1706, entangled with the Jacobites in a joint effort to disperse Parliament, if we may credit better witnesses than Kersland. Kersland thus appeared as "the Cameronian Leader," just as he does in the works of the historians already cited. The writer was then denounced

\* The majority of the then Free Church is now "the United Free Church"; the small minority is "the Free Church"

for his "recklessness of statement and disregard of historical accuracy."

His censor, an eminent student who was permitted to peruse the guarded documents, was able to state that the Minutes of the Cameronian Societies contained no reference to Kersland or his alleged proceedings. Moreover, though the historians already cited ignore the fact, a flat denial of Ker's knowledge of the Cameronian "secrets" and "purposes" was given in a Cameronian book of 1731. Finally, a certain Cameronian declaration of 1707 was in contradiction with Kersland's account of the matter.<sup>27</sup>

As to these contributions to accurate knowledge, it is (1) impossible for persons who have not been allowed to read the Minutes to know how far they contain a full and candid statement of all the proceedings, some of them, perhaps, of perilous consequence, in which the Societies were concerned. Next, (2) the book of 1731, in which it is averred that Kersland was "never unite" with the "Dissenters" (such is the phrase), "never convened them at Sanquhar or anywhere else," "was an entire stranger unto their secrets and a perfect foreigner unto their purposes," and so forth, is not official but anonymous; and the writer speaks of himself simply as "the Author," a private Christian, not as a Cameronian Committee, appointed on August 7, 1727, "to consider Carnwath's and Kersland's Memoirs, together with Patrick Walker's scandalous pamphlet, and to give a short answer thereto, in order to wipe off their false aspersions." The aspersions (3) of Lockhart of Carnwath are not wiped off, nor so much as mentioned, after four years since the appointment of the Committee. The aspersions of Kersland and the scandalous Patrick Walker are not wiped off by the Committee of 1727 already cited, but are refuted in the matter of a Dissenting Declaration of October 1707, by the satisfactory process of citing that document. Here the anonymous writer certainly triumphs, whoever he may have been.<sup>28</sup>

It will appear, from evidence presently to be cited, that large numbers of the godly in the West, whether, technically speaking, "Cameronians" or not, were led into promises of alliance with the Highlanders in the early winter of 1706, and were prepared to join in "raising the Parliament," while Kersland exercised an important and salutary influence in preventing this act, and there-

fore in preventing a probable civil war. The evidence of Lockhart to the designs of "a vast number of people in the West, and chiefly the Cameronians," was derived from Cunningham of Eckatt (the place name is variously spelled), a man of strict Presbyterian principles. He had been an officer in a regiment quartered in the disturbed Highlands, had been a leader of the Darien expedition; but his regiment was disbanded after the Peace of Ryswick, and in 1705 he was still soliciting Parliament for £270 of arrears. He was promised payment "when the money came in."<sup>29</sup>

The Western malcontents, according to Lockhart, who relies on Cunningham, "divided themselves into regiments, chose their officers, provided themselves with horses and arms, mentioned the restoration of the king as the most feasible means to save their country," and were willing to join the Northern Jacobites "for the defence of their common native country." They sent emissaries "to try the pulses of those members of Parliament who were against the Union," and the naturally discontented Cunningham of Eckatt, "being altogether of the Presbyterian principles," "was soon known to these Western negotiators and entirely trusted by them." Cunningham revealed this to Brisbane of Bishopston, saying that he found the negotiators "of opinion that there was no way to save the nation but by first raising the Parliament and then declaring for King James." The latter clause might be a ruse of the negotiators, or of Cunningham, to bring in the Jacobites for the sole purpose of dispersing the Parliament. Brisbane communicated all to Lockhart, and his friends apprised Atholl and Hamilton. Atholl promised that his clansmen would secure the Pass of Stirling; Hamilton "seemed to approve," but "was shy." Lockhart and Cochrane of Kilmaronock gave Cunningham fifty pounds, and promised support for his family, if he fell, and Cunningham set out for the West.<sup>30</sup> No dates are given, but his journey was apparently in late November or early December. We shall later give irrefragable proof that Cunningham did "plot with these people," the Western fanatics, "to raise a rebellion."

We now turn to De Foe's letters from Edinburgh to Harley. On October 29, after referring to the Edinburgh mobs which attacked Sir Patrick Johnstone and cheered Hamilton, he expresses pain at an anti-Unionist sermon, preached in St Giles' by a country parson, before the Commissioners. "They are now a-

going to hold a fast against the Union all over the Kingdom, and give the ministers an occasion to preach and pray against it." But the official address of the Kirk "supposes the Union as real and certain" (November 9), for the Kirk officially was, if not enthusiastic for the Union, the reverse of incendiary in opposition to it. Hamilton (November 12) was closeted for four hours with Queensberry, who, it becomes plain, knew things against Hamilton which gave him a secure hold over that dark and timid plotter. On November 13 De Foe writes that there are more Highlanders in the town than have ever been known. "Indeed they are formidable fellows, . . ." each man "armed with a broadsword, target, pistol or perhaps two, at his girdle a dagger." People were uneasy, and the clansmen kept steadily dropping in, crossing Forth by Queensferry and Leith, as the days went on.

"At Dumfries they have burned the Articles of Union at the market-place." As De Foe writes thus on "November 13," he must use Old Style, for the burning of the Articles of Union is always dated on November 20. Now this affair of Dumfries, and of the Declaration issued by the burners, is described by Kersland in his Memoirs, and we shall prove that Kersland was, in De Foe's opinion, an agent of his own. According to Kersland, Queensberry sent Sir David Dalrymple to bring that rogue to his presence. When he came, Queensberry told him that he knew that the Highlanders and "Cameronians" were about to unite to disperse the Parliament. The Cameronians were to meet near Sanquhar, on the Nith. The results of the plot would be the opportunity of France and the Jacobites. Would Kersland use his family influence with the "Cameronians" to spoil the plan? Kersland was prevailed on to do what he could, but stipulated for a permission, under the Privy Seal, to "enter into their measures" in appearance. He was promised such a permission (he got it in the following year), left Edinburgh, and met the "Cameronians" at Killochside, near Sanquhar. He made a humble but sympathetic speech, and they burned the Articles of Union at Dumfries, and issued a Declaration entirely devoid of Cameronian phraseology, and owning "Her Majesty," Queen Anne, whom the Cameronians had publicly disowned on May 21, 1703, as uncovenanted, and "not accepting of the qualifications of a covenanted subject."<sup>31</sup> The terms of the paper of Dumfries show that it was not the work of the strict Cameronians.<sup>32</sup>

The proclamation and burning were done in the best manner, "by a considerable party of horse and foot under arms, with sound of trumpet and beat of drum." Lockhart speaks of them as numbering some two thousand. Kersland sent a message to Queensberry, explaining that the proceedings were "to keep up to the decorum that was expected," and that, in the interests of decorum, it might be necessary to burn the houses of a few Unionists. These performances Kersland winked at, as safety-valves: the point was to keep the "Cameronians" from marching on Edinburgh, where many Highlanders were already waiting for them.

De Foe now reported (November 13) that the troops of Government were few and disaffected, and that their officers owned that they dare not answer for the men. Some 1500 soldiers, good or bad, were all that Queensberry had at call, and De Foe suggested the perilous expedient of massing English forces on the Border. An invasion by them would have united Scotland in arms, we may presume. On November 16 he sends a "Cameronian" address from the Rev. Mr Hepburn, mad in zeal. "They exercise their men, and appear with arms and drums in Glasgow." A preacher tells him that, but for the heavy rains, 15,000 men would have come to Edinburgh. Stair (November 26) wishes he could hear of English troops in the north of England and Ireland: "I long to hear of the troops." On November 30 De Foe writes, "the war is begun"; the Galloway and Hamilton men are to meet three hundred from Glasgow. The Glasgow handful were but rabble, led by a common fellow, Finlay, a Jacobite, who was imprisoned. In this letter De Foe says: "I had heard of the West country men's resolutions, and purposed to have gone among them myself," but "Mr Pierce, *whom you know of*, offering himself, I sent him with my servant and horses, with some heads of reasons if possible to open their eyes. He is very well known among them, and very acceptable to their ministers who are the firebrands, and I hope may be serviceable to cool the fury. . . . He will deserve a pardon for what has passed, if he performs this service, whether he has success or not." Parliament, in view of the armed gatherings, now suspended the clause in the Act of Security legalising such assemblies of fencible men. This "Pierce" is either Kersland, of whom Harley would hear through Queensberry, or he is—Cunningham

of Eckatt, the agent of Lockhart and Atholl. We shall show that "Pierce" is Kersland, not Cunningham.

Before December 24 De Foe had a long report from Pierce. He had been through the West country, including Galloway and Dumfriesshire; had spent three days with the preacher, Mr Hepburn, and with his disciples, and had opened his eyes in several things. "It is public here that Pierce is in Galloway, and it is the only place from which real danger is apprehended." "He has done such service as no man in Scotland could have done," "has succeeded beyond expectation." By December 27 Pierce had returned to Edinburgh, and gave an account of his mission, which could in part be checked by the evidence of De Foe's servant, who rode with Pierce. "'Tis a most unaccountable thing how the Jacobite subtlety" (of Cunningham, obviously) "had imposed upon the ignorant people there, and brought them to be ready to join with almost anybody to raise a disturbance. Hepburn, the minister, though mad man enough, declares against tumult and arms, and Pierce says there is no fear there: the worst people are about Hamilton and that side of the country, and principally because they have the worst engines about them, and are daily deluded by the party of that fancy"—the Jacobites. Now Hamilton is near Lockhart of Carnwath's country, where "the worst engines" were worked by him, while the Duke of Hamilton was potent, as long as he was Presbyterian, in the district. Hepburn, on the other hand, though "deposed from the office of the holy ministry," was sticking to his parish "and bearing testimony against the defections of the Church," in remote Galloway.<sup>33</sup> In 1712, at least, this holy man was ready to own Queen Anne's authority, as in the declaration of November 20, 1706.<sup>34</sup>

Here, then, we find that Pierce has pacified Hepburn and his followers. Now, when Cunningham of Eckatt went to the West after arranging a Western rising to join in a Highland rising, "the first discovery he made was that the Court, fearing a storm from hence, had gained over Mr Hepburn, a mountain Cameronian minister, and the darling of the people, to their side, and he served them as a spy, and though he roared as much as any against the Union, did nevertheless oppose all their measures of appearing openly against it."<sup>35</sup> Thus Cunningham found that De Foe's Pierce had cut the "Hebronite" party away from him, and he betook himself, or so he said, to another firebrand, the Rev. Mr

Macmillan, whose curious career will be traced later. Cunningham now had much success in securing recruits, and Lockhart supposed that he had detached the people from Hepburn. He then went to Edinburgh to report progress.

Now this visit of a Jacobite agent or agents to the "Cameronians" whom he had cooled down is reported briefly by Kersland. He thought his people satisfied with burning the Articles of Union (November 20), and with the pleasant idea of burning the houses of a few Unionists. "But upon their former Agreements and Resolutions, *those that were upon the Head of the Jacobites returned,*"—that is, *teste* Lockhart, Cunningham returned,—"and endeavoured to persuade us to march to Edinburgh, with full assurance that the Highlanders would meet us there. . . ." Kersland, therefore, "canted to the Cameronians," pointing out that the Jacobites "had all along been our avowed enemies," and had given no proof of zeal. The "Cameronians" had burned the Articles of Union—the Jacobites "had not answered our signal." Kersland then returned to Edinburgh, where De Foe, who calls him "Pierce," thought, truly, that he had done very good service. By January 6 he could report that the Angus men, &c., are dropped away as silently as they came. Lord Leven, and the leading Unionists, "are sensible that Pierce has done service there, nor is there a man in town dare go there but him." Pierce was therefore to return to his pacificatory mission. (December 27.) "The consternation here increases."

That Pierce is Kersland is shown by this fact: when the Union was being welcomed by salvos of cannon from the Castle (March 10), Pierce went to London to seek his reward, and now, De Foe says, others than he are employing Pierce. At the same time Kersland began to leave Queensberry for the *Squadron*, under the Earl of Roxburgh, as he tells us.<sup>36</sup> The *Squadron* are "the others" alluded to by De Foe. He remained *soi-disant* guide of the "Cameronians," and spy on the Jacobites, for two years. In a letter of May 4, 1709, published by Lockhart, Kersland mentions, among other matters, that the Lord-Justice Clerk had bidden him to countermand his orders to the Cameronians to burn Traquair's house. "I immediately obeyed." If, then, historians have accepted Kersland as potent with the "Cameronians," they are only in the same error with Roxburgh and other contemporary statesmen. Kersland reminds Roxburgh of "my



eminent services when the last Scots Parliament was sitting" (1706-1707), and on other occasions.<sup>37</sup> Later he sent to Harley a letter written to himself by officers of the famous Cameronian regiment, raised, as they say, by Kersland's brother. During the time of the threatened French invasion, with King James, of 1708, they say that Kersland promised that their arrears of pay would be made good. "You can bear witness of our readiness to have opposed the French last year, had they landed. . . . We still retain a due value for you, and an esteem for the family whom you are honoured to represent." This paper, with Kersland's letter and promise to visit Harley "on Wednesday night," is in the Duke of Portland's manuscripts.<sup>38</sup> In the face of all these facts, it seems vain to deny Kersland's influence with people called "Cameronians," even if "that nickname," as Patrick Walker indignantly styles it, be laxly applied by the writers who are cited.

We have left the intended rising of Westland Whigs and Highlanders at a moment when Cunningham of Eckatt had assured Lockhart that all was in readiness. Seven or eight thousand armed men "were just upon the wing" for the tryst at Hamilton, "when the Duke of Hamilton, without acquainting any of those who he knew were conscious of the concert, sent expresses privately through the whole country" and countermanded the execution of the design. The design was so ripe that "the ministers of thirteen parishes in their several pulpits read the paper handed about for their assembling," writes De Foe to Harley on December 1. These ministers were not, technically speaking, "Cameronians," or rather they were Cameronians in all except renouncing their comfortable places in the Kirk. It is to the Duchess, not the Duke, of Hamilton that De Foe attributes the countermanding of the plot: it was characteristic of Hamilton to hide behind her Grace.

Cunningham now returned to Edinburgh and told Lockhart and his associates "by what means he was disappointed." Lockhart could not explain the Duke's conduct: some said he had capitulated to Queensberry, others that he was afraid of losing his English estates, others that he dreaded the English troops on the Borders. In his four hours of secret colloquy with Queensberry, or in his many meetings with the Chancellor, mentioned by De Foe, Hamilton may have heard words that cooled his courage.

Meanwhile there is the evidence of Sir John Clerk of Penicuik, who knew Cunningham of Eckatt,—evidence regarding which Sir

John asserts that, after two revisions, he finds "every particular fact exactly agreeable to truth." In the document thus attested, Notes on Lockhart's Memoirs, Sir John says: "I have conversed with him [Cunningham of Eckatt] often, and he acknowledged that after he had plotted with these people [the Western fanatics] to make a rebellion he fell into remorse of conscience, . . . and from that time entered into correspondence with the Duke of Queensberry. I know likewise that he was employed by the Duke to go among these men and, by pretending to be their friend, to dissuade them from violent measures."<sup>39</sup> After the Union, Cunningham received £100 and a commission as captain, but that was no more than payment of his arrears. It is conceivable that Cunningham, at the last moment, warned Queensberry, and that Queensberry put pressure on Hamilton to countermand the rising in his country, while Kersland quieted the fury of Mr Hepburn's flock and adherents. Thus a great chance of breaking the Union and of seizing the opportunity to serve the White Rose cause was lost.

The next idea of the Cavaliers was to follow a precedent of the minority of James V., and summon all barons, freeholders, and heritors to Edinburgh and request Queensberry to lay aside the Union and address the queen in favour of a new Parliament. Fletcher and Atholl devised this, and Hamilton recommended the scheme. Mr Harry Maule, author of a 'History of the Picts,' dear to Sir Arthur Wardour in 'The Antiquary,' drew up the Address to the Queen. When about 500 gentlemen had mustered, Hamilton broke the plan, saying that he would not be concerned in it unless the Hanoverian succession was secured. The lairds began to return to the country, and Queensberry, on December 27, proclaimed that no such meetings must be held. De Foe (January 2, 1707) writes that the gentlemen would not have been ill pleased "by a popular rising, but I do not find they were very forward to venture their own heads in the fray."<sup>40</sup> Hamilton was in occasional communication with Queensberry and Harley: Harley knew what his relations with France and the Chevalier were, through the Jacobite spy, Captain Ogilvie, and Hamilton may have had a hint of warning. He and Atholl had now quarrelled openly.

Meanwhile the Articles of Treaty were run through, with some slight amendments as to trade and taxation. The Equivalent was judged to be well calculated and was accepted; the Darien Company

sent in an address, but was left to the proposed compensation. The twenty-second Article, as to the proportion of Scots representatives in the British Parliament, was seized on by Hamilton as a chance of recovering his character among patriots and Cavaliers. They must now, at the eleventh hour, redeem the nation from ruin. They should propose the Hanoverian succession in place of union; that would not be accepted, the proposers would leave the House for ever, and, having procured as many signatures as possible to Harry Maule's address, would send that to the queen. The protest and withdrawal would alarm the English. The protest was drafted, probably by the shifty Lord Advocate Stewart, who through so many years had played so many parts. It was alleged that the privilege of Scots Peers to sit in Parliament was fundamental and immutable, nor could Parliament diminish the representation of the burghs. It was to be protested that the Scots were being degraded below the English Peers (which was undeniably true); that the burghs had petitioned against the diminution of their own representation; that the two national Churches were incompatible; that the trades of the countries were worked under conditions so different that equality of customs and taxes would be ruinous to Scotland. Hamilton said that if England still persisted in the Union they must have recourse to arms, and "call over the king," James VIII. The approval of the Hanoverian succession, he said, would not commit them,—“it was not the first time they had made greater stretches.” His own “stretches” were immense! Atholl would not agree to the “stretch,” but promised to leave the House with the other protesters.

The hour came, but not the man! Hamilton, a martyr to toothache, declined to appear. His friends reminded him that by similar waverings his grandfather, under Charles I., had lost his reputation as well as his head. He was thus induced to attend the House, despite his toothache, but he would not present the resolution: business went on, but nobody, failing Hamilton, would bell the cat, Lockhart learned that Hamilton had received a private threat: England would hold him responsible. Thenceforth the Cavaliers, thrice betrayed by Hamilton, “did every one that which was good in his own eyes”; many ceased to attend the House; Lockhart, Errol, Atholl, Marischal, and others, entered protests which Marchmont denounced as seditious.<sup>41</sup> There was a brawl in the House, says De Foe, Atholl and Argyll giving each

other the lie. On the 14th the two last Articles were voted; by an amendment Scotland kept her records and regalia, which lay for 112 years in a box in a sealed room in the Castle. The House voted its own power to elect the representatives to the British Parliament on this occasion. On January 16 the Treaty was touched with the sceptre, and "there was the end of an auld sang," said Seafield. "The implacable parsons are insufferably insolent," writes De Foe; ". . . they are proud, passionate, ignorant, and jealous," and need very tender handling.<sup>42</sup> In the English Houses the Treaty was passed rapidly, and the queen assented on March 4, 1707. On May 1 there was held a solemn service in St Paul's. It was a sad old song that ended, and for many a day the new song was as mournful.

That Scotland had been sold, for money down, was a natural thing for angry people to say. In the appendix to his Memoirs Lockhart published the results of a financial examination made in England in 1711. It was proved that in August 1706, after the negotiation of the Treaty of Union, the queen lent £20,000 to the Scottish Government for paying arrears and expenses: we know that Marchmont complained that his pension was in arrears, as pensions often were in Scotland. The Ministers were to pay such arrears, and they were to pass an Act of Treasury acknowledging the debt. But they, namely Queensberry, Seafield, Mar, Loudoun, and Glasgow, in two letters, pointed out that "the affair would probably make some noise if the letter were read in the Treasury before the meeting of Parliament, and before the Treaty is well received." It was not well to let it be known that the queen was lending money to the Treasury. The Ministers, the loan being secret, were able to pay the arrears of their friends, while Queensberry's official expenses swallowed much of the money. Marchmont received £1140, 15s. 7d., which, no doubt, was due to him. Why the Duke of Atholl got £1000 is uncertain: he was a strenuous opponent of the Union, and, if he "took the devil's wages," he did not "do the devil's work." Montrose went cheap, if he sold himself for £200, and Banff really cannot have vended his vote for £11, 2s. Lockhart suggests that the Ministers expected to win Atholl, but were disappointed. Many of the recipients of money, he says, had no traceable claims; others, including Atholl, gave no receipts, and their lawful claims were paid afresh out of the Equivalent. What money Queensberry repaid was re-

stored to the Treasury in a clandestine way, and appeared to have been given back again as a reward. The paltry affair was never clearly "redd up," as the Scots say, and it is probable enough that a few thousand pounds did disappear from the accounts, but these pounds did not buy the Union: as De Foe says, "it was merely formed by the nature of things."<sup>43</sup>

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NOTES TO CHAPTER V.

- <sup>1</sup> De Foe, *History of the Union*, p. 99. London, 1786.
- <sup>2</sup> *Memoirs of Clerk of Penicuik*, Scottish History Society, p. 58.
- <sup>3</sup> *Marchmont Papers*, iii. 282-294.
- <sup>4</sup> *Marchmont Papers*, iii. 442, 443.
- <sup>5</sup> M'Cormick, pp. 743-745.
- <sup>6</sup> M'Cormick, p. 749.
- <sup>7</sup> M'Cormick, p. 753.
- <sup>8</sup> De Foe, *History of the Union*, p. 119.
- <sup>9</sup> *Lockhart Papers*, i. 154.
- <sup>10</sup> De Foe, *History of the Union*, p. 123.
- <sup>11</sup> *Memoirs of Clerk of Penicuik*, Scottish History Society, p. 61.
- <sup>12</sup> De Foe, *History of the Union*, p. 125.
- <sup>13</sup> De Foe, *History of the Union*, p. 140.
- <sup>14</sup> De Foe, *History of the Union*, pp. 155-157.
- <sup>15</sup> De Foe, *History of the Union*, pp. 158, 168.
- <sup>16</sup> Cf. Hill Burton, viii. 132, for some remarks on a patriotic confusion of mind between the dexter of the shield and of the spectator.
- <sup>17</sup> *Correspondence of Colonel Hooke*, Roxburghe Club, i. 279-291.
- <sup>18</sup> *Correspondence of Colonel Hooke*, Roxburghe Club, ii. 293.
- <sup>19</sup> *Correspondence of Colonel Hooke*, Roxburghe Club, i. 372-418.
- <sup>20</sup> *Lockhart Papers*, i. 147-149.
- <sup>21</sup> *Edinburgh Review*. "Original Letters of the Duke of Argyll," clxxvi. 517, 518.
- <sup>22</sup> De Foe, *History of the Union*, pp. 312-328.
- <sup>23</sup> De Foe, *History of the Union*, pp. 618, 619.
- <sup>24</sup> *Lockhart Papers*, pp. 173-175.
- <sup>25</sup> *Historical Manuscripts Commission*, xv., Appendix iv. 354, 355.
- <sup>26</sup> Hill Burton, viii. 160-162. Mackinnon, *Union of Scotland and England*, p. 315 (1896). Mathieson, *Scotland and the Union*, pp. 134, 149 (1905). Patrick Walker, *Vindication of Cameron's Name, 1727*. Cf. *Six Saints of the Covenant*, edited by D. Hay Fleming, i. 267, 268; ii. 175.
- <sup>27</sup> D. Hay Fleming, *United Presbyterian Magazine*, May 1898, pp. 209, 210.
- <sup>28</sup> *Plain Reasons for Presbyterians Dissenting from the Revolution Church in Scotland, 1731*, s.l., pp. 274-277. *An Informatory Vindication of a Poor, Wasted, Misrepresented Remnant, &c, 1707*, s.l., p. 270.
- <sup>29</sup> Act. Parl. Scot. xi. 285, 286. Appendix, pp. 77, 97.

- <sup>30</sup> Lockhart Papers, i. 196-199.
- <sup>31</sup> See the Dumfries Declaration in 'Lockhart Papers,' i. 194-196.
- <sup>32</sup> Hay Fleming, U.P. Magazine, May 1898, p. 209.
- <sup>33</sup> Wodrow Correspondence, i. 66, note 2.
- <sup>34</sup> Wodrow Correspondence, i. 289.
- <sup>35</sup> Lockhart Papers, i. 199.
- <sup>36</sup> Kersland, i. 29, 44; Portland MSS., iv. 348-392.
- <sup>37</sup> Lockhart Papers, i. 302-307.
- <sup>38</sup> Hist. MSS. Com., i., xv., iv., 528, 529. A form of the letter, signed by six names, and dated May 15, is given by Kersland, Memoirs, i. 68, 69.
- <sup>39</sup> Somerville, Queen Anne (1798), p. 219, note 31.
- <sup>40</sup> Lockhart Papers, i. 203, 205; Hist. MSS. Com., p. 376.
- <sup>41</sup> Lockhart Papers, i. 206-221.
- <sup>42</sup> Hist. MSS. Com., p. 385.
- <sup>43</sup> Lockhart Papers, i. 262-279. See Mackinnon, The Union of Scotland and England, pp. 342-355, for a full criticism of Lockhart's accusations.

## CHAPTER VI.

## JACOBITE MOVEMENTS.

1707-1708.

THE history of Scotland as a separate nation is closed ; we enter on the chapter, so dear to romance, of the endeavours of some Scots to restore the exiled representative of their royal dynasty. Hearts, in fact, were not absolutely broken by the Union. Lockhart, of all men the most ardently devoted to the ancient kingdom, writing on April 30, 1707, "the last day that Scotland 's Scotland," may "lament and weep," he says, but he admits, "truly I've had admirable sport." He had been coursing at this odd season of the year: hares were plentiful, and "Bagpipe and Thistle are to run at Peebles on May 8; . . . the last runs like an arrow out of a bow from all the rest." He finds his neighbours as "honest"—that is, as Jacobite—as if the whole shire of Angus were transplanted into Whiggish Lanarkshire. "What just sentiments they have of affairs, and how ready to embark!"<sup>1</sup> They were soon to have a chance of "embarking," which they did not accept with avidity.

On March 9, 1707, "the two kings," Louis XIV. and James VIII. and III., gave Colonel Hooke letters for twelve leading Scots: recommending Hooke to Atholl, Marischal, Kincardine, Mar, Grenard, Buchan, Annandale, Bute, Aberdeen, Glencairn, Galloway, the Dukes of Hamilton and Gordon; Drummond, Errol, and Panmure. These were, indeed, broken reeds; the barons addressed were of a sentimental but not of a fighting loyalty—were not men like the venerable Lochiel, Clanranald, and Glengarry, and the Macleans. The exiled Simon Fraser (Lovat), from the Château d'Angoulême, warned Hooke not to believe what might be said about himself by the friends of Atholl and Hamilton. He

boasted of how he had bullied Atholl (as in his Memoirs), while Atholl was still Tullibardine. Hamilton and Atholl "are well fitted to make a noise in Parliament, but will never draw sword for the king,"—a warning which Hooke found to be perfectly veracious. Nobody is true, said Simon, but the North and the clans, whom he could direct if he were released from prison (March 5, 1707).

Hooke might have listened to Lovat and stayed in France, for all the good that he did in Scotland. James wrote to Hamilton, expressing his own intention to land in Scotland. The king did not lack courage,—at Malplaquet he charged repeatedly at the head of the *Maison du Roy*; but he did lack gaiety, and was no steadfast leader of a forlorn hope. Handsome in youth, he did not win hearts, for he was very shy; and, far from being the witty tipsy profligate described in 'Esmond,' Thackeray's famous novel, he was of a melancholy temperament, and was accused by his enemies of a culpable coldness towards the fair sex. These cruel charges were made in 1715; in 1707, when only eighteen, James, had he been permitted to land, might perhaps have gained affection as readily as did his more audacious son.

Hooke's orders were to say that the unfortunate campaign of Ramilies had made it impossible for Louis to aid his ancient allies. But stirred by the dangers expressed by "the false name of union," he will now send succours, though he candidly adds that they may not be "bien considérables." Officers and arms are promised at once: they were not sent. Hooke is to have two frigates at Dunkirk: they were privateering on the private account of Pontchartrain and not accessible; but Hooke found a small vessel, *The Heroine*, of sixteen guns. His orders were to visit Lady Errol, and be guided by her advice. Female counsellors of the Jacobites were always many and eager, but of less weight than the women of the Kirk party, to whom De Foe attributed the Presbyterian recalcitrance. If the Union has been passed, Hooke was told, the country will be the more excited, and this was true. The opponents of the Union, all the prejudiced and ignorant folk in Scotland, with all the Jacobites, all the more extreme Presbyterians, and the Cameronians, expected to be deceived and robbed by England as soon as the Union passed. They easily persuaded themselves that their fears had become realities.

The Scottish commercial class had laid a plan, mentioned by



De Foe as early as February, for at least making an honest penny out of the dastardly betrayal of their country. The duty on imported goods was lower in Scotland than in England. If, therefore, the Scots traders brought in foreign wares after the Treaty of Union had passed the Scots Parliament, and before its final ratification, they could clear a desirable difference by importing them into England after the ratification. English traders, observing the circumstance, bought goods abroad, had them shipped to Scotland, and meant to transport them into England at the right moment. Other devices of a similar sort occurred to English capital and enterprise, and Scotland was rich in foreign luxuries awaiting translation to consumers south of the Border. In April the English House of Commons passed a Bill to prevent these evasions of English duties—that is, they legislated against bringing foreign goods into Scotland for the purpose of bilking the English Custom House. But Scotland was still for a few weeks a separate kingdom, and it was plain that no English Parliament could legislate for it. The English House of Lords was obliged to recognise the difficulty: there were disputes between the two Houses, the Lords taking the side of strict legality. But the English Board of Customs refused to allow a number of vessels bringing foreign goods from Scotland to be unloaded, and the commercial Scottish were furious. The question was tossed about between the Courts of Law and the Parliament, and the Scottish grudge against the Union was fanned into flame.

The arrival of part of the Equivalent in gold and the rest in Exchequer Bills provoked the mob. We do not know that they assailed the soldiers who guarded the waggons containing the arrears of pay that were the price of Charles I., but De Foe saw the crowd stone the Scottish soldiers who protected the Equivalent as far as Edinburgh Castle. Moreover, the greater part was sent in Exchequer Bills, which the multitude did not understand. They thought that they were “bit,” and that their honour, national independence, covenanted religion, and all that they held dearest, were being paid for with notes on the Bank of Fancy. A glimpse of Edinburgh at the moment of the arrival of the Equivalent is given by Mr Houblon of the Bank of England, in contemporary letters to his brother in London. They were of a noble Huguenot family, which came to England in the reign of Elizabeth: one of the house was the first Governor of the Bank of England. Mr

Houblon accompanied the Equivalent on its northward way, and was received with military honours at Berwick, "a miserable place,"—so he describes the town which, under Edward I., was reckoned the peer of ancient Alexandria. In Edinburgh the Commissioners and Chancellor were most hospitable. "The wine is incomparable, and yet I drink water with it to save myself all I can." "I am lodged four stories, and some of us eight stories high: here are houses sixteen stories. The women all wear Scotch plaids on their heads as a veil, and look like so many Harlequins, and have an air, too, of Nuns: some wear them with a *déagé* air that is agreeable."

Mr Houblon tranquilly remarked on the discontents. "The Scots are uneasy at the seizing of their wines" (in the Thames) "after a *Transire* was sent them to London; also at the pressing their seamen out of their ships" to serve in the navy. "These are wrong steps, and will render matters the more difficult to us. . . . We have so managed matters that all reasonable people will accept the Exchequer Bills in payment, but we have to do with a great number who are not so, and who are enemies to the Government, and therefore it will be requisite that another convoy of money come down from London. The £100,000 arrived here this noon [August 5], and is safe lodged in the Castle," where there was a Jacobite plan of seizing the gold. "It gave a very great alarm to the people of this place, and some are not yet satisfied that there was money in the carriages, but ammunition or stones, and they're very apprehensive they are to carry back the Crown." When Sir Walter Scott, with others, opened in 1818 the locked box in the closed room where the Regalia lay, these apprehensions were lulled at last!\* The mob stoned the bank officers and coachmen, and "here are frequently riots about the Excise: some brewers have left off brewing, and the mob would oblige the rest to put out their fires, which is no ill-laid design to raise a commotion. . . . The novelty of paying the Excise, and the harshness of some parts of it as to the poorer sort, with the seizing of their wines, and pressing their seamen, all at one juncture, contributes very much to sour these people. . . . We were at Kirk on Sunday, and saw two stand upon the stool of Repentance." On August 26 a great hunting is reported as imminent in the Highlands,—“about 3000 Tories and Papists” were the sportsmen.

\* See Lockhart's 'Life of Sir Walter Scott,' v. 273-284.

As the revenue was henceforth to be collected on the English system, in place of the old farmers of the taxes, English officials were sent to show the way, and their unpopularity needs no explanation. Smugglers began a career of profit and popularity which was long enduring. The abolition of the Scottish Privy Council was a less sensible grievance: it could not be represented as a breach of the Union, and it served the ends of the *Squadron* as much as it tended to defeat those of the Courtiers under the leadership of Queensberry.

All this friction is inevitable in political, if not in personal, honeymoons, but, combined with the standing religious objection to the Union, it produced an amount of heat which the Jacobites hoped would mature their scheme for a restoration. In May and June Scottish anger was at the boiling-point. In short, all was going to the heart's desire, and Jacobites alleged that the Prince of Wales (King James) "will be here in less than six months." They did not miscalculate: James was off the coast within the six months, but the French admiral would not allow him to land.<sup>2</sup> Fiery preachers made more din than the moderatism of the General Assembly could stifle.<sup>3</sup> De Foe said, however, "It is the easiest thing in the world to hire people here to betray their friends. . . . I have spies in the Assembly. . . . The measures I took about the Assembly put me to no small expense." De Foe cannot possibly have bribed the Assembly, he had not funds, and the preachers never were corrupt. But the temper of the country, as we have heard Lockhart say, seemed all that the Jacobites could wish. Louis was under the false impression that large supplies of arms had, according to his commands, been sent to Hooke for Scotland. They would have produced a better effect than promises—for example, the promise to give Hamilton, in France, an equivalent for the Duchy of Chatelherault, conferred in 1554 on that ancestor of his, in the female line, who played the usual family part of a waverer during the Reformation. The claim of the present Hamilton to Chatelherault was "very doubtful," said the French king. Hooke had told Louis, in 1705, that he suspected Hamilton of desiring the Scottish Crown for himself. Failing a restoration of James, Louis preferred a Hamilton dynasty in Scotland to the Union. But certainly the patriotic Cavaliers were not likely to go to war to make a Douglas King of Scotland.

Hooke embarked from Dunkirk on April 17. On April 9 the

Duchess of Gordon wrote to Lady Errol, lamenting the delay of "the man who was to buy your meal," namely, Colonel Hooke. A new "meal merchant" had applied to her, "an honest Cameronian, with his Whig partners." It was highly important for the Jacobites to gain the hardy Cameronian yeomen, armed, well horsed, and probably in some cases drilled. But the rival meal-merchant was only Ker of Kersland, the pseudo-Cameronian, pseudo-Jacobite spy of Queensberry. De Foe's agent among the Cameronians, "Pierce," left Edinburgh for England on March 10, 1707, being employed by other hands, namely the *Squadronne*. But Kersland says that he was in Edinburgh at the end of March, when some Jacobites, in Lady Murray's gardens, inducted him into Hooke's scheme and asked him to bring in the Cameronians. Kersland at once revealed to Queensberry, and next to Roxburgh, all that he had learned, and was ordered to pretend to be hearty for the plot. Kersland objected to so much "dirty work," but next day made conditions with the Jacobites, including the maintenance of the Protestant religion, to which he was ardently devoted. Receiving comfortable promises, but no precise intelligence, he arranged a cypher correspondence with "the Earl of R——" (Roxburgh). He really was preparing some people whom he calls "Cameronians" to act for the Government, with promise of pay of arrears to the officers in the famous regiment that drove the clans out of Dunkeld, as a letter of theirs proves.<sup>4</sup> Ker, at the end of April, retired to Kersland "to breathe some honest air in the country." He needed that refreshment, for, among his other rogueries, he had deserted Queensberry for the *Squadronne Volante*, who probably were, as we saw, the new employers of "Pierce," darkly hinted at by De Foe on March 10. In May the Jacobites summoned Ker to Edinburgh, he says, satisfied him as to religion, and let him into all their secrets. His dates are vague, and, judging from the Duchess of Gordon's letter to Lady Errol, of April 9, she had "kept of a good merchant all this time," namely, "the honest Cameronian mealmonger," Ker. Apparently he had, before April 9, played the *agent provocateur* among the Jacobites; if so, he was even a greater scoundrel than he confesses himself to be. It is his plan to represent them as approaching him, while, to all appearance, he approached them. Ker arranged that James should promise abolition of the Union, and declare himself a young prince unpersuaded, ready to lend a candid ear to the truth as it is preached "by Protestant Divines."

In June, Ker was able to send Hooke's cypher to Queensberry, and he received, from Baillie of Jerviswood, under the Privy Seal, the queen's permission to disport himself as a Jacobite among Jacobites.<sup>5</sup>

We now return to Hooke, who, by the middle of April, was in Scotland; but the noble Jacobites, he found, were singularly "indisposed," especially Hamilton and Atholl, and were quite unfit for business. The Duke of Gordon, too, was "indisposed" when Hooke wished for an interview with him. He had to lurk in a wood till he was conveyed to the place where he was to be shut up for an interview with Lord Drummond. Hamilton was struggling against his aguish fit with "bark or Jesuit's powder," but not all the quinine of South America could have a truly tonic effect on Hamilton. The intriguers believed that Rorie Mackenzie (as they styled the Cameronians) "was for him" (for King James): probably Ker had beguiled them into this delusion, unless, indeed, he had beguiled the Cameronians into "a doubtful trust" of that prince. At this very time Lockhart's head was full of Bagpipe and Thistle, his dogs! Lockhart represents Ker as very successful in extracting confidences from the Duchess of Gordon and Catholic priests.<sup>6</sup> His own opinion was that Hooke negotiated in a corner, Angus and Perthshire, so openly that all the world knew it, and yet without consulting "others"—himself, probably, and the Lowland Cavaliers. Yet his friend, the laird of Auchterhouse, represented Lockhart to Hooke as fully engaged. Hooke had served the ambition of Atholl to appear as the leading friend of the king, which implied throwing the indisposed Hamilton into the opposite party, or, at least, vexed that party, and made them choose another envoy to James than Hooke. They urged that if James crossed the water he should bring at least 10,000 or 15,000 regular troops. None the less, says Lockhart, they would have joined the king had he landed: one may be quite certain, however, that neither Hamilton nor any of his adherents would have been "in their bandoliers."

These jealousies, suspicions, delays, and ill-concealed intrigues were the mark of every Jacobite attempt from 1707 to 1759. Spies were never lacking, and Ogilvie, Dundee's old officer, was sent to Scotland in summer to pick up what crumbs of information might have escaped Ker of Kersland. The imbecility of Jacobite Lowland intriguers, torn by common and thoroughly well-deserved

distrust of each other, shows the want of sense among the leaders of the opposition to the Union. That Union was, when all is said, a surrender, but it was a sagacious surrender, while the dreams of the Cavaliers were feverish and futile.

Nothing could be more divided than their party. Hooke, representing the Court of Versailles, desired to keep all his secrets from the Court of Saint Germain. Now, just as the Lowland Cavaliers of the North regarded Atholl as their leader, and warned Hooke against the thrice perfidious Duke of Hamilton, so the Lowland Cavaliers of the South, little as they trusted Hamilton, followed him rather than the hot-headed counsels of the Catholics about the Duchess of Gordon and Drummond. At Saint Germain, the party of Middleton trusted Hamilton, the party of Perth preferred Atholl, and the Duchess of Gordon put Hooke and Ker of Kersland in a cypher correspondence; while the Presbyterian leader—as such he gave himself out—betrayed the Catholic lady and all the secrets he could learn from her to the Government. Hooke's vast Memoir and copious correspondence proved that he wished to have two strings to his bow, the Atholl string and the Hamilton string,—he himself preferring Hamilton. For Hamilton was, in fact, *two* strings: he might try to restore the king, or might himself secure the crown of a Scotland disunited to England,—a plan which would equally suit the policy of France, and therefore suited Hooke. His orders were to obtain correct information as to topography, supplies, fortresses, arms, and leaders, and to collect promises of adhesion. To make promises as to what forces Louis would send was not part of his duty. The French king, we know, had offered “nothing considerable”; but Hamilton at one time asked for 15,000 men, and said that unless James aimed at winning both Scotland and England it was not worth while to enter on the game. Hooke, travelling the country disguised as an English cattle-drover, was driven back on hopes from Atholl; but Atholl, like Hamilton, was malingering.

The best and most loyal subjects, it seemed, were the Cameronians, who were armed and ready; and Hooke learned, through the mendacious Ker, that they only asked for religious toleration! Had Hooke been a Scot, this audacious fib would have proved that Ker was not only deceiving him but laughing at him. The Earl Marischal fairly shirked so conspicuously that Hooke plainly gave him a candid opinion of his conduct. The least impracticable plan

was General Buchan's scheme for seizing Inverlochly. Had that been done, and had James landed in Moidart, the clans would have joined him and swept the waverers forward with their avalanche. But the Presbyterians (*teste Ker*) wished for a landing at Kirkcudbright, the Lowlanders at Montrose or in the Firth of Forth. Either Ker had himself a plan (false, of course) for a sudden seizure of Edinburgh Castle by a pleasure-party,—gentlemen, backed by a hundred stout fellows hidden in a cellar,—or such a plan (genuine) was confided to him. Ogilvie the spy gives the former version; Ker says that he dissuaded the attempt as premature, rushed to town, and confided it to Government. He was seen leaving a house in St James's Square: a letter of warning was sent to Edinburgh, but Ker rode down before the letter and claimed an alibi.<sup>7</sup> Ogilvie (October 18) writes that Ker is found out and shunned; and in the letters of the Duchess of Gordon we see that, in about ten weeks, her suspicions grew to a certainty that the "mealmonger" was not "honest."<sup>8</sup>

Ker, in fact, was in a quandary. He was engaged to the Jacobites to bring over the people whom he calls Cameronians, and, as he had certainly been seen in St James's Square, he was obliged to avert the Jacobites' suspicions. How he did this he tells us. They desired him to cause the Cameronians to make "a public appearance against the Government," as this would encourage the French. "Therefore," he says, "I convened that party of the Cameronians which followed Mr Macmillan, one of their preachers, at Sanquhar, and at the Market Cross made public declaration against the queen that she had forfeited her right to the Crown by imposing the Union upon us, and therefore disowned her authority and government, declaring it unlawful to pay taxes or obey her. . . . Though this Declaration did not mention the Pretender expressly, yet it was couched so as to make the Jacobites hope that the Cameronians might be soon reconciled to that interest." The Lord-Justice Clerk wrote to Kersland complaining of "this insolence," but Kersland replied that it was necessary "to renew the confidence which I thought was proper the Jacobites should repose in the Cameronians, and to confirm my credit with them, which I thought was declining"—as it was. The Cameronians did enjoy one of their favourite meetings at Sanquhar in October 1707; but far from "not mentioning" James, they "protested against and disowned the pretended Prince of Wales."<sup>9</sup> The date of this per-

formance was October 22, 1707, and Ker's account of the transaction is false.

Why Kersland told this fable is not plain, unless it were merely to annoy the Cameronians, in which he perfectly succeeded. As has been shown, the writer was refused access to the Minutes of the Cameronian Societies, but Mr Hay Fleming, more fortunate, states that they did hold a desirable General Meeting at Crawfordjohn on August 6, 1707, and appointed a Committee "to draw up a Protestation and Testimony against this sinful Union." The Rev. Mr Macmillan, of whom Kersland speaks, was one of the Committee, and the Proclamation was issued on October 22, 1707, at the Cross of Sanquhar, the usual place.<sup>10</sup>

As far as it proved the dissatisfaction in Scotland, the Protestation might encourage Louis XIV. to send James and a fleet, but the Cameronian love for "the pretended Prince of Wales" was certainly "dissembled."

Finally, at Scone, Hooke negotiated with a number of Jacobites. He represents himself as standing on the dignity of so great a king as Louis, who must be sued to, and would tolerate no dictation. The Scots cut their demands down to a French force of 5000 men,—they would raise 30,000,—and to a petition for arms. It was essential that King James in person should accompany the expedition. Most of the signing was done by deputy: Breadalbane would not even be signed for: Auchterhouse signed for Lockhart. The absence of the handwriting of the great men did not chill the French king. Hamilton, in cypher letters, asked for terms which he knew that France would not grant, though they were, in fact, by no means too high. Though Lockhart must have known Hamilton well by this time, he espouses his cause in this case, as that of loyalty, common-sense, and caution, which makes us marvel why he commissioned Auchterhouse to sign for himself.<sup>11</sup>

Ogilvie the spy (November, 17) informed Harley of the whole affair, with some inaccuracies. "I think I never ran a greater risk of my life since I was born," he says, for he had travelled through Angus and Perthshire, trusted as a loyal member of the House of Airlie, and betraying (with the aid of his worthy brother) kinsfolk and old friends.<sup>12</sup> Drummond, Breadalbane, Ogilvy of Boyne, the Laird of Logie (his cousin), old Lady Huntly, Graham, a companion in arms of early guiltless days, the spy saw them all, and told all that they had told him,—which was much exaggerated.



He knew that Hamilton "is resolved to walk on sure ground, having an estate in England." He found Catholicism as publicly professed in the north-east as ever it was under James II. He says that De Foe "tries to insinuate himself in several companies, but none will admit him."<sup>13</sup> It is always pleasant to hear one spy discourse concerning another.

Hooke had allowed it to be supposed that August would find the king upon the sea, but everything in France was executed in a dawdling inefficient way when it was a question of aiding the Jacobites. French policy, naturally, was to cause the English to remove their troops from the Low Countries, and to embroil England in a civil war with Scotland on the cheapest terms possible. Saint-Simon says that Hooke won Caillières over to his idea of invading in aid of 30,000 Scots; Caillières converted the Ducs de Chevreuse and Beauvilliers; they secured the adhesion of Chamillart,—but Louis XIV. was thoroughly tired of his many failures in attempting to make use of the Jacobites. Finally, the Duc de Noailles gained Madame de Maintenon, and Louis consented, without enthusiasm.<sup>14</sup>

In some respects the opportunity was good. Scotland had not yet recovered from her very excusable fit of ill-temper. If the country did not want James, it had as little love of England; and Wodrow, the learned historian and minister of Eastwood, remarks that in his neighbourhood the attempt at a French invasion found people strangely indifferent. The excitement of the Cameronians would seem, as it reached the ears of the French, to be a good omen; and though very few nobles and gentlemen met Hooke in the conference at Scone, they were authorised to sign for Atholl, with his warlike Highland following, for Nithsdale and Kenmure, who were in earnest, and for other lords whose names looked well on paper.

The clans were signed for, and could be depended upon, if they did turn out, to fight; Marischal, though indisposed, gave assurances. There was abundance of paper promises, and Hooke made the most of them, declaring that 20,000 Ulster men would rise. Probably Hooke, who left Scotland before Ker of Kersland was entirely unmasked, based that dream on the word of "the honest mealmonger," who affected to be deep in the secrets of Irish as well as of Scottish Presbyterians. Hooke believed as much as it suited him to believe, though he must have known that, thanks

to the sluggishness both of Atholl and Hamilton, which he quite appreciated, and to their disunion, the policy of France was to hazard few or none of her men, but to feed the agitation with money and arms. He suggested September 1707 as the time for the blow, but it was delayed, to the confusion and sorrow of the Jacobites, till the winds of the vernal equinox of 1708 were likely to ruin everything.

Thirty vessels, inclusive of transports, were prepared at Dunkirk and elsewhere. Forbin, who is said to have distinguished himself on the British coasts, received the command: 6000 men were moved from Flanders to Dunkirk. The secret was well kept, says Saint-Simon, but (as the Scots complained) there was great delay. The French, when they launched an expedition in aid of the rightful king, usually chose the season of the equinoctial gales, as in 1744. Pontchartrain was supposed to waste time treacherously; Chamillart rivalled him by dint of native inefficiency! The Court of Saint Germain was kept in the dark: James was to be accompanied by Perth, his tutor Sheldon, and but few others of his own Court. Gacé—brave but stupid, Vibrage—debauched but brave, were to lead the troops. Gacé was to be made a *Maréchal* of France as soon as they set foot in Scotland: James, as they never did set foot in Scotland, gave him his commission as soon as they disembarked again in France. Among the colonels, we remark Gaydon, later the companion of Charles Wogan in rescuing from prison the future wife of the young Prince whom he now accompanied on a sleeveless errand. The king left Saint Germain on March 6, probably unaware that he was sickening of measles. On the 11th came a messenger with news that the British fleet was blockading Dunkirk, and that James was determined on fighting his way through. The English, however, had retired, and young James, now in full measles, and wrapped in blankets, insisted on being carried aboard.<sup>15</sup>

On the 17th of March the expedition started, with five men-of-war, twenty-one frigates, and two transports.<sup>16</sup> The weather detained them at Nieuport till the 19th, and three vessels were driven back into Dunkirk. But James refused to wait for them, though his force was only about half of the lowest estimate that the Scots desired. They intended, says Andrezel, to disembark at Burnt-island, and thence send a detachment to seize the bridge at Stirling, and keep the way open for the gentlemen of Angus and the clans.

“His Britannic Majesty became very sick.” On the 23rd (22nd?) they saw the Scottish coast, but found they were too far north. They came back, and Forbin sent a vessel up the Firth of Forth to fire five guns, the preconcerted signal. On the 24th they lay behind the Isle of May, when, at dawn, they detected an English fleet and fled north. Lockhart lays the blame of the fiasco on one George, a pilot, who got drunk and missed his opportunity—a thoroughly orthodox Jacobite proceeding.<sup>17</sup>

The English Government had completely neglected to provide stores and ammunition for Edinburgh Castle, where Leven mustered his slender command, marched to Leith sands, and put a bold face on the situation. But the fleet did all that was needed, chased Forbin, and took a vessel, previously English, *The Salisbury*, with plenty of money and stores. Wodrow heard a tale that James was taken prisoner on *The Salisbury*, but was released. Happy on the 24th, on the 25th the Jacobites in Edinburgh learned that Sir George Byng had simply frightened the French away. James wished to land at Inverness, or anywhere, but there was a heavy sea and no pilot; so Forbin sailed home again, arriving at Dunkirk on April 7 with the remnant of his fleet in melancholy case.<sup>18</sup> While the king was on the sea, Hamilton had been at his English place in Lancashire, quite safe, as usual,—indeed a kind of prisoner; and though Lockhart defends his honesty, that quality is more disputable by far than the loyalty of Louis XIV. “I can’t altogether condemn those who are of opinion that the French king did never design the king should land,” says Lockhart; but Louis must have longed to see the last of James. No Franco-Jacobite enterprise ever excelled in imbecility that of 1708, when, if the king had landed with only his valet, says Ker of Kersland, the country would have risen for him.

As to that rogue Kersland, the Jacobites had found him out; indeed, few but women like the Duchess of Gordon, priests, and adventurers had ever trusted him. But Hooke was among the confiding adventurers. In January 1708 Ker tells us that he lamented the unprepared state of the Castle, and went to London in February-March 1708. When the news of Forbin’s start arrived, Harley requested him to go home again. Kersland represented that he could induce the Cameronians to meet and declare against the Pretender; and also asked for money to pay the arrears of the officers of the Cameronian regiment, the victors of Dunkeld.

Here he tells truth: in the Portland papers is a letter of Kersland to Harley, of 1709, referring to the transaction.<sup>19</sup> Kersland went home, assembled the leading men of the Cameronians at Sanquhar, quoted the Bible, and induced the Cameronians to "declare against the Pretender." But still Harley did not send the money to pay the officers' arrears. Kersland, who is perplexing with his doings at Sanquhar, after this time ceased to be of influence. He was not better rewarded than De Foe, who deserved such recompense as he never received. As to the controversy about the Cameronian-Jacobite alliance, it seems highly improbable, or impossible, that the society men were officially engaged through their societies. But the politicians of the day applied the term "Cameronian" to malcontents of Covenanting principles, of whom many were not, strictly speaking, Cameronians or Dissenters.

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#### NOTES TO CHAPTER VI.

<sup>1</sup> Hooke's Correspondence, ii. 230, 231.

<sup>2</sup> For these letters the author is indebted to the kindness of Lady Alice Archer-Houblon.

<sup>3</sup> De Foe, in Hist. MSS. Com., pp. 394, 395, 401, 408, 431, 432.

<sup>4</sup> Ker of Kersland, i. 37-43. Hist. MSS. Com., *ut supra*, pp. 528, 529. The letter is of October 26, 1709, but seems the same as one of May 1708, given by Ker, Memoirs, i. 68, 69.

<sup>5</sup> Ker, of Kersland, i. 45-47.

<sup>6</sup> Lockhart Papers, i. 302.

<sup>7</sup> Kersland, i. 49, 50.

<sup>8</sup> Hist. MSS. Com., *ut supra*, p. 456.

<sup>9</sup> Informatory Vindication, pp. 270, 107.

<sup>10</sup> United Presbyterian Magazine, May 1898, p. 210.

<sup>11</sup> Lockhart Papers, i. 231, 232. Hooke's Correspondence, ii. 369.

<sup>12</sup> Hist. MSS. Com., *ut supra*, pp. 460, 461.

<sup>13</sup> Hist. MSS. Com., *ut supra*, pp. 465, 466.

<sup>14</sup> Saint-Simon, Mémoires, vi. 117-119: 1829.

<sup>15</sup> Saint-Simon, vi. 126.

<sup>16</sup> Andrezel in Secret History of Colonel Hooke's Negotiations, p. 139: 1760.

<sup>17</sup> Lockhart Papers, i. 240.

<sup>18</sup> Journal of Gacé (Maréchal de Matignon), Secret History of Colonel Hooke's Negotiations, p. 147.

<sup>19</sup> Hist. MSS. Com., xv. iv.

## CHAPTER VII.

## JACOBITES AND WILD WHIGS.

1708-1714.

FEW things were more apt to inflame Scottish national feeling than the transport of many Scots gentlemen and peers, suspected of accession to Forbin's futile attack, to London. Among these was the Duke of Hamilton, who, by promises of political aid from himself and his party to the Whigs, obtained the release of all but three prisoners. These were sent back to Edinburgh, tried, and acquitted. In the ensuing elections for the first British Parliament of the autumn of 1708, the Cavaliers in Scotland were inactive, being apprehensive of accusation and imprisonment. Lockhart, for Mid-Lothian, was elected, despite Presbyterian and courtly opposition. The small band of Jacobites chosen had no view except to secure the safety of their friends implicated in the recent attempt. Parties were in such unstable equilibrium that the Court, the Government, could be neither called good Tory nor good Whig, but simply "the Court." They secured a vote acquitting them, very unjustly, of negligence of national defence, and had the support of the majority of the Scots. Eldest sons of Scots peers were made incapable of election to the British House of Commons for any Scottish county or burgh,—a rebuke, Cavaliers thought, to the sycophancy of these peers, "the chief instruments," says Lockhart, "of selling and betraying their country." Scottish peers, such as Queensberry, who were also peers of England, were debarred from voting for the Scottish elective peers sitting in the House of Lords.

More important was a measure which substituted the English for the Scottish law in cases of treason. This had all the appear-

ance of defying the first principles of the Union, though it was almost necessary, in the circumstances, that, in the united nation, treason should have one definition, one mode of trial, and one penalty. The Scottish members unanimously opposed the Bill: their laws and judiciary court had been secured by the Union, and their laws were, in many points, more fair to the accused, and rather worthy of English adoption than of repeal. But the Ministry had been greatly alarmed by the French naval demonstration, and they feared another, and determined to be at least legally forearmed. In vain was it urged that the accused had a right, as in Scotland, to know beforehand what evidence against them they had to meet. In vain was the cruelty of visiting by forfeiture, and "corruption of blood," the sins of the fathers on the innocent heads of the posterity denounced. In Scotland such forfeitures, often enacted, had but seldom been carried into action. A few years had generally brought restoration to rank and lands, except in the unusual case of the Gowries. Torture, however, was abolished; but the English Commission of Oyer and Terminer was introduced, always to include one Scottish Lord of Session. Thus the measure passed the Lords; but the Commons exempted landed estates from forfeiture, and permitted the accused to know the evidence against him ten days before his trial,—ameliorations modified by the clause that they should only become law after the House of Hanover had been for three years settled on the British throne. Had they waited, as Somers proposed, till the death of "the Pretender," they would have waited till the early years of the nineteenth century and the decease of the Cardinal Duke of York.<sup>1</sup>

Though divided among themselves, the Forty-Five Scots members could unite on occasion and make themselves dangerous to any who insulted their country. In 1710, Sacheverell, and "The Church in danger," with the queen's resentment of the temper of the Duchess of Marlborough, drove out the Whigs, and introduced Harley and St John to power. Hamilton had been induced by Lockhart, contrary to all hope, to vote for the acquittal of the noisy Sacheverell, with Mar, soon to be so notorious, Wemyss, and Northesk. The other Scottish peers had supported the falling Ministry. Argyll, too, whom Marlborough greatly distrusted, was active in procuring their dismissal.<sup>2</sup>

The elections for the new Parliament were conducted with the

usual spirit and candour. The Whigs "bellowed that Popery and the Pretender were coming in," the Tories "that the Church and the Monarchy were rescued from the very brink of perdition," says the sardonic Lockhart. In Scotland the Whigs added that Presbytery was in danger, as now, in England, the mitre was pushing with its horns. The Cavaliers did not "bellow," but whispered over their claret that "now or never was the time to bring in the king and dissolve the Union." Hamilton, Argyll, and Mar lent all their influence to Tory candidates. All the peers were for Harley and St John, and two-thirds of the members of the House of Commons were "on the Tory lay": the new "Court," however, the new Ministry in England, did not back "the Tory lay"—Harley not so much desiring a sweeping majority as a balance of parties. He soon showed that he had no desire to conciliate Scotland. A duty for thirty-two years was imposed on exported linen, "the staple and chief commodity of Scotland." Baillie of Jerviswoode argued that while English woollens were free it was unfair to tax Scottish linens, above all as Scottish woollens were now prejudiced by the free admission of rival English goods. "Have we not bought the Scots, and have we not a right to tax them?" Harley is reported by Lockhart to have asked.<sup>3</sup> No wonder that the Union was now the object of universal popular hatred in Scotland.<sup>4</sup>

Lockhart retorted on Harley with spirit. He was glad to hear Harley's avowal of what he had never doubted, that Scotland had been bought and sold. What was the price, and who received it? A slight technical modification for the relief of Scottish manufacturers was accepted, and after a great loss of time and trouble "the bill was let fall." Jerviswoode had justly remarked that members "were sometimes for acting as if the two kingdoms were united, and sometimes as if they were not so," and as if England alone was to be considered.

Lockhart and his allies had now shaken off the influence of the sixteen representative Scottish peers, and were actually consulted by the English Ministry on the affairs of their country. Lockhart thereon resolved to bring in a Bill for the toleration of the Episcopal clergy in Scotland. At this time "the public interest of our Lord Jesus Christ and His Church . . . had a melancholy aspect," as the Rev. Mr Maxwell, a minister near Dundee, wrote to Wodrow (Nov. 7, 1709). The "ill-mumbled Mass," the English Prayer-Book, had invaded Scotland. The Earl

of Strathmore had been buried with Anglican rites, the clergy present "being arrayed in their canonick gowns." Magistrates declined to execute judgment on the guilty Episcopalians. "It is to be feared judgements, sudden judgements, are not far off."<sup>5</sup>

The dreaded Prayer-Books appear to have come in with "the English excisemen and such cattle," as Wodrow says, in 1707. In that year the General Assembly passed an Act against the use of the Liturgy, and took other measures. It must be remembered that, even under Charles II., the Episcopal clergy in Scotland had not, with the rarest exceptions, read the Anglican prayers. The old objections to what Leighton thought decency and order in worship held their ground. Only some parishioners abstained from wearing their hats in church, "which our Presbyterians do but by halves, even in the time of prayer." "Amen," too, gave great offence.<sup>6</sup> Laud's Service-Book was not yet reprinted, not till 1712, and was very rare. This book has long been a cause of feuds among the Scottish Episcopalians, but, in 1709, not Laud's but the ordinary English Prayer-Book was threatening the pure atmosphere of the North. "Judgements, sudden judgements" might be, and were anticipated, as Knox prophesied them when Queen Mary was allowed to have her Mass.

At this juncture the Rev. Mr Greenshields was much in the public mouth. Lockhart says that he was the son of a Scots Episcopal minister, rabbled out of his parish in 1688-1689. The young man had taken the Abjuration Oath against King James, and he now officiated in an Episcopal chapel in Edinburgh. It was unlicensed by the Bishop—perhaps because Greenshields did pray for Queen Anne. Probably he made himself very conspicuous: in any case, he was summoned before the Presbytery, handed over to the secular arm, and imprisoned. The Lords of Session affirmed the decision of the magistrates, and Greenshields announced his intention to carry his case to the Lords. They were occupied with Sacheverell's case, but, in 1710-1711, the Tories being now in force, Eglintoun, Balmerino, and Lockhart "buoyed up Mr Greenshields." Harley found fault with Lockhart, privately: the affair, he said, would only cause irritation between the Church party in England and the Presbyterians in Scotland. Lockhart replied that the Presbyterians "were as much exasperate already as they could be," in which he misjudged their faculty of being exasperated. They were "giving him [Harley] over to the gallows and the devil from their pulpits."



Harley was disappointed: the Scots Tory members successfully made interest with the Lords, "the sentence of the Lords of Session was reversed, and the city of Edinburgh ordained to pay swinging costs to Mr Greenshields."<sup>7</sup> Episcopal chapels increased in number, and the use of the Prayer-Book spread. Even within the Kirk herself there were distressing symptoms of a desire for order in public worship,—a reaction against the negligent irreverences which ensued after the Knoxian Book of Order fell entirely out of use. Wodrow heard with pain that, in Ireland, young ministers "are setting up the use of the Lord's Prayer at the end of their public prayers, recommending mightily premeditate prayers, and kneeling in the time of public prayer." These things "were very uneasy to the honest old men that have seen the glory of the old temple."<sup>8</sup> The godly ideal of public prayer seems to have been that there should be no premeditation; not even the minister himself should know what he was going to say next; "a great gale" of spiritual influence should carry him along, probably over a sea of nonsense. The General Assembly (1710) perceived an extraordinary growth of Popery in the north and the islands, "large countries never reformed." In 140 years since the Reformation, great districts, it appears, were not allowed to be Catholic, or instructed in being Protestant.<sup>9</sup> On the other hand, irresponsible persons went about prophesying in the streets of Edinburgh: apparently they were disciples of visionaries of the Cevennes, where persecution had produced a "revival," with the strange physical and psychological phenomena which usually accompany what Wodrow called "enthusiasm." Wodrow saw that, as regarded the use of the Prayer-Book, the nobles and gentry encouraged it, "and we are just the reverse now of what we were in 1636." The uproar against the Prayer-Book had really, no doubt, been resistance to the despotism of Charles I., rather than the result of a reasoned consideration of the relative merits of the two systems of public worship,—of prayer without and prayer with a liturgy.

But the verdict of the House of Lords in Greenshields' case was apt to have its chief effect, as the Cavaliers probably hoped, in strengthening the general Presbyterian hatred of the Union. The House of Lords, as a voting body,—not merely the professional lawyers in the House,—were overriding by their tolerance the desires of the National Church of Scotland, as well as the decisions of the Scottish judges. More trouble arose on that ancient diffi-

culty, the right of the Kirk to proclaim national fasts when she thought fit: these fasts had been used for purposes of religio-political agitation, as just before the brief revolution at the moment of Riccio's murder (1566). A clerical deputation, including Mr Blackwell of Aberdeen, visited London (1711), and was courteously received by Harley, who understood the importance of conciliating Presbytery. He "promised the civil sanction" to the fast.<sup>10</sup> Blackwell found that toleration for Episcopalians was threatened, and that Patronage in Kirk livings was, if possible, to be restored. The Kirk, "which God had kept pure so many years," was in peril of "corruption." By January 24, 1712, the Bill for Toleration had been read once in the Commons, and Blackwell, with the veteran Carstares, ran about the city laying "the fatal consequences" before members and Harley. They found that there was a purpose of tacking the Oath of Abjuration (of King James) to the Toleration, a thing not agreeable to Jacobite Episcopalians. Blackwell, Carstares, Lockhart, and others met with the Earl of Islay, brother of Argyll, and Carstares disclaimed any desire to persecute Episcopalians. But he said if the clause in the Bill removing non-Episcopalians from the power of the courts of the Kirk were passed, scandalous persons, by ceasing to be Presbyterians, would evade Kirk censures. Lockhart suggested an ironical motive for Carstares' anxiety, and the clause was dropped. Civil magistrates were not to compel any man to submit to the sentences of Church judicatories,—the day of that tyranny was overpast.<sup>11</sup>

Meanwhile Blackwell and Carstares waited on the queen, explaining that their own clergy, as well as the Jacobites, had scruples about the Abjuration, as implying, says Lockhart, a tacit approval of the monarch's adherence to the Church of England,—“a thing contrary to their principles and repugnant to the Solemn League and Covenant, which, they thought, was and would be for ever binding”! The Scots Tory members were mischievously resolved to make the Abjuration as “uneasy” to Presbyterian sticklers as it was to their own clergy. In this they succeeded, and exposed “the little chirking Jesuitical shifts of the godly,” who had thought to remove the burden from Presbyterian shoulders by substituting *which* for *as* in a clause of the Bill. The evasion is hardly perceptible to any but “scrupulous brethren” and metaphysical grammarians, and the brethren were disappointed after all.

Many Covenanting ministers could not take the oath,—“they had no clearness.” Wodrow’s letters are full of anguish ; but the Episcopalian Jacobites who could not take it must escape penalties if the non-juring Presbyterians were allowed to escape. A feud arose between Presbyterian jurors and non-jurors, who fought like the Protesters and Resolutioners after 1650. The 1st of August was the “dismal day,” in Wodrow’s phrase, when the Erastian oath of Abjuration was to be taken ; and every minister was compelled by the State to pray for Queen Anne and the Protestant succession. The Presbyterians were anxious for the welfare of both, but loathed being constrained to pray as they desired to pray. The oath was a test, and the test was inconsistent, they said, with the terms in which the Treaty of Union had secured the Presbyterian Establishment. All this was quite true, and it seemed as if either the terms of the Union must be broken or the germs of religious toleration must be trampled down. Time and the tendency of thought preserved both Union and Toleration.

Time worked more slowly for the abatement of the fever caused by the restoration of Patronage,—a measure procured by the combination of English churchmen and Scottish Jacobite members, contrary to the desire of Harley. If the lairds, many of them Jacobites, could present ministers to livings, they certainly would not select preachers who believed that the Solemn League and Covenant was eternally binding, or who were especially strict in enforcing Kirk censures. They could hardly expect, in their most sanguine hours, to obtain Presbyterian Jacobite ministers, but ministers less severe and less Covenanting than the Presbyterian non-jurors, or “Nons” as they were styled, might be obtained,—men not so much inclined as the “Nons” to persecute Episcopalians ; even men who used the Lord’s Prayer and premeditated their own public supplications, instead of trusting to the inspiration of the moment.

Patronage had passed through many phases since the Reformation, previous to which it had mainly been in ecclesiastical hands, except in the case of very good things, when the great had their way. In Knox’s doctrine each congregation had the right to elect its own preacher, who was inducted after due examination into his life and doctrinal soundness. But we have seen that, within twelve years of the Reformation, patrons were presenting now and then such abandoned villains and hopelessly unqualified men as Archibald

Douglas, who was parson of Glasgow. Wherever there were still any pickings on the bones of the despoiled Church, young men of family were intruded on the congregations, as the Acts of the Kirk against the luxurious practices of such ministers suffice to prove.

The successive conditions of affairs as to patronage in Scotland may be summarised from the work of a competent authority.<sup>12</sup> His book was published during the excitement of the Disruption of the nineteenth century. In the early years of the Reformation parish ministers were appointed not so much to a benefice (often there was no "living"), but to the office of spiritual pastors of the flock which chose them. By the Second Book of Discipline—that associated with the name of Andrew Melville—they were appointed "by the judgement of the Eldership [Presbytery] *and consent of the congregation.*" This was made a strong point: no minister was to be intruded on an unwilling local flock. But the representatives of the original founders and patrons of churches, and also the new layholders of church property, and churches attached to religious houses, chapters of cathedrals, and bishoprics,—“The Lords of Erection” as they were called,—also claimed rights of presentation to these churches, of which the new Protestant ministers did not receive the benefices. Queen Mary had arranged that a third of the benefices should be divided between herself and in stipends to the ministers, who seldom succeeded in getting the money or payment in kind. Under the Regent Moray (1567) the Legislature applied itself to levying and allotting these thirds of the benefices to the ministers; and “the admission of ministers was declared to be ‘only in the power of the Kirk,’”—defined as the ministers, and such of the people as were communicants. The *admission* was in the power of the Kirk, but the “*presentation of laic patronages*” was reserved to “the just and ancient patrons.” The presentation to other cures, which had been ecclesiastical and were by far the more numerous, was in 1567 reserved to the Kirk, which could also, in laic patronages, refuse on sufficient grounds the presentee of the patron, who then, if he chose, could appeal to the General Assembly. But it would appear, from the case of Archibald Douglas and others, that in the tumultuous age of the Douglas wars the Kirk had little power of resistance to men like Morton. Then came James VI. with his heritable grants of the great benefices to his nobles and favourites, “The Lords of Erection,” who now were patrons of the benefices or

vicarages that had been in ecclesiastical hands before the Reformation. They paid the stipends of ministers out of their tithes, and presented the ministers.

It came to the point that "one gentleman has right to force a minister upon all the ancient and great heritors of the parish," as Sir George Mackenzie—"Bluidy Mackenzie"—himself declared. There were great abuses, against which remonstrances were vainly made in the Second Book of Discipline, and "liberty of election" by the Kirk was demanded. But this was refused even in that golden charter of the Kirk, the Act of 1592. The patron was to direct his presentation to the Presbytery in each case, and the Presbytery was compelled to admit any "qualified" presentee. In 1612 the presentation was to be directed to the Bishop, no longer to the Presbytery. In the Parliament of 1649, the Whigamore Parliament, lay patronage was abolished: the kirk-session chose the minister, who, if approved of by the congregation, was admitted by the Presbytery. At the Restoration the Act of 1649 was annihilated by the Rescissory Act. In 1690 patronage was again abolished: the elders and Protestant heritors were to choose the minister, subject to the approval of the congregation, subject again to the decision of the Presbytery. By way of compensation patrons were to receive £33, 6s. 8d. from the parish, executing a formal renunciation of their patronage.

The new Act, with which we are now concerned, repealed the Act of 1690, save in the very few cases in which patrons had already made formal renunciations of their rights. The protest presented to the Lords by Carstares, Blackwell, and Baillie<sup>13</sup> regarded the new Act as a breach of the Treaty of Union. Objection was made that the protest was directed to the peers, and the bishops had to be included in the reference. The Abjuration, the restoration of patronage, and the establishment of a Christmas vacation were all very grievous to the more serious concerned ministers, but they had no longer the vigour for resistance. They had, however, the more popular cause. The Abjuration Oath, though later modified in 1715 and 1719, remained a sore in the body ecclesiastical, and a cause of schism or dissent. But nobody persecuted the Presbyterian non-jurors, nobody evicted them from their manses and glebes. They and their sympathisers rather reviled and rebuked ministers who had "found light" and were "clear" to take the oath. The seed of the Covenant was very

active, and a kind of Cameronianism flourished, under the Rev. Messrs Hepburn and MacMillan, in the south-west.

The career of this minister, Mr MacMillan, a notable figure in those days, is interesting mainly because it throws light on the conditions of life and opinion among the persons who most closely adhered to the old Scottish Presbyterian ideals. John MacMillan is generally said to have been born in 1669 at Barncauchlaw, a farm in the solitudes of the parish of Minnigaff in Galloway. The precise place and date may not be certain, but assuredly MacMillan was a child of the chief centre of the later Covenanters. He went to the university late in life if he was born in 1669, for he did not matriculate at Edinburgh till 1695, taking his Master's degree in 1697. He now broke off his connection with one of the societies of Cameronians, who at this time had no ordained minister. They set a higher value on ordination than Knox had done: a mere "call" from a local set of devotees was not enough in their opinion, though it had sufficed for preachers before 1560. Friends of MacMillan argue that he now united himself with the State Church in the hopes of improving its ideas; besides, in no other way could he become a minister. In 1701, receiving a harmonious call from the parish of Balmaghie, he obliged himself to adhere to "the discipline of the Kirk," and "submit to the judicatories, and the Presbytery in particular,"—promises which he did not keep. He was then regarded with suspicion as a "separatist." One of those who suspected him most was Mr Andrew Cameron, a brother of Richard Cameron, who died "praying and fighting" at the skirmish of Airmoss, leaving his name to the Cameronians. The Moderator at MacMillan's induction was the Rev. Alexander Telfair, author of a pamphlet on the *poltergeist* at Rerrick, where there had been the usual phenomena of movements of objects apparently without physical contact, unexplained noises, flights of stones and furniture, apparitions of detached hands, and fire-raising. Telfair's narrative is unusually well drawn-up, all the evidence being authenticated by the signatures of witnesses, lairds and ministers.<sup>14</sup>

The Presbytery still practised Kirk discipline with vigour, but, when subjected to the greater excommunication, gentlemen refused to wear sackcloth and undergo other public humiliations. A piece of church plate, "the MacMillan cup," was later thought to have mystical virtues. "None who was unworthy could look on 'MacMillan's cup' without plain tokens of guilty confusion." In 1702

a fast was appointed throughout the Presbytery, on account of such sins as "manifold witchcrafts and dreadful breach" of the Covenants, also "murders, whereof some are unnatural," Erastian encroachments, and the supineness of "church officers." As to witchcraft, or at least burning for witchcraft, the days of that cruelty were numbered. As late as 1726 Wodrow notes the prosecution of some witches reported by ministers of Ross. "One of them, at death," confessed that she and her set had blinded an Episcopal clergyman,—surely a pardonable act of zeal.<sup>15</sup> In 1697 five witches had been burned at Paisley for enchanting Miss Shaw, daughter of the laird of Bargarran, and there were other sporadic cases later. That versatile turncoat, Sir James Stewart, while Lord Advocate, was a great prosecutor of witches.

Witch-dreading Galloway was thus not much behind the age, except in daring defence of the Covenant and denunciation of Erastian encroachments. His Presbytery not going far enough for him in that way, MacMillan contemned and was deposed by it at the end of 1703. He then tried to ally himself with Mr Hepburn, an older minister of opinions like his own, whose attitude was not precisely that of a separatist, but rather of a *vox clamantis in eremo ecclesie*. His conduct, later, at the head of armed parishioners in the Rising of 1715, was ambiguous, and savoured of Jacobitism. MacMillan now dallied with the Cameronians, but in June 1704 formally "acknowledged his great sin in deserting the Presbytery of Kirkcudbright," and promised to "live in subjection to the judicatories of the Church," admitting that his conduct had been "contrary to my ordination engagements." The Commission of the General Assembly, however, did not reinstate him in Balmaghie, and he made his peace with the Cameronians, confessing that he "had displeased the Godly Remnant and greatly offended them" (1706).

He appears to have been ready to submit to any sect or church that could keep him in his manse at Balmaghie, and this his parishioners, backed by the Cameronian armed societies, were able to do, as the civil power did not wish to repeat the method of Bothwell Bridge in the case of a single preacher. As we have shown, Ker of Kersland professes to have led the societies in the direction of Jacobitism at this date (1707-1708). On May 3, 1708, a minute of the societies appoints men to inspect their arms and ammunition, "and the same to be kept private till further

allowance and necessity." A conference was arranged between Hepburn's followers and a committee of which MacMillan was a member.

In MacMillan, when he came over to them, the Cameronians had at last an ordained minister, and could prepare to renew the Covenants at one of their great conventicles for the celebration of the communion (1712). Wishart, Knox, and others had celebrated without having any ordination by the laying on of Presbyterial hands, but the Cameronians were firm on this point. A common was chosen as a place of rendezvous, and all slashing communicants were told to "have their arms in readiness," as if Claverhouse were likely to come over the brae. But the civil authorities were too sensible to interfere, and no muskets were brought to the Table of the Lord. On July 23-27, 1712, the services were held at Auchensaugh, and MacMillan, returning to the defiant method of Cargill, "debarred and excommunicated from this Holy Table of the Lord the Queen and Parliament, and all under them who spread and propagate a false and superstitious worship, . . . such particularly as are takers of the Oath of Abjuration. . . ."

This was by some regarded as a lovable example of "spiritual independence"; to others it seemed as if the devil had entered into the Vicar of Bray. Such was the great "day of Auchensaugh." "There was a very extraordinary rain the whole time of the action," says Wodrow. Nothing came of MacMillan's demonstration: he was not chased by dragoons; his performance was overlooked by the State.

Though the Cameronians were professedly "a peculiar people," they were not peculiar in their dislike of the Union. It would have been difficult to find a class, or even a set of persons, from the Galloway cotter to the almost royal Duke of Hamilton, who had not their grievances—commercial, religious, social, or political—against the Union. As for the Duke,—Duke of Brandon in the peerage of England,—he claimed, *qua* English peer, his right to a seat in the House of Lords. The English Lords resisted. The sixteen elected representatives of the Scottish peers were, they said, at least enough. Of course there was now neither Scot nor Englishman—all were British; but this fact was perpetually overlooked. The Court resented the English Lords' vote, and created a batch of a dozen new peers,—a very remarkable and important precedent. Then came the attempt to help a Treasury, weakened



in the long war about to be ended at the peace of Utrecht, by extending to Scottish malt the tax hitherto imposed only on the malt of England. The Scots denounced this as a fresh infraction of the Treaty of Union: the tax was for military expenses. The Scottish people would be robbed of their modest "tippenny ale," the lairds of their rents in kind, the brewers of their profits. But the tax was passed, with scarcely an English vote on the side of Scotland.

Moved by this oppressive malt tax, Lockhart attempted to procure a universal demand by Scottish members and peers for the repeal of the Union. Harley (now Oxford) remonstrated with Lockhart, who thought that he (Harley) was driving too far and too fast, "and would bring down an old house about our ears." Lockhart defied the royal resentment, which was threatened, and told Bromley, the Speaker, that England would yet have "to pay the pyper" for the malt tax: the Scots would unite in helping any ambitious prince to subvert the constitution. Bromley, however, showed that he well understood the case. The Scots were disunited, and, in fact, much as they all hated the Union, the awful terror of Popery would for ever prevent the majority from whatever policy might tend to restore their rightful king. A meeting of Scots Peers and Commons was held, and even Argyll admitted that he now regarded the Union "as destructive both to Scotland and England."

To Lockhart, in private, the Duke of Hamilton had often expressed his regret that he had taken part in carrying the Treaty of Union, and Lockhart believed him to be sincere. There could be no better proof of the universal sense of the failure of the Union which then prevailed among Scots; and yet, had the question of repeal been placed before them as a practical issue, they would have preferred their present evils to that condition of imminent war and commercial extinction which had menaced their country before 1707. The Duke spoke at the meeting of Scots in London in favour of first introducing a Bill to repeal the Union, and consulting as to further measures if that failed. It was suspected that he intended "to break an egg in the Earl of Mar's pocket." However that might be, Mar warmly seconded the motion. The Whigs present feared that the results might be favourable to the exiled king, but the Union was so unpopular in Scotland that the meeting of Scots members was unanimous. The

party could throw their weight on the side either of the Ministry or the Whigs, and thus make what profit they might. Lockhart, Argyll, Mar, and young Ormiston, two Peers, two Commoners, one Tory, and one Whig, went to see the queen: they were selected in proof of the unanimity of the Scots. The queen expressed a regret that the Scots were dissatisfied, and her hope that they would not have cause to repent their action.

By Lockhart's advice the Bill for repeal of the Union was proposed in the Upper House, where, as he truly predicted, they might "run it near" and make a close contest. The Earl of Findlater, Chancellor of Scotland, and in 1707 a great promoter of the Union (whereby he had become very unpopular), was to make the motion. The Whigs, of course, were profuse in promises to the Scots, which nobody expected them to keep when once, by Scottish aid, they had ousted the Tories. Findlater made his motion with conspicuous uneasiness, abounded in apologetic phrases, and did not conceal his want of the grace of earnestness. The fiery Argyll supplied what Findlater lacked. The Union, he said, "would beggar Scotland and enslave England." As a landowner in both countries he expected to lose his property in the one and his liberty in the other. The Union, far from being a safeguard against Jacobitism, said Argyll, made new friends for the Chevalier de St George, against whom he spoke with a bitterness which disproved that part of his own case. The Whigs had information, or suspected—what was obvious enough—that many Scots peers were merely making, in this attack on the Union, a bid for popularity among their discontented countrymen, and desired nothing less than to break the measure which they had helped to make. The English peers did not exert themselves in debate, so the Bill was lost by but a narrow majority, and the earnest anti-Unionists told themselves that they had carried their point—namely, that a motion for repeal was a motion that might legitimately be made.<sup>16</sup>

Argyll did not sign a protest to which his brother, Islay, put his name. The Scots spoke of agitation at home, of petitions against the Union from the constituencies,—but this plan failed, and, in fact, while Scotland tingled with irritation, the Union was obviously regarded as the least evil choice before the country. It had always been so. The mere existence of a Catholic claimant of the crown was enough to win national assent for any alternative, however humiliating and annoying.

In summer, 1713, a new Parliament was summoned. But it was clear to friend and foe that the leaders of the Government, Bolingbroke and Harley, were irreconcilable. Harley had gone some way—how far is not exactly known—towards a scheme of restoring James, but he always wavered and shuddered away from the brink of action. Bolingbroke had gone rather further; and it seems probable, as Bolingbroke says in his cups in ‘Esmond,’ that Swift would have accepted a mitre from *la bonne cause*. But Bolingbroke expected James to turn Protestant—a foolish dream of an unscrupulous man. Probably something was lost for Jacobitism by the death of Hamilton in 1712, when he was on the point of supplanting Mat Prior as Ambassador to France. What was expected from Hamilton by the Jacobites if he had lived and gone to France as Ambassador, what Bolingbroke looked for at Hamilton’s hands on this occasion, is not very clear. The conjecture may be made that Hamilton was to overcome James’s objections to changing his faith, and was to smuggle him into England, where he could be produced, at the queen’s side, as a Protestant, and as his sister’s successor on the throne. Though Bolingbroke had committed himself by trafficking with Saint Germain, had compromised himself in case the Elector of Hanover came to the English throne, he knew too much to suppose that the country would accept James if he remained a Catholic. “A man without honour and without religion,” as a contemporary canon of Christchurch describes Bolingbroke, he could not bring himself to believe that James was both religious and honourable; he never ceased to believe that, for three crowns, the king would change his creed; he worked to that end when an exile in France: meanwhile he drank and made love as if Queen Anne were immortal.

On the eve of Hamilton’s intended start to France, Lockhart had a long conversation with the Duke. Hamilton was extremely cautious, but he hinted that there was ground for hope. Something was in view for *la bonne cause*; very important matters were to be touched upon in addition to the ratification of peace. Cavaliers were “to look for the best.” We know what “the best” was. The Duke had never undertaken any journey with so much pleasure: his orders he would carry out, “be the consequences what they will.”

One secret he confided to Lockhart in the strictest privacy,—Lockhart must send to him in France a person in whom he

could absolutely confide, and then be ready to meet the Duke "in whatever part of the world he directed me to meet him." The person needed by Hamilton for his mysterious purpose was "a clever young honest fellow"; Lockhart suggested Sir John Houstoun or Sir James Hamilton. Lockhart then parted from the Duke "with a more than usual concern,—I don't know from what secret impression on my mind."

From Scotland he was summoned by the Duke to renew and continue their late mysterious conversation. But on Lockhart's way south he heard of the fatal duel in which the Duke fell. It may be conjectured that the young gentleman who was to join Hamilton in London before his journey (for that was the final decision) would appear to return in his suite, but would prove to be no Hamilton or Houstoun, but a Stuart—namely, the king—won over to Protestantism by the eloquence of his Grace, and, as a brother and a good churchman, to be secretly presented to, and then publicly recognised by, Queen Anne. The passage in Lockhart may have suggested the Esmond-Castlewood plot to Thackeray: indeed the idea had always been present to Jacobite minds.<sup>17</sup> But *Dis aliter visum*.

The Duke had a lawsuit pending with the profligate and murderous Lord Mohun, and a quarrel, which was deliberately forced on him for party purposes by Mohun, or accidental, occurred at a meeting between the men. Mohun was the challenger, a man with no character to lose, and the Duke did not balk him. They met in Hyde Park, and, according to Lockhart, Mohun proposed that his second, Macartney, and the Duke's, a Colonel Hamilton, should merely look on, and not "join in the dance,"—a practice then usual, as in the Valois Court, more than a century earlier. The Duke, unhappily, was of the opposite opinion. The Colonel fought and disarmed Macartney, and, looking about, saw the Duke and Mohun both fallen. He lifted the Duke, and was carrying him—for a wound in the thigh prevented him from walking—when Macartney picked up a sword and mortally stabbed the Duke from behind. This was the Colonel's story. Macartney was smuggled out of the country by the grateful Whigs. Why did not the Colonel, a brave man, seize Macartney at the moment of his crime? He accounted for that by the condition of the Duke, and by his own loss of presence of mind. The Whigs, after the arrival of George I., "carried Macartney through the trial,"—for he returned, when his

party was triumphant, and faced the law. His acquittal, his party being in power, was certain. Dr Garth was heard by Lockhart to say that Mohun, mortally wounded by the Duke, could not possibly have inflicted on the Duke the fatal thrust, from the collar-bone downwards, as, by the evidence of an eyewitness, the pair never came to sufficiently close quarters for such a thrust, Mohun always breaking ground as the Duke advanced. The Duke's wound was three-cornered, from a bayonet-edged small sword, then a novelty (see Frank Osbaldistone's duel with Rashleigh in 'Rob Roy'), and the only man of the four on the sod who carried a sword of this kind was—Colonel Hamilton. He had dropped his sword when he lifted the Duke, and Macartney seized it and committed the murder. Thus, to give Lockhart's summing up of the evidence, "There's too much ground to believe the Whigs are a set of men who stand at nothing to accomplish their own ends."<sup>18</sup>

"Thus doth fortune banter us," says Bolingbroke. A good plot was wrecked by Macartney's villainy.

In the new Parliament of 1714 the serious Tories, friends of a Restoration, were "a much more united hearty set of men" than in the last, but Bolingbroke and Oxford were almost at daggers drawn. "We had not time enough for what we had to do," Swift wrote to Bolingbroke after all was over; and what they had to do is obvious enough. In February 1714 Oxford dictated a letter to Gualtier, informing James that, if he would succeed, he must change his religion. To induce him to change, as we think, was probably Hamilton's important duty. Here, for once, Bolingbroke agreed, at this time, with his colleague. The king replied, unlike his ancestors Henri IV. and Charles II. (a crypto-Catholic), as became a gentleman and an honest man. He had been compelled to leave France for Lorraine; his means of livelihood were unapparent, as he remarks in a letter, but he would neither barter his Mass for three crowns nor even, as his English friends desired, leave any shadow of doubt on his fidelity to his faith. On March 13, with obvious reference to Harley's letter through Gualtier, the king replied, "I remain unalterable in my fixed resolution of never dissembling my religion, but rather to abandon all than act against my conscience and honour, cost what it will." He argued that his adherents could not rely on him if, to please them, he played the hypocrite,—“Where is the man of honour that would trust me? . . . My present sincerity, at a time when it may

cost me so dear, ought to be a sufficient earnest to my subjects of my religious observance of whatsoever I promise them; for I can say with truth that I heartily abhor all dissimulation and double dealing. . . ."<sup>19</sup>

James's reasoning was as logical as his intentions were sincere. Though a Stuart, he was a man of his word; but how could his friends, anxious to welcome him as an impious dissembler, believe that they were dealing with a man of honour? History and experience hardly warranted the belief that a prince could be a Catholic yet no bigot, and could make promises which he would not forswear. James's manifesto merely saddened his party: he was, and is, accused of "bigotry," when honesty was his crime, and Bolingbroke, to the last, expected him to change his mind and take three crowns in compensation for a falsehood before God and man. As late as August 1714 Gualtier informed Torcy that Bolingbroke avowed his loyalty to James, "if he will take such measures as suit the honest party in England."<sup>20</sup> This must have meant that Bolingbroke would stand by James if he changed or dissembled his religion.

His honour and his honesty were the best points in the character of the Chevalier. Writing privately to his son, Prince Charles, in 1745, he severely rebuked certain duplicities which the prince had rather thought matters of self-congratulation. They were unworthy, said the father, of a gentleman and a Christian. Though educated under a most devout mother, James had no small bigotries: he wished toleration for himself, and was heartily ready to extend it to his subjects. When he had a son, he gave him a Protestant governor,—with the result that in 1745 the prince's religion was "to seek," as one of his followers, Lord Elcho, remarked. Of personal courage he had given undeniable proof at Malplaquet (1709), according to the Duke of Berwick, Dangeau, Saint-Simon, and Boufflers, who, in despatches to Louis XIV., said that he displayed the utmost valour.<sup>21</sup> He is said to have taken part in twelve cavalry charges, and to have received a sabre wound. He was an affectionate son, brother, and father. Why Thackeray accuses him of intemperance is a mystery, and the only mistress whom legend mentions in connection with him (at Bar in Lorraine, 1714) was certainly not Fanny Oglethorpe.\* His manner appears to have

\* Mr Henry Wolff appears to rely on local tradition at Bar for the particulars. There are curious errors in his essay, "The Pretender at Bar-le-Duc," in 'Odd Bits of History' (1894).

been shy or stiff,—the result, very probably, of his insecure position, which, with his poverty, exposed him to some humiliations. His mother wrote: “It was true that the princess [his young sister, Louisa], with her engaging air and agreeable caressing manners, pleased better than did the king, her brother, who was too cold. Lord Perth had often told him, when he was a boy, that he ought to obtain by study the affability which his sister had by nature.”<sup>22</sup>

*Ne fait ce tour qui veult.*

James had a heart full of affection: two or three times in his letters he speaks out. But his manner was unpopular, and his reserve was very close. Had he been a Protestant, James would probably have made a most respectable king, but his creed was a fatal obstacle; and he had not the charm which endless audacity, and uncomplaining good-humour in extreme hardships, lent to his unfortunate eldest son. In person he was tall and slim, with eyes curiously like those of Mary Queen of Scots, which gave him in boyhood a pleasant roguish air. But his constitutional melancholy soon betrayed itself in his expression. The Whig pamphleteers accused him of a coldness towards the fair sex which amounted to positive cruelty, while his melancholy was such that “if you tell him it is a fine day, he weeps and says that he was unfortunate from his mother’s womb.”<sup>23</sup> Considerable experience of the fickle friendships of politicians, of protestations which ended in desertions, and the knowledge that his patrons of France regarded him merely as a piece in the game of diplomatic chess, were not apt to produce a cheerful habit of mind.

Such was the prince, as far as we can discern his character, for whom Scotland was to suffer many sorrows. Nobody could be less like the young Charles II.—audacious, gay, and prepared to swallow all religious and political formulæ, from the Covenant to endless Presbyterian sermons. The Jacobite songs celebrated “Young Jamie the Rover”: a more roving blade would have had happier fortunes.

In England, Lockhart and the Jacobites spoke plainly to Bolingbroke. Why had he not “purged the army of men of dangerous principles”—that is, Whigs. Bolingbroke threw the blame on Oxford, whom he hoped soon to remove from the councils of Queen Anne. Lockhart gave his mind to Bolingbroke: his party would now run its own course, but, on sounding his party, he found it half-hearted, and determined to temporise. Bolingbroke, in fact, had captured

the leading Jacobites among the Scottish members. In domestic affairs Lockhart, Mar, and others desired to resume the old Episcopal revenues as a fund for the clergy of their own Church; but Lockhart distrusted the sincerity with which the English ministry might appear to come into this unhopeful plan. Moreover, the universities had part of the revenues, and Lockhart, regarding the universities as mere seminaries of sedition, meant to take the money away from them. Findlater and Orkney persuaded the queen that the measure would cause a rebellion, which seems probable enough. The queen desired that the Bill should be dropped. Another Bill, for a Commission to inquire into the revenues once Episcopal, died a natural death, as did the Bill for taxing Scottish malt, which, at least, lay dormant for ten years. The affair of the Church revenues shows that Lockhart greatly underestimated the power of the Presbyterians, whom he despised and detested. In conjunction with Argyll, Lockhart played a very modern trick by snatching a division on a Militia Bill for Scotland in a thin House, while messengers scoured the town in search of voters of the Ministerial party.

At this moment Lord Grange, the Hon. James Erskine, brother of Mar, best remembered as the husband of Lady Grange, made an amazing proposal for an oath obliging magistrates, ministers, and all people in office, to abjure the Solemn League and Covenant. Grange was supposed to have meant by this step to revive old Whig sentiment to the pitch of insurrection, in collusion with the Presbyterian leaders. Lockhart, not at the time perceiving Grange's motive, later learned that he was entertaining these wonderfully tortuous schemes. With equal unscrupulousness, probably, a proclamation by queen and council of a reward of £5000 for the Chevalier de St George, *dead or alive*, was issued. This can only have been intended to disguise Bolingbroke's real purpose, but it was a dangerous way of backing his friend. Bolingbroke, with many though vague promises, now prevailed on Lockhart and his party to vote with the Ministry, and allow business to be finished and Parliament prorogued. And then the great day would come, and the queen would be able to secure her brother's succession.

On July 27, 1714, Anne dismissed Oxford from office, and Bolingbroke was all-powerful with her. On August 1 the queen died; but Shrewsbury and Argyll, with a happy audacity, took their



measures so promptly and well, and Bolingbroke so entirely gave way to timidity, that "the best cause in Europe was lost," as Atterbury cried, "for want of spirit." George I. was proclaimed, and the effigy of James III. was dragged about the streets and burned. He never would, in any case, have been restored as a permanence; but Argyll probably prevented, by his decision, the terrible civil war which would have broken out had Bolingbroke shown more resolution. His conduct, as regards James and his restoration, was imbecile. He drifted into the dangers which caused his fall and exile with no policy at all. The Duke of Berwick, James's half-brother, was at this time (1712-1715) his mentor, and was in touch with Harley through d'Imberville and the Abbé Gualtier at the Court of Queen Anne. Berwick's letters to James, who was at Bar in Lorraine, have been published in the first volume of the Stuart Papers at Windsor Castle.<sup>24</sup> A number of other despatches, from the French Archives, are given in Professor Solomon's 'History of Queen Anne's Last Ministry' (1894). They all prove the ineptitude of Bolingbroke, a brilliant man of the world and of letters, but futile as a statesman.

A year before the queen's death Berwick writes to James, "The chief point is to get Oxford to speak plain, for fear of Queen Anne's breaking [dying] before he can pay his debts."<sup>25</sup> Again (Dec. 24, 1713), "I cannot imagine that a man of Oxford's sense, foreseeing himself undone in case of Queen Anne's miscarriage, should not think and imagine something to secure himself."<sup>26</sup> Oxford *had* "something to secure himself." Among other things, he had a letter which would be fatal to Marlborough. But Bolingbroke, more deeply implicated than Oxford, had no security, nor had he the passive courage of Oxford: he dared not face the storm. Bolingbroke "saw clearly that unless James changed his religion, his restoration was impossible."<sup>27</sup> He knew that James would not change his religion. Yet he lived and revelled, without a purpose, without foresight, without preparations. He was to be, for a brief space, James's Minister, with the inevitable and obvious results.

## NOTES TO CHAPTER VII.

<sup>1</sup> Lockhart, i. 300, 301; Burnet, v. 403-409; Parliamentary History, vi. 794-798.

<sup>2</sup> Lockhart, i. 312-317.

<sup>3</sup> The right reading is "bought," not "fought," the Scots, as in Sir Henry Craik's 'Century of Scottish History,' i. 65. Lockhart, i. 327.

<sup>4</sup> Wodrow, Correspondence, i. 41.

<sup>5</sup> Wodrow, Correspondence, i. 79-81.

<sup>6</sup> The Case of the present Afflicted Clergy, 1690, Burton, viii. 218, note.

<sup>7</sup> Lockhart, i. 340-348.

<sup>8</sup> Wodrow, Correspondence, i. 91.

<sup>9</sup> Wodrow, Correspondence, i. 138.

<sup>10</sup> Blackwell's Letters, Spalding Club Miscellany, i. 198.

<sup>11</sup> Lockhart, i. 379, 380.

<sup>12</sup> Dunlop, Parochial Law. Third Edition.

<sup>13</sup> Parliamentary History, vi. 1127-1129.

<sup>14</sup> Modern Sadducism: London, 1695.

<sup>15</sup> Wodrow, Analecta, iii. 302.

<sup>16</sup> Lockhart, i. 428-436; Parliamentary History, vi. 1215-1220.

<sup>17</sup> Lockhart, i. 408-411.

<sup>18</sup> Lockhart, i. 401-410.

<sup>19</sup> Macpherson, ii. 525, 526.

<sup>20</sup> Mahon, History of England, i. 88: 1858.

<sup>21</sup> Haile, Mary of Modena, p. 411: 1905.

<sup>22</sup> Haile, Mary of Modena, p. 432.

<sup>23</sup> Hue and Cry after the Pretender, 1716.

<sup>24</sup> Historical Manuscripts Commission.

<sup>25</sup> Stuart Papers, Historical Manuscripts Commission, i. 271.

<sup>26</sup> Stuart Papers, Historical Manuscripts Commission, i. 287.

<sup>27</sup> Stuart Papers, Historical Manuscripts Commission, i., p. liv.

## CHAPTER VIII.

## THE JACOBITE RISING.

1714-1715.

IN the event of the failure of romantic schemes for carrying James, with a price on his head, to England, reconciling him with Queen Anne, and presenting him to Parliament, Berwick had thought that the king should hurry to Scotland as soon as the queen expired (Dec. 24, 1713). De Torcy promised to have ships in readiness. It was then expected that England would pay the dowry of Mary of Modena, and the money would be used for the invasion.<sup>1</sup> But the dowry was never paid: seventy years later it was asked for in vain. Mary had sold almost all her jewels; money was vainly hoped for from the Pope; the gold of the King of Spain arrived in December 1715, too late to be useful; and the presents given by Marlborough amounted to only four thousand pounds. Never was there a more hopeless enterprise than the Rising of 1715. High hopes of money and men from Charles XII. of Sweden arose, and were dashed in the usual style. On October 20, 1714, James sent a message to Scotland which clears up the nature of his position at that time. On October 4 he had sent news that he had been making all diligence to appear among his friends when he heard that Atholl, whom he looked on as the head of his party, had gone to pay court to George. Breadalbane had induced the chiefs of the great clans to send to Mar a letter in which they expressed their fidelity and submission to the Elector of Hanover. No doubt James was well informed, and Mar, though pointedly neglected by George, forwarded the letter of the chiefs whom he was presently to lead in the Rising of 1715, if Mar can be spoken of as a leader. James thought that Mar's present step was only intended for their immediate security,

but the Bishop of Edinburgh, speaking for the Lowland gentry, advised him not to stir. Meanwhile he expressed vague hopes, and a resolution to break "the shameful Union."<sup>2</sup> Late in November 1714 Berwick advised James to tell his friends in Scotland that he was resolved to be with them, accompanied by Berwick, whose military reputation would have made all the difference to his prestige. At the moment James was negotiating with adherents in England, "without which little good is to be expected." Meanwhile the Scottish Jacobites must keep quiet, and avoid exciting the suspicions of the Government, as some tipsy revellers in Edinburgh probably failed to do by their nocturnal proclamations of King James.<sup>3</sup>

The chief friend in England was the Duke of Ormonde, who was believed to have great influence with the soldiery. Ormonde, through a Mrs Bagnal, one of the fair intriguers whose name was legion, had in 1713-1714 given some kind of pledge to James. On January 1, 1715, Berwick was not unhopeful of a joint effort by his uncle, Marlborough, and the Duke of Ormonde, though he might have known his uncle's character better. He had, indeed, been neglected by George I., and he had sent to James a little of his savings, but, a traitor to the father, he would not risk himself in the forlorn cause of the son. On January 6 Berwick induced Lady Jersey (*la jolie*) to engage Bolingbroke as James's agent in England. Though Marlborough's letters contained "only the usual bantering expressions," he still sent small sums of money during the summer of 1715, and the best use was made of them in paying the crews of the ships which had been secured.

Meanwhile Mar was in correspondence with Glengarry and the Highland chiefs (February 15[-26], 1715).<sup>4</sup> He congratulated them on the seemliness of their recent behaviour, and was employing Campbell of Glendaruel, by no means a gentleman of Hanoverian principles. Mar, who had been Secretary for Scotland, on August 30, 1714, sent a letter of humble loyalty to George. Though pointedly neglected by that prince, he was "his most dutiful, most obedient subject and servant."<sup>5</sup> He had brought the Highlands to make a protestation of their allegiance, and he hoped, vainly, for reward.

Meanwhile money was sent to Ormonde in England, and, on March 13, 1715, James appointed him Captain-General in the three kingdoms. His commission arrived safely in April, and Berwick hoped that the Duke would determine to "stand butt" (*sic*: prob-

ably "stand buff") "in England against the Elector."<sup>6</sup> The Swedish scheme was in hand (March-August 1715), and only swelled the list of disappointments. It was hoped that the celebrated Protestantism of Charles XII. would pacify anxious minds in England. Dreams of exiles! Berwick (February 17, 1715) thought that Ormonde was expecting James "to carry with him that able lawyer, M. Alexandre," that is, an army of invasion, which was impossible, as France would not imperil the peace, though ready to connive at private enterprise.<sup>7</sup>

In April, James's proposed agent in England, Bolingbroke, arrived in Paris after a hasty flight from London. *La jolie*, Lady Jersey, was now "of no use, however well-meaning."<sup>8</sup> Ormonde, Berwick said, would have to care for his own preservation: it was hoped that he would "stand buff," as we have seen, but, as he would not dissemble, and distrusted his own power of raising the west against George, he, too, some months later, made his way to France. Even before this collapse of hopes, Berwick (July 2) found that the French Court would not permit him, a field-marshal of France, to accompany James in his little invasion.<sup>9</sup> Here a curious point must be explained. In 1715 there arose a fatal breach between James and that great soldier and good man, his natural brother, the Duke of Berwick. In October 1704 Berwick, with the permission of James, a boy of fifteen, was naturalised as a French subject, and became a *Maréchal de France*. As such he must obey the ruler of France, not James; yet, in 1715, James displays a seemingly unreasonable irritation because Berwick obeys the Regent d'Orléans, not himself. The fact is that, in 1704, Lord Caryll, acting for James, consulted an English lawyer, Robert Power, who gave the opinion that Berwick's naturalisation in no way relieved him of his inalienable duty to King James. The documents are given at the end of this chapter. Thus James remained convinced that, under the saving clauses of his permission to Berwick to be naturalised, he retained Berwick's allegiance, when his claim clashed with that of France. James now remonstrated with the Ministers of Louis XIV., who suggested that Berwick might steal away after James's own departure. On July 14 Berwick wrote to the effect that it was now or never, James must cross the Channel. Louis XIV. would regret the missing of this opportunity. Already James had met Bolingbroke (who thought him eager but vague, as was natural), and appointed him Minister.

Now we come to the very crisis of the enterprise, the main cause of all the ruin. On July 16 Berwick wrote to James saying that "his honour was at stake, his friends will give over the game if they think him backward, as no doubt they will. In short, no delay must come from his side."<sup>10</sup> On July 19 James told Bolingbroke that he had good news from Ormonde: "You will see the necessity of losing no time." On the same day Berwick had received the "good news" which James had sent off to him, through Father Innes, and was aware that James was to start on July 28, and had appointed the Rising for August 10. He would be at Dieppe by July 30. Berwick asked whether August 10 was Old Style or New Style,—there was every chance of fatal confusion. Moreover, said Berwick, they ought not to fix a day without hearing more certainly from Ormonde. James was acting, we shall see, on news from a certain Father Callaghan, not evidential. Now, on July 14 Berwick had told de Torcy that James must act at once, adding, in the spirit of prophecy, that otherwise "he might make himself Cardinal, for he would never be king."<sup>11</sup> What really occurred was this: James, having been urged by Berwick to instant action, on receiving news from Ormonde through Father Callaghan, did act on it at once, without waiting to consult Berwick and Bolingbroke. He sent, about July 15, a messenger to Mar in London, fixing August 10 for the Rising, and Berwick knew this by July 19. But by July 26 James had received a memoir from Mar and Ormonde of a tenor very different from Callaghan's message from Ormonde, on which he had acted by fixing August 10. This Callaghan was a Dominican, a man of good sense, says Berwick, and Berwick admits that he did come from Ormonde with the message to start at once. The initial fault, it thus seems, was with Ormonde.<sup>12</sup>

James may well have been puzzled and provoked. Now he was told that he could not be too prompt, and again, that he could not be too cautious. Was he so incautious and so furtive as to bid Mar raise the standard without communicating his action to Bolli, moste and Berwick? Berwick says<sup>13</sup> that Mar, *in September*, receives a secret order from James to go to Scotland at once and take for terms. "Neither Bolingbroke nor I knew anything of this, though we were the king's chief Ministers." But Mar went, it is known, to a levee of George I. on August 1: he retired to Scotland on August 2, he held a large gathering of chiefs on August 27, and raised the standard on September 6. All this cannot have been

done in obedience to a secret order of James received in September! Now, after he had raised the standard, Mar produced a commission from James dated September 7, and with a blank for the names of his Council, "not to be filled up," he said, "unless there be an absolute necessity for it."<sup>14</sup> Such a commission, of September 7, did not prompt Mar's measures of August 2–September 6. On September 23 James wrote to Bolingbroke hoping that the Scots would wait for a despatch from himself. It is suggested that he merely meant to deceive Bolingbroke;<sup>15</sup> but we need not resort to so deplorable a theory merely on the evidence, certainly erroneous, of Berwick's Memoirs. Nobody ever knew what commission, if any, Mar had from James before that of September 7, which was partly in blank until circumstances required it to be filled up.<sup>16</sup> If news reached Mar in July (not in September, as Berwick says) that James was to be at Dieppe on July 30, and that he had fixed August 10, and that message *was* sent, certainly Berwick blundered in his dates. Memoirs are most untrustworthy sources, but James's character suffers for Berwick's misstatement.

The haste of James, in the circumstances described and under the urgency of Berwick, was natural but mistaken. But by July 26 he had, as we know, a new despatch, from Mar and Ormonde, of July 5-16,—a paper showing that Ormonde and Mar saw nothing but difficulties in the enterprise which Berwick was then urging James to undertake instantly. There was no chance of success, English Jacobites were unanimous in holding, unless the king came with a regular army. In a month or six weeks George could put 32,000 good troops in the field. If James meant to come with no army and risk all, he should arrive at the beginning of October, and a choice of places—at Holy Island, at Alnwick, in Forfar, or near Aberdeen—was suggested. The Highlands could supply 8000 good men, but, if unpaid, they would live on the country and ruin the Cause. It was hoped that James would go to a Protestant church every Sunday,—a thing out of the question. If the king judged the occasion ripe (and they had proved that it was the reverse), Mar and Ormonde would back him. Charles Kinnaird carried this important despatch.<sup>17</sup> There came, too, on July 26 a letter from Bolingbroke at Paris, of July 23. He affected to be surprised that "women over their tea" prattled about "arms provided and ships got ready," as if in any society, above all in a society full of excited priests and women, any such

measures could long be kept secret. The English Government already had ships cruising on the French northern coast. Bolingbroke suspected that Father Callaghan was a spy: he was not, according to Berwick. Callaghan's message from Ormonde was, in terms, the reverse of what Ormonde said to the French ambassador in England, Bolingbroke remarked; but Ormonde's moods varied from day to day.<sup>18</sup>

On July 26 James answered Bolingbroke's letter of July 23, applauding his "solid reason," and enclosing, for what it might be worth, a warrant for an earldom. He was puzzled by Bolingbroke's cypher, however. He sent back Kinnaird, the bearer of Mar's and Ormonde's memoir, with that discouraging document. If Bolingbroke and Berwick were doing their best, though he wished to set out he would leave himself in their hands. He adds, and this is important, "*What requires most haste now is the sending to Scotland to contradict Lord John Drummond's message.*" Now what was that message? The MSS. do not inform us. But it must have been James's message urging on Mar an early rising, on the strength of Callaghan's news from Ormonde (about July 15). Thus by July 19 James's hasty message was known to Bolingbroke and Berwick, despite the statement of Berwick in his Memoirs. James was, on July 26, giving pressing orders for it to be countermanded more than a month before Mar raised the standard on September 6. Berwick knew perfectly that James had fixed August 10, as we have seen. He knew it by July 19.<sup>19</sup> Bolingbroke also knew it, and now actually sent Allan Cameron to Mar to give countermanding orders, as James writes to Bolingbroke on August 2, adding that nothing can yet be settled.<sup>20</sup> The king's character is thus cleared from the double charge of folly in ordering too early a rising, for he at once countermanded the order, and of perfidy in hiding what he had done from Bolingbroke and Berwick. As we shall see later, some accident delayed Cameron, and Mar raised the standard on September 6. This also was an act of unpardonable folly. After despatching the memoir of July 6-17 from himself and Ormonde, pointing out the hopeless condition of affairs, Mar, obviously, should not have acted on James's hasty message of about July 15 fixing the day for August 10. Mar should have waited for a reply to his own despatch of July 6-17. He cannot have been ignorant, long before he raised the standard, of Ormonde's flight to France of about August 2 or 3; and knowing that the



English Jacobites were now leaderless, he did an insensate thing in raising the Highlands in September.

The blame of all the ruin and misery falls on Ormonde if he sent Callaghan, as Berwick says; in some degree on Berwick for suggesting that James's honour was at stake; on James for acting instantly on July 15, four days before his report to his Ministers; and above all on the stupid recklessness of Mar, who set out for Scotland in face of his own unanswered despatch of July 6-17, and who persevered in spite of Ormonde's secession. Finally came the accident to Cameron, delaying James's second message to Scotland.

These causes produced the premature movements and the wretched fiasco of 1715.

To touch on a personal matter: On August 2 James casually annihilates Thackeray's tale that "Queen Oglethorpe" was his Sultana and ruler at Bar, in Lorraine. Writing from Bar, he says to Bolingbroke, "Here is a long letter to myself from Mistress Oglethorpe. The first part is very odd, and I can make no answer to it without your advice. The rest of it is most of it stuff." On August 3 Bolingbroke reports his despatch of Cameron to Scotland "*to prevent any precipitate measure.*"<sup>21</sup> Bolingbroke had met Berwick, and communicated everything to him. De Torcy was promising help with Louis XIV.; the Court of France was as favourable as it dared to be. Meanwhile (August 5) Bolingbroke agreed with James's opinion of Miss Oglethorpe's political letter. The lady had herself invented part of it (such is apt to be "pretty Fanny's way"), and was communicating in the other part the ideas of a person who had put himself in a position where he could be of no service.

The Oglethorpe ladies were said by the Whigs to be the sisters, or one or another of them was declared to be the mistress, of James. They were all pretty; they were all loyal; and as late as 1754 were engaged in the most romantic and dangerous Jacobite plots.<sup>22</sup> But the letters both of James and, later, his son show that the Oglethorpean counsels were regarded as tedious and ludicrous, though, as Bolingbroke remarks, "it is certainly right to disgust nobody" by excess of candid criticism.<sup>23</sup>

James was impatient to be doing something; but with the sad lucidity of his character and experience, he thought Bolingbroke and Berwick much too sanguine in their expectations from the French king, who, as Queen Mary writes to Dicconson, "is, I am

confident, neither in a condition nor a disposition of giving any succours." <sup>24</sup> The king's mother, at Saint Germain, was poor and very ill. He had promised not to move for a month, but after that, as the discontents in England and Scotland were great (sentimental tumults on James's birthday), he was disposed to risk all by the venture of his single person (August 6). He believed that his secrets were safe, being known only to himself, Bolingbroke, Berwick, Middleton, Sir Thomas Higgons, and the queen. His subjects at home detested Middleton, and what the queen knew might reach priests and ladies. James suspected that one Ogilvie, "who had formerly enough the air of a spy," was hovering about, — possibly Harley's spy, Ogilvie, one of Dundee's officers. <sup>25</sup>

On August 7 Bolingbroke said that James was probably aware of the arrival in Paris of Ormonde, who had fled from England. Ormonde had let the party know of his resolve, in case of danger, to retire to the west of England, where he would be joined by many retired officers. He had relays of horses on the road, and intelligence with the towns of Plymouth, Exeter, and Bristol, which he meant to occupy as *places d'armes*. Berwick believes that he might have succeeded, and even been joined by part of the English army, so generally beloved was the Duke; but, though very brave, genius and knowledge of war were lacking to him. Ormonde heard that he was to be arrested, and fled to the coast without leaving even a message for his subordinates. <sup>26</sup> Ormonde's flight discouraged the French Court. It had been admitted that he and the English Jacobites were indispensable to the enterprise. Yet Bolingbroke (August 7) could tell James that while Marlborough was wavering, Shrewsbury had been engaged, "which I think a considerable article." If this be true, Shrewsbury was the most vacillating of politicians. <sup>27</sup> James was writing (August 11) to Mar, apparently in ignorance of his movements in Scotland. Indeed Mar had not yet (August 11) gone farther than Fifeshire, where he met some friends, and whence he went slowly northward to Braemar. <sup>28</sup>

De Pontchartrain hoped to have ships for James ready by the end of August, so Berwick wrote (August 13). The whole state of affairs, in fact, demanded the cessation of the crazy enterprise, above all as the health of Louis XIV. already caused Berwick and Bolingbroke anxiety. But Berwick thought it wise to set Miss Olive Trant, a Jacobite beauty, "to make the overture" to the Duc d'Orléans, who would be Regent if Louis died. Bolingbroke, in

his famous letter to Sir William Windham, speaks of Olive Trant's intrigues as if he was a disgusted spectator, whereas we see that the girl was the chosen instrument of his own associate, Berwick. But d'Orléans never allowed his mistresses to have knowledge of or influence in his political enterprises.<sup>29</sup> It is probably not Miss Trant to whom Bolingbroke himself refers (August 15) as one who "has as much ambition and cunning as any woman I ever knew, and perhaps as any man." She suggested a marriage between James and a daughter of d'Orléans, and Bolingbroke thought that there was something serious in the idea. "I would have even the pleasures and amusements of my life subservient to your Majesty's service." It appears that this lady was one of the pleasures and amusements: she expressed "personal concern" for the statesman.<sup>30</sup> It may be remarked as a proof of the wisdom of these politicians that their cypher in Arabic numerals was of the flimsiest, and could have been read by any curious schoolboy. The worst news was that an accident had befallen Cameron, who carried the message to countermand Mar's Rising, and Kinnaird was afraid to go to Scotland.<sup>31</sup> This "accident" probably, by delaying the arrival of Cameron's message to Scotland, was the chief cause of Mar's premature venture. Bolingbroke now convinced James that Shrewsbury would stand by him—it seems to have been Lady Westmoreland's news: the ladies were very eager.<sup>32</sup> The Duke of Leeds offered his allegiance,—“a madman,” said the sensible Bolingbroke. On August 30 he announced the death of Louis XIV.,—another fatal blow, if a *coup de grâce* were needed.

There was a gleam of light from the South. Spain was to furnish 400,000 crowns; but the Spanish bills could not be negotiated in France, and the specie was for three months on the road. The new Regent, d'Orléans, wished to be friendly, but could not risk a war with England. On September 3 James Murray informed the king that Mar was in Scotland, but was very uneasy because he had no authority to act. He asked for a commission with a blank space for the names of his coadjutors, and this he called, when he received it, his "new commission." He had no previous commission, as was suspected in Scotland at the time. He thought that Atholl should not be trusted. As usual, Atholl's son, Lord Tullibardine, "went out," while the Duke remained true to the Hanoverian cause. For five hundred years almost this arrangement had been "common form" in Scotland.<sup>33</sup> Mar could rely on the Earl Marischal,

brother of the James Keith later so famous as Field-Marshal of Frederic the Great. The Earl Marischal was, for forty years, to be a prominent Jacobite, who never did anything in particular, and was always expected to do everything. A humourist and a philosopher, he ceased to believe in the Cause long before he deserted it.

Bolingbroke began (September 10) to express a kind of despair of action. Messages to England and Scotland were intercepted; the party in France and at home were in the dark. Mar was beginning to move in this fog, and we must leave the conspirators in France to follow his operations in Scotland.

He opened with a great hunting in Braemar (August 26), at which Huntly, eldest son of the Duke of Gordon, the Marquis of Tullibardine, Nithsdale, Marischal, Traquair, Errol, Southesk, Carnwath, Seaforth, Linlithgow, Kenmure, Strathallan, Ogilvie, Nairne, Glengarry, and others, are reported to have been present. From Gallo-way to Knoydart, from Ken to Dee, chiefs and nobles were gathered, but their names no longer meant what they did in the days of Mary and of James VI. Mar made a speech full of flourishing promises of arms, money, and the king's arrival, and is said to have shown the commission for want of which, we know, he was "in great uneasiness."<sup>34</sup> His audience went home to raise their men, and the standard was set up at Braemar on September 6. Marischal proclaimed the king at Aberdeen, Tullibardine at Dunkeld, Graham of Duntroon at Dundee, and Brigadier Mackintosh at Inverness. Mar (September 9-20) found his own tenants especially reluctant to rise, and threatened to burn their houses.<sup>35</sup> This was the process known as "hounding out,"—that they were "hounded out" was the usual plea of the Highland prisoners at their trials. At Inverness Mackintosh, with 500 men, seized and garrisoned the bridge over the Ness, securing communications with the northern counties, where Sutherland, the Mackays, and the Munros were Whigs.

To surprise Edinburgh Castle was an inevitable part of every Jacobite plot, and on September 8 Lord John Drummond made the attempt. Some of the garrison had been won over to let down rope-ladders from the wall on the west side. In case of success, three rounds of artillery were to be fired in the castle, and beacons were to telegraph the news to Mar. A Mr Arthur, who was in the plot, told his brother, whose wife wormed the secret out of him.

and sent it to Cockburn of Ormiston, of a family active on the godly side since 1559. Ormiston was Lord Justice-Clerk, and, whether in the way described or another, he got the news, and sent it to Colonel Stuart, commanding in the castle. The conspirators were surprised while arranging the rope-ladders, and the assailants fled, leaving a Captain Maclean, bruised by a fall. Two or three others were captured. They were probably drunk. According to a well-known story, they had dallied, "powdering their hair," at a tavern, and had overstayed the appointed hour,—a circumstance natural and usual, but regretted by all friends of romance.

The proceedings of Government, in the way of preparation, were more prosaic if more successful. It was not difficult to succeed against opponents who knew not their right hand from their left. A reward of £100,000 for "the Pretender," if he tried to land in the country, had for a year been offered. This, as Prince Charles observed thirty years later, was a measure unusual among Christian princes. Conceivably the knowledge that he was priced at this flattering sum may have determined James to his very undignified flight from his own army in the following year. Such offers of reward were thrown away upon the native rectitude of the clans, but were tempting to Presbyterian ministers like the two Macaulays later, and to Lowland and other adventurers. At the end of July Robert Walpole had moved an address to George I. on the topic of national defence. Supplies were voted, and a hasty attempt to double the regular army in England was made by levies of 7000 men, in addition to 8000 under arms. Mar and Ormonde, in July, had reckoned the English army at 8000, and to these they could have opposed as many of the clans, without artillery, and with but a few Lowland horse. But they calculated that George would bring 24,000 from Ireland, Holland, and Hanover, and volunteers behind stone walls would be useful.<sup>36</sup> In Scotland, Government had less than 2000 regulars, whom General Wightman concentrated at Stirling. The castle there was impregnable to the clans, save by surprise, and "Forth bridles the wild Highlandman." The fords of Frew are dangerous and are easily guarded, and Mar was no Montrose to march and turn the river in difficult country, guarded by the clan of Argyll.<sup>37</sup> Montrose would have begun, as of old, by "discussing Argyll," not now such an easy task when Red John of the Battles, not Gillespie Gruamach, led the children of Diarmid. The Macgregors of the Lennox were, indeed, reckoned

among Mar's allies, but the notorious Rob Roy was a client of Argyll, receiving "wood and water" from him, safe from the law in his cottage in Glenshira, and quite untrammelled by any regard for either king. The nameless clan owed no goodwill or loyalty to any Government, and, as far as influenced by Rob Roy, consulted solely its own interests.

The westland Whigs and Presbyterians were checked in their desire to form armed associations in defence of their liberty and religion: the same distrust was exhibited by England in 1745. But Edinburgh, Glasgow, and other towns raised companies of volunteers, and the men of pleasant Teviotdale armed, though, degenerate Borderers, they "made but a faint appearance" when it came to business.<sup>38</sup> On September 9 Argyll left London for the north as commander-in-chief, as well qualified by courage, skill, and experience for the post as Mar was conspicuously the reverse. The preachers acted as recruiting officers, and the westland Whigs were eager to meet their old oppressors of the Highland host. Under Ferguson of Craigdarroch they marched to support the regulars at Stirling and to garrison towers commanding the line of Forth, while the Duchess of Hamilton lent her tenants to the cause not favoured by her late husband. The Whig nobles were Argyll, the Duke of Douglas,—who had little or none of the old Douglas power,—Morton, Roxburghe, Annandale, Stair, Loudoun, and others. Suspected nobles and gentlemen were summoned to appear at Edinburgh, among them Campbell of Auchenbreck, Campbell of Glendaruel of the Breadalbane kin, and Campbell of Lochnell, the first cadet of Argyll, for the Campbells were by no means universally subject to their chief, and the House of Lochnell, as long ago at Glenrinnis, was often in opposition. Out of some sixty gentlemen, only two surrendered, one of them being Lockhart's ally, Sir Alexander Erskine, the Lord Lyon of the Herald's Office. Lockhart had provided horses and arms, but found himself little trusted by the military leaders, and, for various confused reasons, was now in prison, now under surveillance. His brother led his men, and was later taken prisoner and shot, dying with grace and courage.<sup>39</sup> In England vigorous measures were taken, and suspected gentlemen were locked up.

Meanwhile Mar learned that Rothes, with the Whigs of Fife, was marching to occupy Perth. He himself had about 1000 men at Dunkeld. Tullibardine's Atholl contingent, with the aged

Breadalbane's from Glenorchy, came in, some 2000 under Glendaruel and Glenlyon, and joined him. He sent John Hay, brother of Lord Kinnoull, to seize Perth, which was easily done, and Mar was master of the east, from Fife to Aberdeen. Perth was his headquarters till the end came, and with Huntly's, Seaforth's, Marischal's, Mackintosh's men, and the clans of the west, he is thought to have been at the head of 12,000 broadswords.<sup>40</sup>

Montrose or Dundee never had such an army, and, with Montrose or Dundee to lead, they would soon have taken Edinburgh and joined hands with the Jacobites of Cumberland and Lancashire. But Mar dallied, probably awaiting James, whom he expected to come with supplies, on which the English Government caused the Regent to lay an embargo. Mar's delay was another piece of fatal folly: James might as well have been awaited at Edinburgh or in England. On the other hand, the dilatory Mar allowed the enterprise to be wasted and ruined before the king came, and added his melancholy to the general sense of discomfiture.

It is not uninteresting to know what a private citizen thought of the aspect of affairs, which in Scotland was certainly not encouraging to Whigs, in September-October. Wodrow was reckoned nervous,—“a feared fool,”—but writes, “The Providence of Scotland's God has been adorable at this very juncture” in causing the death of Louis XIV. This was one of “the *magnalia Dei* in behalf of poor Scotland”—that is, of Whiggish Scotland. Louis being dead, Wodrow could not understand the action of Mar, except on the ground that he had committed himself and wanted company in his situation. Wodrow was much comforted by the western volunteers at Glasgow, and by the permission of the Regent to Byng to search ships coming from Havre to Scotland. On the whole, considering that Argyll had not 2000 men, and that the minister of Eastwood was naturally anxious, he took a sensible view of the posture of affairs.<sup>41</sup>

Meanwhile, in September, James and Bolingbroke knew little of what was occurring. A mournful message to England was carried by Ezekiel Hamilton. The Regent had caused the ships at Havre to be unloaded of their arms and supplies; the money from Spain was likely to be long delayed, but the king would go to Scotland at all hazards if the Highlands had really risen, which was uncertain. By September 23 James still hoped that the Scots would do nothing hasty, as has already been shown, in reference to the

delay of his message of the end of July.<sup>42</sup> He had never believed in the Swedish aid: money had been wasted in that quarter. "The Swedish king's reply is both reasonable and unanswerable, though very unfortunate for me," remarks James, with his natural sad lucidity. An adventurer who hopes for little and regards a disappointing reply as unanswerable because it is "reasonable," is obviously not born to success in politics. "On the whole, I must confess my affairs have a very melancholy prospect." He did not see how the Regent could possibly avoid stopping and unlading his ships—in short, James saw things as they were, clearly and with resignation. But he conceived that honour demanded his presence in Scotland.

To the world James will ever be the witty, wild, faithless, amorous prince of Thackeray's creation. We see what manner of man he really was,—not one who played tennis or tipsified himself with ratifia in the company of "Queen Oglethorpe," but a sober, diligent, reasonable, sad young man; affectionate, depressed, true to creed and honour. Bolingbroke was more sanguine than James, and Berwick seems to have put more faith than Bolingbroke in letters describing the apprehensions of the English Government and a fall in stocks. To Bolingbroke the writer of the letters seemed to possess more zeal than knowledge, and more imagination than judgment. Even now (September 25) Mar's commission was dubious, and Bolingbroke desired that one should be drawn up "with a blank for the commander-in-chief." As Berwick did not mean to appear, the blank could not easily be filled up. Mar was incompetent, and probably the titled Jacobites would have declined to serve under Glengarry. Bolingbroke looked forward to the rise of "a new set of compounders with Government," nor was he deceived.<sup>43</sup>

Meanwhile Berwick insisted that James must depart instantly for Scotland: the journey through France might not easily be accomplished in safety. Berwick would be "sensibly mortified" if not permitted to follow the king.<sup>44</sup> James replied that nobody could hinder Berwick from going if he wished to go. Berwick (October 7) answered that he "was not his own master." Now James, for the reasons already given (p. 175), regarded his brother as his subject: this difference of opinion was incurable. On October 7 Bolingbroke declared that the Regent would certainly connive at James's proceedings. Otherwise, if James were in England or Scotland he



would be cut off from all communication with the Continent; only the connivance of the Regent could avert that danger.

Ezekiel Hamilton now came back from England with a message that Ormonde must land in the west (October 10). James said that Ormonde could not start before he went himself, and that Berwick, having become "incomprehensible," must be left out of the knowledge of their plans. He thought Berwick the cause of the French distrust of him—probably without reason; but Berwick does appear to have misdoubted the king's resolution, though, in some private letters, he describes his difficulty in holding James back. "I fear I shall scarce be able to hinder him [James] from passing the sea," Berwick wrote. Bolingbroke had inklings of an English plot to seize James on his way to the sea, which he frequently dwelt upon (October 18). There was still no news from the Highlands. James must travel in disguise, and conceal his route. "Stair has people on most of the roads," ill-favoured ones (October 21). On October 21 Berwick declined "to obey your Majesty's commands," *sans phrase*.<sup>45</sup> For some reason (October 23) James thought he had cause to be pleased with Mar, and to make him a duke and absolute in command. After Berwick's explicit note he could trust him no more: "He will not, I dare say, expect it." A spy now reports that an Irish Protestant, Kelly, has left for Bar on a mission to kill King James. The spy himself does not believe that either George or his Ministers "has a share in so execrable a design."<sup>46</sup> But Bolingbroke continued to fear that Stair had a design of kidnapping James, at least. "His spies are on every road." The Duke of Berwick (November 3) had consulted "lawyers and casuists," and found that these interpreters of law and conscience would not permit him to obey his brother. Meanwhile (November 4), one Maclean, a colonel in French service, had betrayed Ormonde's designs to the English Government: they had seized persons and places on which he relied. He was aware, however, of Maclean's treachery.<sup>47</sup> On November 8 James was at St Malo.<sup>48</sup>

Saint-Simon's narrative of James's journey across France is interesting. The Regent, to satisfy Stair, sent two officers of the Guard, with two sergeants, to Château Thierry, where the English ambassador knew that James was to pass. They had orders not to see the king, but Stair took his own measures. James secretly left Bar and visited his mother at Chaillot, sleeping at a *petite maison*,

placed at his disposal by Lauzun. The meeting of the son and mother must have been sad indeed: they were tenderly attached to each other, and the queen's life had been a series of sorrows, disasters, and disappointments. Next day (Nov. 1) James drove along the Alençon road, tracked by an Irish Colonel Douglas, also driving, accompanied by two men armed and on horseback. At Nonancourt, a village between Dreux and Verneuil-au-Perche, Douglas stopped at an inn. The woman of the house, whom Saint-Simon knew, was moved to suspect that Douglas meant no good to the occupant of a chaise about which he made anxious inquiries, and all France now knew that James had left Bar and was on the road. Douglas left the inn with one of his men; the other, with one who had just joined him, remained in the tavern. The woman persuaded one of this pair to go to bed after a protracted supper, and then went out and borrowed the costume and wig of an abbé from a friendly priest. Her chief servant drank with the Englishman who sat up till that worthy philosophically reposed beneath the table. Meanwhile the woman ascertained that the other Englishman was asleep, and locked the door of his room on the outside. A servant, placed as sentinel, announced the approach of a chaise accompanied by three mounted men. The passenger was King James, whom the woman took to the house of a female friend, and there concealed him and his three companions. The next step was to induce a justice to arrest on suspicion the two Englishmen at the inn. They made a noise and invoked the English ambassador, but from him they had no credentials, and they were locked up. What became of Colonel Douglas is uncertain: he was met here and there on the highways asking questions. After three days James, dressed as an abbé, set out in another chaise, and arrived at St Malo in safety. Douglas, who had been on the best of terms with the Regent, lost credit and disappeared, leaving his wife to live on charity.

To authenticate the tale Saint-Simon adds that Mary did but invite the woman of the inn to Saint Germain's, and gave her nothing but her portrait,—a horrid instance of royal ingratitude. Mary had nothing to give: she had sold all her jewels except two rings. "Nobody can tell what the poor woman's expenses were," and, indeed, except for wine enough to intoxicate a Briton, it would be difficult to guess where expense could arise. Stair neither denied nor confessed the truth of the tale, but we shall find him perhaps con-

cerned in a much darker business.<sup>49</sup> We add Stair's own report to his Government. The king's disguise conforms to Saint-Simon's description.

"An enclosure from Ld. Stair's, Nov. 12, 1715.

"Saturday week last the Pretender, between 9 & 10 o'clock, passed within 10 leagues of Evreux on his way to the Norman coast, accompanied by one St Paul, son of a Frenchwoman & an Englishman, in quality of valet de chambre & surgeon, & preceded by another man to hurry the relays of horses. Seeing the person who gave this information recognised them, St Paul took him into confidence & asked him to tell the Queen at St Germain of their good health: he noticed that their post-chaise was poor enough & without glass.

"Le Pretendant etoit habillé en Evesque de campagne, ayant un Surtout violet, avec des boutons d'or, une petite peruque Abaciale et un petit collet, une petite croix d'or abaciale ou Episcopale, et le chapeau sans retrousse."<sup>50</sup>

Berwick says that there was gossip about Stair's trying to procure James's assassination. He himself found no evidence beyond frivolous legends, and believed Stair, though a "Wigh," too honourable for such designs. Saint-Simon, who knew the innkeeper, was of another opinion—not unjustly, as documents prove.<sup>51</sup>

Meanwhile, as Berwick observes, Mar "was amusing himself" at Perth. "Had he marched at once with his 8000 or 10,000 men he would have met no opposition, and Argyll would have been obliged to retire on Berwick." Thence he might have moved to join the English Jacobites. "But he had drawn the sword and knew not how to advance, and so missed the best opportunity that had occurred since 1688."

That is, in brief, the history of Mar's campaign: his was "an army of lions led by a deer."

We owe a remarkably vivacious picture of Mar's conduct of the campaign to a singular person, the Master of Sinclair, who writes with the bitterness of Sir Malachi Malagrowther. The eldest son of the seventh Lord Sinclair, the Master had been Captain-Lieutenant in Preston's, under Marlborough. At Webb's victory at Winendael (September 28, 1708) an Ensign Shaw, one of the Shaws of Greenock (now Shaw-Stewart), saw, or said he saw, Sinclair adopting a position remote from the perpendicular. Sinclair challenged Shaw, who was unable to meet him at the moment, as he was going to see a fatally

wounded brother. Next day Sinclair struck Shaw, they fought, Shaw's sword doubled up and Sinclair's was broken, but Shaw was mortally wounded. His brother, Alexander Shaw, declared that Sinclair wore paper (a pad of paper, apparently, in his breast), against which the sword of his opponent was bent. Sinclair, after an altercation, pistoled Shaw in front of his regiment. Sinclair says that a court-martial recommended him to mercy. Sir John Shaw, brother of the two slain men, declares that the Attorney-General and Solicitor have united in the opinion "that Sinclair stands convicted of wilful murder," but does not deny that the court-martial recommended him to mercy. In reply to Sir John, Marlborough said that he had laid the case before the Solicitor and Attorney-General. They left the question of mercy to Marlborough, who, according to Sinclair, advised him to make his escape, which he finally did. "Queen Anne having, as it was said, turned Tory, vouchsafed me her pardon." In 1715 Sinclair joined the Jacobites, but, detesting Mar and being a man of furious temper, distinguished himself on only one occasion. How he behaved at Sheriffmuir will appear later. Sinclair lived, not in great popularity, till 1750. Sir John Shaw fought very bravely on the Whig side at Sheriffmuir, receiving two wounds. It will be apparent that Sinclair's evidence is to be taken with due allowance for his character and temper.<sup>52</sup>

By Sinclair's account, when Perth was seized, the invaders had only five or six pounds of powder, which they picked up in the town. Mar sent promises to the 200 Lowlanders who had seized the place, but for long did not perform them. At last Robertson of Struan came in with 200 or 300 of Clan Donnachie, Southesk with a handful of horse and some Lowland footmen. Panmure arrived with his levies, Aboyne with the gay Gordons, Nairne with some Atholl Highlanders, so that "there were a great many men, but no such thing as order." There was no money to pay the levies, and Maule of Melgum said, "Never were men so idly brought in for their lives and fortunes as we were." All this was highly characteristic of Mar's dilatory mismanagement. "Lies were the life of our affair," sanguine rumours, till Mar came down with all Atholl and a few recruits from Braemar, where people waited for Invercauld to move. The avalanche of Highlanders carried along the half-hearted Perthshire retainers of Drummond, "forced out." General Hamilton now began to try to organise magazines, to procure forage, and regulate quarters: the delay had

vexed the soul of Sinclair, a professional soldier, accustomed to the methods of Marlborough. Hamilton told Sinclair, who "was not fond of the commission," that he was to lead 1000 men through the counties south of Forth, raising the gentry, and thence join the Jacobites of Cumberland. Nothing came of this: arms, powder, and ball were not available. Sinclair thought that, if England was thus waiting for Scotland to begin, Mar had misrepresented the facts, and he "formed a very bad idea of the state of our affairs." In fact, Sinclair's chief business was croaking and demoralising all who would listen to his grumbings. Mar, he says, consulted nobody when he arrived at Perth, but behaved "like another Moses," come down, fully inspired, from a mountain. Mar was encouraged by the arrival of James Murray from France: he now had a commission at last, and James's speedy arrival was announced. But, for reasons already described, the king's coming was delayed till it only endangered himself, while his melancholy was injurious to the spirit of adherents already discouraged.

In Perth the Highlanders grew mutinous for want of pay, the money contributed to the cause by Spain arriving too late to be of service. Panmure and Southesk subscribed £500 each, and Mar levied cess on the Lowland districts within his sphere. He demanded £1 sterling on every £100 Scots of valued rental. According to Rae, the Presbyterian ministers were plundered because they would not pray for King James, and some were driven from their manses. The Provincial Synods replied with appeals to Presbyterian loyalty.<sup>53</sup> At Perth every sort of jealousy abounded. Drummond had a commission to command the horse, and the squadrons of the various counties quarrelled about precedence. "All the others took it ill that Linglithgow, whose squadron was weak and mostly composed of Stirlingshire gentlemen, should carry the Royal standard," says Sinclair, who commanded the Cavaliers of Fife. He had already "told Mar my opinion of him very plainly." Whether Mar obliged with his own opinion of Sinclair does not appear. Arms were neglected, muskets were rusty and useless, it was nobody's business to provide powder. Montrose would have attacked Argyll and tried to take his ammunition, and Mar did order the clans to march into Argyll's territory. But Clanranald, Lochiel, Glengarry, and Stewart of Appin were not yet stirring, according to Sinclair: probably they were getting in their oaten harvest. Huntly, Marischal, and Seaforth were as dilatory.

Glenarry—"it's hard to say whether he has more of the bear, the lion, or the fox in him"—marched into Glenorchy and began to gain recruits. But the Earl of Islay had been sent to organise the Campbells, and secure Inveraray from invasion.

The fortunes of war in the west may here be treated, as they influenced the whole ineffectual campaign. It was about September 20 that Glenarry and Grant of Glenmoriston marched to raise Glenorchy, hoping to sweep the country, take Inveraray, and meet Mar in the Lennox early in October. Thence the combined Jacobite force would march by way of Glasgow into Cumberland. But Argyll's men acted with energy, and the Duke himself gave his chamberlain orders to supply the pay of the levies. At this moment Lochnell, Lochiel, and Appin were inclined, or professed to be inclined, to submit if the Duke of Argyll could protect them and obtain good terms for them. But whether this was a pretext to secure delay, or whether the chiefs changed their minds, they did not come in. Islay took the command of the western Whigs in Argyll, and Glenarry joined forces at Strathfillan, in Perthshire, with Clanranald and 300 of the dubious Macgregors under Rob Roy's nephew, Glengyle. According to the author of 'The Loch Lomond Expedition,'<sup>54</sup> Mar tempted "the nameless clan" with the promise that they should be nameless no longer. The Act of Proscription against them had been renewed in the reign of William III., and Macgregors were constrained to use other names, Campbell and Drummond being favourites.

On September 29 a large number of the pretty fellows of this unfortunate clan seized the boats on Loch Lomond, and occupied the Isle of Inchmurrin, landing, at midnight, within three miles of the old key of the west, the Castle of Dumbarton. The alarm was raised through the countryside by ringing the church bells: the castle fired some guns. The feat of the surprise by Thomas Crawford during the Douglas wars was too plainly impossible. The Macgregors retired, with the boats which they had seized, the booty they had taken, and ample provision from the red deer of the Duke of Montrose's forest, to Inversnaid, and moved to join Mar. Thence they returned to their fastness of Craigoyston, and mustered on October 10 on the north-east side of Loch Lomond.

Possessing a flotilla of boats, the Macgregors were thoroughly enjoying themselves, with the means of landing where they pleased and seizing arms and booty in general. To interfere with their

designs a body of Paisley volunteers and Ayrshire men garrisoned the country houses of the region, and determined to recover the fleet captured by the Macgregors. The naval force of the Whigs was provided by the ships of war lying in the Firth of Clyde. A hundred sailors, "with pateraroes and large screw guns," four pinnaces, and as many long-boats, mustered at the quay of Dumbarton, and the boats, "by the strength of horses, were drawn the space of three miles up the river Leven, which, next to Spey, is reckoned the most rapid river in Scotland." The boats and men thus reached the mouth of Loch Lomond: the Paisley volunteers embarked, and contingents of Argyll and Dumbartonshire lairds, with their followings, under an uncle of the Duke of Argyll, marched and rode up the north-west side. It was a brilliant spectacle: the pinnaces spread their sails and fired their pateraroes, making "so very dreadful a noise, through the multiplied rebounding echoes of the vast mountains," as must have struck terror into the hearts of the Macgregors. The Colquhouns joined the expedition at Luss, each with his gun and target bearing a steel spike, half an ell long, in its centre; each with a claymore, a few pistols, and a dirk. Such was the panoply of the clansman, a walking arsenal.

News came that Glengarry, with a large force, was approaching from Strathfillan, some five hours' march distant. Undaunted, the Whigs advanced to Inversnaid, where they bombarded a cottage. The garrison, a pair of old women, surrendered at discretion; no more dangerous force was seen than a few Macgregor scouts, "out of reach on the craggy rocks." The Paisley men then leaped on shore "with the greatest intrepidity," and climbed a hill without opposition. They took or sunk the fleet of the Macgregors, and returned to Dumbarton after this bloodless victory. The annals of Paisley record no more remarkable military exploit. As for the Macgregors, they had fallen back on Glengarry at Strathfillan, who, with the Appin men, the Macleans, fifty Macdougals of Lorne (how shrunk was the clan that all but conquered Bruce!), and others, numbered over 2000 broadswords. On October 17 they set out for Inveraray, and must have marched as only Highlanders can, for they arrived on the 19th. Islay had mustered about 1000 men in Inveraray, the town was in a posture of defence, and, to clansmen without artillery, seemed formidable. The chiefs paused and demanded a parley with Islay, who only desired to amuse them while reinforcements of regulars from Ireland joined Argyll at Stirling.

Apparently Clanranald and Glengarry were in no haste, for they entered into negotiations which were actually jocular. In three days the clans retreated towards Strathfillan, and 400 of Breadalbane's men laid down their arms. In short, the affair was a farce, and Islay had no more encounters till he arrived, a month later, at Sheriff Muir.

So far the strife had been as harmless as those old wars of Torelore, in the tale, where the men fought with apples and cheeses. The *aristeia*, or supreme success, of the Master of Sinclair was clever and bloodless. On a Sunday morning, in Perth, he was roused by a certain trader, who took him out to the South Inch, and there told his business. He had ridden all night to say that a small ship, laden with arms and ammunition for the Whig Earl of Sutherland, was lying in Bruntisland harbour. Some 3000 stand of arms, he declared, was on board. Sinclair knew that the man was of a mythopœic character, but he went and roused Mar. That commander, after wasting much time, ordered Sinclair to go for the arms with his Fifeshire horse. The danger lay in the neighbourhood of Stirling, whence Argyll, if news of the scheme reached him, might send dragoons to cut off Sinclair's party. With eighty of his troop the Master rode out at nightfall, avoiding villages. He seized several boats at Bruntisland, posted sentries, took the ship by aid of the boats, and brought her from the roadstead into harbour. On returning Sinclair found his men scattered in taverns. Standing in the water, Sinclair took the muskets as they were handed out,—his own men had only pistols,—and found that the pieces were only 300 in number. His mythopœic informer had multiplied them by ten. There were a few barrels of powder of about 100 lb., cartridges, bullets, and flints. Some of the town-guards' powder and firelocks were also seized, and about four in the morning Sinclair's work was done. A few of his undisciplined command rode off on a morning visit to a minister whom they had a mind to tease. A party of Highlanders, stationed to guard the road, scampered off when Sinclair said that the Duke of Argyll was coming. They plundered the peasants as they hurried to Perth, and, in short, Sinclair had a successful but most disorderly *camisado*. At Perth the Highlanders and Lowlanders were squabbling over commands and points of precedence: to manage such an army required a Montrose or a Dundee.

In England, meanwhile, the traitor Maclean had thrown the



Jacobites of the south-west—from Plymouth to Oxford—into the hands of the Government. The towns were secured, the leaders were in flight or under lock and key. But in Lancashire and Northumberland, where were many old Catholic families, Mr Forster and the Earl of Derwentwater did not wait, like Lansdowne and Sir William Windham, to be culled like flowers by the agents of the law. Early in October they began to muster a small troop of mounted gentlemen, were joined by Lord Widrington, of a loyal Cavalier family, and, under Forster's leadership, proclaimed King James at Warkworth, Alnwick, and small adjacent towns. Newcastle held for the Elector, so Forster sent to Mar, asking for foot-soldiers. The Cause would have had a better chance, perhaps, if Scotland had been left to fight her own battle. The northern English Jacobites cruised about Northumberland, and heard at Hexham that "Kenmure's on and awa'." The Viscount Kenmure was a Galloway Gordon of an unlucky house, always attached to the Kirk when the Crown was in the ascendant, and to the Crown when its rightful owner was "across the water."

With Kenmure were the Earls of Carnwath, Nithsdale, and Wintoun. Kenmure raised the standard at Moffat,—the Royal Scottish arms, with the mottoes "No Union" and "For our Wronged King and Oppressed Country." On October 13 Kenmure found that Annandale had anticipated him in occupying Dumfries, while the Rev. Mr Hepburn had been hovering about with 300 of that branch of the Remnant who were called Hebronites. But Hepburn's campaign soon ended, and the Cameronians hated James even more than "the present idolatrous occupant on the throne," George. Kenmure's troop of some 200, mainly gentlemen, behaved more orderly on the march than the Master of Sinclair's convivial command. They moved towards Hawick, but Forster summoned them by way of Langholme to meet him at Rothbury. We learn about their doings from a scoundrel named the Rev. Robert Patten, who, having been Forster's chaplain and recruiting-sergeant, turned his coat, saved his neck, and wrote 'The History of the Late Rebellion' (1717). On October 19 the Galloway and Northumberland Jacobites met at Rothbury: among Forster's gentlemen was one worthy of note—the gay, loyal, brave, witty, and learned Charles Wogan.<sup>55</sup> He was of the same Norman-Irish family as the Wogan who rode through Cromwellian England to join Glencairn, and who rescued Charles II. at the gate of Worcester. Charles Wogan was a man

of taste and of excellent education: he it was who introduced Pope, a Catholic like himself, to the London wits; and for months Charles, with Colonel Oxburgh, James Talbot, called from his black complexion "The Crow," and his own brother, Nicholas Wogan, a reckless lad of fifteen, had been riding about the country arranging plans in Jacobite houses.

The two brave companies of gentlemen could do little, when they united, without more infantry than the Rev. Mr Patten had collected among the "Keelmen," who, at Newcastle, entertained Jacobite sentiments long after Culloden. Mar was obliged to try to send reinforcements from his dissipated force to join Kenmure and Forster, whom we must leave expecting their northern allies, while we return to Mar at Perth.

On October 4 we find him proud of the Master of Sinclair's Bruntisland raid,—“a new use for a party of horse,” to take a ship. He writes thus to Alexander Gordon, General of a Highland host still hovering on the braes of Glenorchy, with an idea of attacking Inveraray. “I will not begin with burning houses,” writes Mar; it was a measure which aroused bad feeling when Argyll, in the early days of the Covenant, fired “the bonny House o' Airlie.” Gordon is to threaten to burn Inveraray Castle (not the existing castle, which is more recent), but must not carry out the menace till he receives Mar's permission.<sup>56</sup> But Mar learned that through the dilatory arrival of recruits to join Glengarry, Inveraray was now a hard nut to crack. However (October 4), his own army was receiving regular pay to the extent of one shilling and ninepence per man weekly, and three daily loaves or an equivalent in meal. Argyll's force in Stirling, he says, was not more highly remunerated. He hoped that Gordon would arm his body with the weapons at Inveraray, and feared that Lochiel, Appin, and Lochnell were in treaty to surrender to Argyll. Lochiel, however, protested his loyalty in a letter to Gordon, but his clan were daunted by the garrison of Fort William; and, in Mull, Maclean of Lochbuy would allow none of his men to join, apparently from dislike of Sir John Maclean of Dowart.

On October 7 Mar had ciphered letters from James, brought from France by Ogilvy of Boyne, a descendant of one of the Queen's Maries, Mary Beaton. Mar expected James to land at once near “Dumbarton, about Loch Long,” which, as he justly remarked, made it highly necessary for Gordon to finish the busi-

ness in Argyllshire. Otherwise, if James landed in the west, the £100,000 set on his head would speedily be earned. Meanwhile (October 8) Mar was sending 2000 men to cross from Bruntisland to Leith to join Forster and Kenmure, while he with his whole force would make a feint at Stirling to amuse Argyll and conceal the movement on Leith. Why should he not have "discussed Argyll" earlier, instead of contenting himself with a feint? Probably the embargo on James's ships in France left him without sufficient ammunition. Mar, whether from his own wit or on the advice of others, had elaborated a strategic scheme which looked very well on paper. Far to his right, Gordon, with the Camerons, Glengarry, Clanranald, and Breadalbane's contingent, were to secure Argyll and the south-west coast, and contain the forces in Dumbarton Castle. On his left he would push 2000 men across the Firth of Forth: they would join the fox-hunters of Kenmure and Forster, and Argyll would be *cerné* in Stirling. But Gordon's movement was paralysed by the long delays of the Camerons and of Breadalbane; and the story of Mackintosh of Borlum, commanding the army that invaded the Lothians, has now to be told.

The crossing of the Firth by a large body of men in small boats, in face of the men-of-war which cruised in the Firth, was managed with unusual adroitness. Sinclair was consulted, and produced a Mr Harry Crawford, who undertook to collect fishing-boats. The Master himself was to lead eighty of his Fifeshire horse through the towns on the coast of the country, proclaiming James and seizing arms, and to return to Perth. His men were totally reckless of discipline, thought him cowardly because he tried to make them stand sentries in rotation, got drunk if ever he lodged them in a town, and straggled away from the Abbey of Pittenweem, which still afforded shelter. The Master refused to join Mackintosh, on his request, at the Castle of Bruntisland, as Mackintosh had no right to give him orders, and he might encounter Argyll's dreaded dragoons on the way. He supposed that the flotilla of Mackintosh was to start from Bruntisland; and he was intended, like the rest of the world, to believe this, because Mackintosh's plan was to draw the British warships thither, and keep them wasting ammunition on Bruntisland Castle, while his force was really crossing the breadth of the Firth farther to the east by night. The men's advance to the coast had been veiled by a cavalry screen under Erskine of Alva and Sir James Sharp, grandson of the murdered Archbishop.

Mackintosh's force started from Pittenweem, Elie, Crail, and the other little coast towns of Fife in the nights of October 12 and 13, and crossed the distance of some seventeen miles to the Lothian shore in safety. But a number of the boats which started latest were driven back to Fife, while young Strathmore, "a schoolboy," says Sinclair, was obliged to land his men on the May rock, where he behaved admirably, and made a good resistance, though his Highlanders were unruly. He finally succeeded in regaining the Fife coast, and rejoined Mar.

About 1600 men were now under Mackintosh, and Mar, writing to Harry Straiton (October 13), hoped that they would at once advance south-west to join the Galloway and Northumberland gentlemen. Such were his last orders to Mackintosh; but Mar feared that they would attack Leith and Edinburgh, and be overtaken by Argyll.<sup>57</sup> Sinclair says that Mackintosh "had no positive orders" (which is contradicted by Mar's letter of the moment), that Forster had but fifty gentlemen and could be of no use, and that Mackintosh, "having nothing else to do, thought he might go in his rambles to the citadel of Leith, a place he had heard Mar mention" in a casual way<sup>58</sup> Sinclair states Mackintosh's force at only 1100 Highlanders. Meanwhile the Provost of Edinburgh put his civic forces in a posture of defence and sent a despatch to Argyll, who instantly lent him 500 dragoons and mounted foot. His men reached the West Port at ten o'clock at night, while Mackintosh's were approaching the East Port, and the Duke, arriving in person, was met by the Whig levies of the Lothians. Mackintosh turned tail, and, entering Leith, seized what remained of the ancient works of Cromwell's fort there, which he put in a position of defence.<sup>59</sup> The Duke saw that his regulars were not numerous enough to storm a fort held by Highlanders, and of the loyal militia he probably had his own opinion. After examining the position he returned to Edinburgh, and the Highlanders stole off to Seton House, where they received reinforcements from the other side of the Firth.

According to Rae, Argyll at this time commanded not more than 2000 men in all, yet saved Edinburgh, where the Jacobite advocates appear to have kept quiet. This was the most that he could do, especially as news arrived that Mar, with his whole force, was marching against Stirling.

At Seton House Mackintosh was perfectly safe, though observed :

the place was strong both by the nature of the surrounding ground and by the fortifications of several centuries. On October 17 the Duke rushed back to Stirling; but Mar was not the man to have taken advantage of his absence. Sinclair gives the usual sardonic account of the state of things at Perth. Nobody knew anything: hopes and fears lived on rumour. James Keith, later the famous Prussian field-marshal, and brother of the Earl Marischal, was with this inglorious army. He galloped along the line announcing that Sir William Windham had surprised Bristol, and that Sir William Blackett had seized Berwick and Newcastle. Blackett, a man of influence at Newcastle, had "kept out of the way," says Patten, while Windham, a victim of Maclean's betrayal, had surrendered to the law. Mar called a council, read "two dismal letters" from Mackintosh, and declared that "he gave him over for lost." They could do nothing for him except by a feint at Stirling, recalling Argyll. Sinclair said that Mackintosh could hold out if he had powder. "Mar, not knowing what powder he had, since he had given him none, would not hear me and made no answer."<sup>60</sup> Sinclair made himself as disagreeable as he knew how to do on the march to Auchterarder.

Next day the Jacobite horse camped in great disorder at Dunblane. Masters and servants were scattered here and there in the dark, without orders, without sentries, six miles from Stirling. A handful of Argyll's dragoons, beating up their quarters, could have destroyed them,—Drummond, Linlithgow, Southesk, Marischal, Kilsyth, Stirling of Keir, and all. "Marischal was the only one of them who seemed to have reason,"—he had, indeed, too much for a party politician. He remarked, with his usual humour, that he knew Argyll: Argyll was absent from Stirling, and would infallibly have ordered Witham, his second in command, not to move a foot till his return. Presently Gordon of Glenbucket came up with 300 light-footed Highlanders, sorely fatigued, their arms "poisoned with the rain." Sinclair gave Drummond, who was in chief command of the horse, an elementary lecture on the conduct of retreats, and implored him to put them in a position either to fight or withdraw on necessity. But probably the Earl Marischal went to bed, strong in his knowledge of Argyll's character. The whole force was armed merely with pistols, and must have perished if that happened which was not likely to happen—if they were surprised by a hundred dragoons.

Meanwhile Mar advanced as far as Ardoch, where there is a remarkably fine Roman camp. Hamilton, according to Sinclair, had advised marching to the mile-long causeway which leads to Stirling Bridge. In this defile the Duke could not attack them; Mar might call up the western clans from Dumbarton, fourteen miles away; they would be far too strong for Argyll, and would stop Evans's dragoons from Ireland from joining him. But Mar knew very well that the western clans were far away from Dumbarton, in a deplorably perplexed condition.<sup>61</sup> Mar, to be sure, had news of Ormonde's landing in England, but in England Ormonde, we know, found not a friend. Things were not so forward as Hamilton seems to have supposed. Mar, of course, shuffled out of the attempt suggested by Hamilton and threw the blame on his brother-in-law, Sir Hugh Paterson, upon whom, says the Master, "he has put ane idiot hump-backed sister"! To Forster he explained his conduct by his want of supplies.

After these excursions and alarms Mar led his horse and foot back to Perth, and this was the end of a situation whence only Mar could have allowed Argyll to escape. Mackintosh had frightened away, on the field of Prestonpans, such Whig forces as advanced against Seton House. He then decamped, and rapidly marched to Kelso, was met at Ednam Bridge by Forster and Kenmure, and so occupied Kelso on October 22.

Sinclair gives personal reasons for Mar's dilatoriness; but it is not easy to believe that he could have crossed the Forth where Prince Charles did, by the fords of Frew, "then low and passable," for the weather was, in fact, extremely wet.

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#### NOTES TO CHAPTER VIII.

<sup>1</sup> Stuart Papers, i. 287.

<sup>2</sup> MSS. of J. Eliot Hodgkin, Esq., p. 225; Historical Manuscripts Commission, xv. 2.

<sup>3</sup> Stuart Papers, i. 336, 337.

<sup>4</sup> Stuart Papers, i. 349.

<sup>5</sup> Tindal, iv. 436, note.

<sup>6</sup> Stuart Papers, i. 357.

<sup>7</sup> Stuart Papers, i. 348, 349.

- <sup>8</sup> Stuart Papers, i. 357.
- <sup>9</sup> Stuart Papers, i. 371.
- <sup>10</sup> Stuart Papers, i. 375.
- <sup>11</sup> Salomon Transcripts. French Archives, cited in Stuart Papers, i., p. lxxiii.
- <sup>12</sup> Berwick, Mémoires, *ut supra*, p. 231.
- <sup>13</sup> Mémoires, Petitot et Monmerqué, lxvi. 246.
- <sup>14</sup> Mar Papers. Mar to Straiton, October 12.
- <sup>15</sup> Mathieson, Scotland and the Union, p. 298, note 2.
- <sup>16</sup> Hill Burton, viii. 260-284; Rae, History of the Rebellion, 1718, p. 187.
- <sup>17</sup> Stuart Papers, i. 520-525.
- <sup>18</sup> Mahon, vol. i., Appendix, pp. ix-xii.
- <sup>19</sup> Stuart Papers, i. 375, 376.
- <sup>20</sup> Stuart Papers, i. 382.
- <sup>21</sup> Lord Mahon, who never understood this affair, did not translate, or even add, "to Nicholas," that is "to Scotland."—Mahon, vol. i., Appendix, p. xii; Stuart Papers, i., pp. lxxv and 383.
- <sup>22</sup> See, in my 'Historical Mysteries' (1904), "Queen Oglethorpe."
- <sup>23</sup> Mahon, vol. i., Appendix, p. xv.
- <sup>24</sup> Stuart Papers, i. 384.
- <sup>25</sup> Stuart Papers, i. 386.
- <sup>26</sup> Berwick, Mémoires, *ut supra*, pp. 233, 234.
- <sup>27</sup> Stuart Papers, i. 387.
- <sup>28</sup> Rae, History of the Rebellion, p. 188.
- <sup>29</sup> Stuart Papers, i. 389.
- <sup>30</sup> Mahon, vol. i., Appendix, pp. xvii, xviii.
- <sup>31</sup> Stuart Papers, i. 391.
- <sup>32</sup> Stuart Papers, i. 400.
- <sup>33</sup> Stuart Papers, i. 415.
- <sup>34</sup> Rae, History of the Rebellion, pp. 189, 190.
- <sup>35</sup> Rae, History of the Rebellion, pp. 194, 195; Townshend MSS., p. 161; Historical Manuscripts Commission, xi. 4.
- <sup>36</sup> Stuart Papers, i. 521.
- <sup>37</sup> Hill Burton, viii. 270.
- <sup>38</sup> Rae, History of the Rebellion, p. 186.
- <sup>39</sup> Rae, History of the Rebellion, pp. 208-211; Lockhart, i. 494, 498.
- <sup>40</sup> Patten, History of the Late Rebellion, pp. 4-6: 1717.
- <sup>41</sup> Wodrow, Correspondence, ii. 69-76.
- <sup>42</sup> Stuart Papers, i. 423, 424.
- <sup>43</sup> Mahon, vol. i., Appendix, pp. xxxiii, xxxiv.
- <sup>44</sup> Stuart Papers, i. 427, 428.
- <sup>45</sup> Stuart Papers, i. 439-441.
- <sup>46</sup> Stuart Papers, i. 445.
- <sup>47</sup> Stuart Papers, i. 452, 481, 534.
- <sup>48</sup> Berwick speaks of the traitor Maclean as "Colonel Maclean." There was a Sir Alexander Maclean, a colonel (Stuart Papers, i. 75, 204), who served with Villars in 1705. I find no other Colonel Maclean in French service since 1692 till that time, but Sir Alexander may have died, or left the service, before 1715.
- <sup>49</sup> Saint-Simon, Mémoires, xiii. 401-408: 1829.
- <sup>50</sup> November 12, 1715. Stuart Papers. France, vol. 160. MSS. Record Office.
- <sup>51</sup> Berwick, *ut supra*, p. 252.
- <sup>52</sup> Trial of John, Master of Sinclair. Sir Walter Scott. Roxburghe Club, 1828.

- <sup>53</sup> Rae, History of the Rebellion, pp. 235, 236.  
<sup>54</sup> MDCCCV. Reprinted by James Dennistoun : Glasgow, 1834.  
<sup>55</sup> Patten, History of the Late Rebellion, pp. 26-37.  
<sup>56</sup> Original Letters relating to the Rebellion, 1730, pp. 48, 49.  
<sup>57</sup> Mar Papers, Hill Burton, viii. 287, note.  
<sup>58</sup> Sinclair, p. 129.  
<sup>59</sup> Rae, History of the Rebellion, pp. 260-262 ; Sinclair, p. 129.  
<sup>60</sup> Sinclair, p. 131.  
<sup>61</sup> Sinclair, pp. 139, 140. Mar to Gordon : Perth, October 16. Original Letters, pp. 83-86.

## BERWICK'S NATURALISATION.

[MS. Carte 209.]

Fol. 6.

## THE CASE.

His Grace the duke of Berwick a naturall borne subject of England makes suite to the King for his Ma<sup>ties</sup> Licence to be naturalized in France, and caus'd a draught of a grant to be prepar'd for that purpose, which I have perused. And the Question is demanded, whether such a grant can work any wrong to the King, or tend to the diminution of his prerogative or to discharge the duke, from the service & duty, he oweth to the Crowne of England ?

I am, My Lord, with humble submission to your Lord<sup>sh</sup>s longer experience, & deeper Judgment, of opinion that the duke of Berwick's requesting such a grant is now, & at all tymes hereafter, will be taken, as an instance of his duty to his soueraigne & of his care not to Comitt any act that may disable him from rendering the service (he is bound to do) by his naturall allegiance to his Majestie, And that such a grant will work no wrong to the King, nor lessen his prerogative, or discharge y<sup>e</sup> duke from his Allegiance. 1<sup>st</sup>. Because the King Cannot do any act whatsoever, which Can debarre or hinder him from the service of his Subject.

Fol 6 b.

2<sup>ly</sup>. Because the ligeance of the duke is naturall, absolute, pure, & indefinite, & is due to the King by nature and birthright, & Nemo potest Exuere suam ligeanciam is a settled maxime ; 3<sup>ly</sup>. because upon the will of y<sup>e</sup> soueraigne and the obedience of the subject the governm<sup>t</sup> depends.

All this is verified by the Resolutions given in the famous Case of Robert Calvin who was borne in Scotland after the descent of the Crowne of England to King James the first, called the Post nati : & in Doctor Stories case : so I thinke, the Grant as it is in substance, may passe, but yet (it being a case primæ impressionis before yo<sup>r</sup> Lordship) with such a saving, as you shall see in the draught of the warrant heerwith sent you, My Lord, by

Yo<sup>r</sup> lord<sup>sh</sup>s most obedient servant

ROBT. POWER.

[Endorsed by the  
same hand.]

Power's Opinion. To the Right Honorable My Lord, the Lord Caryll, the King &amp; Queen's principall Secretary of State.

Fol. 7.

Wee are graciously pleased to Name & appoint you to be our Councill<sup>r</sup> at law in our Kingdomes of England and Ireland hearby Granting vnto you, all



such profits, priviledges & aduantages, which to the said offices & places do belong, or which are theerwith usually taken, held, or Enjoyed, Given, &c.,  
\* 18 Jan. 1704.

[\* Added by  
a second  
hand.]

To our Trustie & welbeloved subject Rob<sup>t</sup> Power of the Middle temple Esq<sup>r</sup> Barister at law, now Residing att S<sup>t</sup> Germaine en Lay.

[Endorsed.] A draught of a warr<sup>t</sup> from y<sup>e</sup> King for making Robert Power his Councill at law.

And this warrant ought to be dated a day before the date of the warrant for his Grace the duke of Berwick's licence.

Our Will and pleasure is, that you forthwith prepare a bill for our Royall signature to pass our Great Seale of England, containing a Grant from us to our Right Trustie, & entierly Beloved Cosin & Councill<sup>r</sup> James duke of Berwick, an naturall borne subject, of our full & free leave & Licence to be Naturalized in the Kingdome of France, And to take, Receive, possess & Enjoy all & singular such benefitts, freedomes, Immunities priviledges & advantages whatsoeuer, which are thereunto Incident & belonging, & which in the like case are usually, or ought to be, taken, had, acquired, or Enjoyed, And you are to Insert in our said Grant, all such Clauses, as you shall thinke Necessary, for Rendering the same, Good, firme, & effectuall in the law, to, & for him the said James Duke of Berwick, With a saving neverthelesse unto us o<sup>r</sup> heires & successors of our Royall prerogative in exacting, commanding & requiring the service of him the s<sup>d</sup> Duke of Berwick in all tymes, & places, & upon all occasions, when & as often, as wee shall thinke fitt, w<sup>ch</sup> he is to performe vnto us our heires and successors attending to the indispensable duty of his allegiance, & the Inseparable right of our Crowne, Giuen, &c., \* the 19 Jan<sup>y</sup> 1704.

Fol. 9.

Fol. 9 b.

[\* Added by  
same second  
hand as  
above.]

To our Trustie & welbeloved R. P. Esq<sup>r</sup> our Councill Learned in the Law.

[Endorsed in same hand.] A draught of the King's warrant for preparing a licence for the duke of Berwick to bee Naturalized.

[Another endorsement, in second hand.] \* 19 Jan. 1704.  
21 Oct. 1703.

[\* Sic MS.,  
both dates  
written by  
the same  
second hand  
as above.]

## CHAPTER IX.

## THE END OF THE RISING OF 1715.

LEAVING Mar comfortably established in Perth, we follow the desperate fortunes of the gentlemen who met at Kelso, and there awaited the arrival of Mackintosh. His force appeared, dragged and weary, but full of fight. Indeed, had Mackintosh commanded the little army instead of the futile Forster, to whom James had sent a commission, the doomed company would have had less disastrous fortunes. On Sunday, October 23, Patten, chaplain and aide-de-camp of Forster (the latter office he shared with Charles Wogan), read the English Service and preached in the parish kirk of Kelso. The text was Deut. xxi. 17, "The right of the Firstborn is his." Many Catholic gentlemen attended, and said "they approved very well of our Liturgy, which till then they had never heard."<sup>1</sup> The Catholics were more staunch than the Anglican Tories, of whom not many are said to have been very forward except in drinking toasts. The Highlanders "behaved very decently and reverently, and answered the responses according to the rubric," coming from a district which Presbyterianism had not yet conquered. A manifesto was read, sent by Mar, denouncing the Union and popery. The Kelso people shouted, "No Union! No Malt Tax! No Salt Tax!" but did not otherwise aid the expedition.

Patten, like Homer, gives a catalogue of the chief persons engaged. A son of the Lord Basil Hamilton, so noted before his early death, led Kenmure's first troop, Kenmure being "utterly a stranger to all military affairs." In a more complete contemporary list we find the unexpected name of Maclellan of Barscobe, representing the Covenanting Barscobe of 1679. The Merse troop was

under the Hon. James Hume, a brother of the Earl of Home, himself a prisoner in Edinburgh Castle. The Earl of Wintoun commanded the third, a man of a strange private history, and regarded as hardly more than half-witted, though presently he exhibited more common-sense than his associates. The brother of Lockhart of Carnwath, a brave and handsome young man, whose death, shot as a prisoner, was one of the most pathetic events of the Rising, commanded the fourth troop. The leaders of the Highland contingent, in addition to Brigadier Mackintosh, a veteran soldier of fortune, and his brother, were Lord Nairne, a brother of the Duke of Atholl; his son, the Master of Nairne; and Major Nairne of the same house, who was shot with young Lockhart. There was also the Duke of Atholl's son, Lord Charles Murray, who displayed great gallantry, marching in the kilt ("without breeches") at the head of his little regiment.

Among the English, the Earl of Derwentwater, with his brother Charles Radcliffe, were the most distinguished, and most justly popular for their many virtues. Lord Widrington did not retain the good opinion of his comrades. Two troops, led by John Hunter and a brother of Douglas of Fingland, were looked on rather as mosstroopers and "midnight traders in horses"; a Borderer named "Luck in a Bag" was notorious among this class, a survival of old Border days. Nicholas Wogan led the fifth troop: he survived to lose an arm at Fontenoy, in spite of which he joined Prince Charles in the 'Forty-five.

They all dallied in Kelso till October 27, watched from Wooler, near Flodden Edge, by General Carpenter, with Cobham's, Molesworth's, and Churchill's dragoons and Hotham's foot. Knowing that Carpenter was at hand and about to march on Kelso, Kenmure called a council, when Wintoun earnestly maintained that they should move to the west of Scotland and join hands with the clans in the rear of Argyll. The party was in the same situation as the Earl of Argyll's force in 1685. The English had one set of views, like Argyll's Lowlanders, to go south and join the Lancashire Jacobites, just as Polwarth urged Argyll to join the western Whigs. The Highlanders were as eager, and more wisely, to unite with their own people, in place of losing themselves in England and trusting to allies who would not come in. Others advised to discuss Carpenter's weak and wearied force at once, to which

the Highlanders would have had no objection. In fact, the confused counsels ended in aimless tacking about, first to Jedburgh, till October 29, when the English prevailed on them to cross the Border, and Hunter was despatched into Tynedale with his mosstroopers. But the Highlanders declined to move, Hunter was recalled, and they strolled to Hawick, while Wintoun again displayed his unwonted wisdom and recommended his plan of falling on the rear of Argyll. At Hawick there arose disorder and false alarms; but they moved towards Dumfries, where they might have taken large supplies of provisions and arms, and advanced to the west coast of Scotland; but the English boasted of letters from Lancashire, which only awaited their arrival to raise 20,000 men. The English were obeyed, but 500 Highlanders went home in small parties: the rest were allured on by promises of good pay, good quarters, and the prospect of loot. A letter from Mar, of October 21, made it seem very doubtful whether the clans were at Dumbarton. At the same time, Mar said it would be "a great service to him" if they would join him, for Argyll had now been reinforced. Thus Mar left everything to Forster's discretion, and, as soon as they crossed the Border, the incapable Forster was in chief command. So he crossed, the die was cast, and only sheer ruin lay before them. They went to meet it as gaily as Hamilton's army at the time of the Engagement, and found it at the same place. Marlborough was consulted by the English Ministry, and it is told that he put his finger on Preston on the map and said, "You will take them there."

After resting a day at Brampton the force approached Penrith, where they frightened away a huge mob of militia and loyal amateurs, 14,000 men it is said, who "retreated" under Lonsdale in as many directions as individual taste preferred, leaving many of their arms behind them. Luckily for Howard of Corbie Castle, he was under ward in Carlisle Castle, and thus, like his descendant in 1745, escaped any share in the transactions. Curwen of Workington was equally fortunate. On November 5 they left Appleby for Kendal, and on the 7th reached Lancaster, where the ladies were pretty and kind, and where they made two recruits, were joined by five gentlemen, and seized six ship guns. No Protestants were joining. "Sorry to part with their new loves," says a contemporary account, the gay adventurers moved on to fresh conquests at Preston, the objective being Manchester, a town

zealous for the cause. They entered Preston on the 10th, and were joined by two Protestant gentlemen, Townley and Shuttleworth, and by several Catholics. Preston was the Capua of the adventure. "The Ladys in this toune are so very beautyfull and so richly attired, that the Gentlemen Soldiers from Wednesday to Saturday minded nothing but courting and feasting," says a report by one Clarke.<sup>2</sup>

This may account for the indolent inaction at Preston. Meanwhile Carpenter, deceived by the route of the Jacobites, was at Newcastle, whence he marched to Bernard Castle. The Cavaliers thought him negligible, and never troubled themselves about General Wills, commanding at Cheshire, who had Pitt's horse, Wynn's, Honeywood's, Dormer's, Newton's, and Stanhope's dragoons, and Fane's and Sabine's foot, with Preston's, in which the Master of Sinclair had served abroad. These were drawn into Warrington, and left a regiment of foot to watch Manchester, while Wills advanced on Wigan, whence he sent an express to hurry on Carpenter: he reached Wigan on November 10. Of Wills's movements Forster knew nothing, or did not act on his knowledge: Patten says that he depended on the Lancashire gentry for intelligence, and received none. A Jacobite officer of the Merse, in his journal, tells another tale. On the 10th, apparently, Forster heard of Wills's advance, but would not go towards Manchester to meet him. The charms of the Preston ladies were so great that the leaders let everything fare as it would.<sup>3</sup> On November 11, at night, says the Merse officer, Forster had a letter from a noble Lord, with full intelligence of Wills's movements. Forster "seemed dispirited, and went to bed." His officers determined to send a scouting party towards Wigan, and to man the Darwin and Ribble bridges, but he countermanded the orders.

Preston was then a little town with a market-place, church, and a few streets, entered from Wigan by the Ribble Bridge, whence a road through the fields led to Church Street, and so to the market-place. At the entrance of Church Street were two high strong houses, of which one belonged to Sir Henry Haughton, an important position. There were three other "outgaits" from the town, northwards and in other directions. All were unguarded, for, on Saturday morning, November 12, Forster was just about to lead his force towards Manchester. Then he got tidings, which even he could not overlook, that Wills was just upon him, approaching

the Ribble Bridge in the grey late morning. Farquharson of Invercauld was sent with 100 men to hold the bridge, and Forster rode across to reconnoitre. He returned "by another way"; obviously he had found an easy ford, and he withdrew Farquharson's men and left the lanes leading to the town unlined by musketry. If we may believe Patten, Mackintosh was responsible for what, at first sight, seems an inexcusable error. In conversation with Widrington, Mackintosh said that he did not defend the bridge because the river was fordable at several places. Again, he did not occupy the houses at the outer ends of the streets because many lanes and avenues led into the streets, and he had not men enough to secure them all. Nor could he make a sortie with his Highlanders, because they could not face cavalry and guns, in which he appears much to have misunderstood them.

If this be true, it would seem that Mackintosh meant to make the centre of the town a place of resistance, with its church, much as the Cameronians did at Dunkeld in 1689. He wished to use Preston as a little Saragossa, occupying only so much of it as he had men enough to defend. The position was desperate, the mixed disorderly force would have been out-mancœuvred and cut up by Wills's dragoons in a battle fought in the fields between the river and the town, while in the town dragoons could only act as dismounted infantry. The streets were barricaded, the Jacobites were mainly under cover, and Mackintosh, in fact, made so vigorous a resistance, and caused the enemy such heavy losses, that his plan was better than it looks. But he had not reckoned, apparently, that Carpenter would arrive next day, that he would be closely invested, and that he had not ammunition enough to stand a siege.

Wills crossed the bridge unopposed, cautiously advanced, fearing a trap, and, finding all clear, set parties to watch most of the exits, and directed two attacks to be made at the north and south entrances. Honeywood, on the Wigan road, had Preston's regiment, very bravely led by Lord Forrester, and 250 dismounted dragoons, with his own regiment to support them. On the north the assault was entrusted to Wynn's, Dormer's, and Stanhope's, supported by Pitt's and Mauden's mounted dragoons and a squadron of Stanhope's. The ends of the streets were to be seized and the houses to be set on fire. Within the town Mackintosh erected four barricades: the Earl of Derwentwater worked with great energy by way

of an example. Mackintosh commanded at the work just below the church : the Scots gentry were stationed north, the mosstroopers south, of the edifice : Lord Charles Murray presided at the south end of Church Street, by Sir Henry Haughton's garden. On the side nearest Lancaster, "the windmill barrier," Colonel Mackintosh, brother of the brigadier, commanded his clan, while the street leading towards Liverpool was also garrisoned by the Highlanders. Nicholas Wogan held a slight work in Church Street. Patten says that Captain Innes, with fifty men, held Sir Henry Haughton's great house, but was recalled as Preston advanced, thereby losing a most important position. The Merse officer attributes this disastrous retreat to Forster's, not Mackintosh's orders, and, in place of Captain Innes, names Captain Maclean. At all events, the Hougoumont of the position was abandoned.

Lord Forrester then led Preston's through back lanes not open to Mackintosh's fire, and exposed himself very courageously. The Merse officer, who had been sent to the church steeple to reconnoitre, signalled Forrester's dispositions to Derwentwater and Lord Charles Murray, who received Preston's with a front and flank fire, and threw them into confusion. But Honeywood occupied Haughton's and other houses, and burned the houses between them and the barricade. The Merse officer suggested to Forster to destroy the great houses with his guns, but, not understanding anything of the matter, Forster refused. "The body of the town," he said, having picked up the phrase, "was the security of the army." But the parts of the town which the enemy had occupied were conspicuously the reverse. Lord Charles Murray made good his own barricade, the enemy losing heavily, while Nicholas Wogan gained renown by a very noble action. Captain Preston of Preston's had fallen, dangerously wounded, when Nicholas leaped over the barricade and brought him in under a cross-fire. This deed later secured his pardon, and he was for thirty years a thorn in the side of England, both on sea and land. The Mackintoshes repulsed an attack by Dormer at the windmill, and night fell. But prisoners had the pleasure of telling their captors that Carpenter was coming up with all his force, on which news a number of the English Jacobites escaped by the Liverpool road, that Wills had neglected to secure. Perhaps Mackintosh did not believe the report of Carpenter's arrival, for he sent off, early on November 13, a sanguine report to Mar.

By ten next morning Carpenter was in view with 2500 men. He thoroughly invested the town, and it is needless to dwell on the details of the consequent surrender. Forster and Widrington, of their own good will, sent Oxburgh to ask for terms, and was answered that Wills would not put them to the sword, but leave them at the king's mercy. He had no choice. The Scots, especially the Highlanders, in vain asked to be led to die, sword in hand; but they were not led, and gentlemen preferred to risk rope and axe in reliance on English clemency. Wintoun, young Lockhart, Major Nairne, and Captain Shafto entreated Mackintosh to line the hedges on the north road, while they and their friends cut their way through. But Forster had given hostages for an armistice, and Mackintosh could not act. The English forces plundered the town, the prisoners were kept for trial, but Lockhart and Major Nairne were shot, with two others, as having held English commissions. Lockhart himself laid Nairne in his coffin. He was shot, and the two survivors did the same last duty to him, and then were shot.<sup>4</sup> About 1100 Scots and 450 English were taken prisoners; Derwentwater and Kenmure were later executed. Nithsdale escaped from the Tower in his wife's dress; Forster escaped by a ruse almost too simple; and Charles Wogan and Brigadier Mackintosh simply fought their way out of Newgate, with six others, the day before their trial. Of Charles Wogan much remains to be told, before he reposes in the natural station of such a knight-errant, as Governor of La Mancha (cf. pp. 239, 240).

There could be no other end of an expedition of forces so divided in character, so disorderly, and, as far as Forster was concerned, so ill led. Mackintosh, when the pinch came, perhaps made the best he could of the situation. If he had held the fords and bridge against Wills, he could not have held the town next day against Wills and Carpenter. The Master of Sinclair's criticism of Mar's strategy in sending Mackintosh south is perfectly correct. He merely dismissed him and his men, without ammunition and without orders, to look for a few cavaliers of whom he only knew that they were lurking in hills. His letters to Kenmure and Forster were full of vague hopes, which really meant fears; when he "hoped" this or that, he feared the reverse. He thus divided his strength quite aimlessly, trusting that "something would turn up."

After Mackintosh's departure Huntly came in with 1400 foot and 160 horse, raising Mar's command at Perth to about 6000 foot and



600 amateur horse—no match for Argyll's dragoons, being, most of them, soldiers in the manner of Scott's Laird of Balmawhapple. Sinclair, who maintains that "the rivers were still low," says that Mar should now have forded the Forth, which the western clans could have turned at the head, while Argyll, not reinforced, could not have stirred, nor used his cavalry in the mountains. But as the rivers rose and Argyll was reinforced, while Mar's command dwindled through frequent desertions, the chance was lost.

Between Marischal and Huntly, whose cavalry was in part mounted on gallows, no love was lost. Marischal attempted to gain the Macphersons, who resented certain seigniorial rights exercised by Huntly, and told them (what is true) that they, not the Mackintoshes, were the genuine Clan Chattan, and he, a Keith, their true chief. The latter part of this antiquarian argument is absurd, whether Marischal spoke in jest, as is probable, or not.<sup>5</sup> Huntly prevented Field-Marshal Keith, Marischal's brother, from beginning his great career as colonel of a Macpherson regiment; and Sinclair, criticising Marischal's etymology (Keith, Chattan), quoted the French philologist's derivation of *laquais* from the Latin *verna*, a boy slave—

" 'Laquais' vienne de 'verna' sans doute,  
Mais il a bien changé sur la route."

Huntly was involved in a dispute as to the pay of his gentlemen horse, and Marischal is said by Sinclair to have received £500 of the public money. On all sides were desertions and jealousies, and Sinclair sided with Huntly, to the detriment of the Cause. The aged Balcarres, the useless comrade of Dundee, joined the forlorn hope: Marlborough later obtained his pardon. Marlborough had a fellow-feeling, for he had been paying money towards the adventure. About a command for Balcarres arose a new grievance for the Master. Colonel Cathcart surprised a marauding and unsentried party in Dunfermline. Seventeen prisoners and many horses were taken in this ruffle in the dark. As Sinclair told Mar that he had frequently predicted this kind of disaster, their relations were not more amicable. The Jacobite horse were brave, no doubt, but incredibly ignorant of war, tipsy, and disorderly. In brief, the Highlanders were always the only soldier-like men, except a few officers, in the Jacobite forces, and the Highlanders were to be fatally divided. Sinclair believed that Mar had ingeniously embezzled £2000 of Jacobite money which he brought from London,—“from his cradle

he had it in him to be a thief." A few years later we shall find Mar's character showing in a very doubtful light. No steps were taken to bring powder from the Low Countries, "though we had small ships enough." Next, Mar sent Sir John Erskine on a mission to France. "This gentleman is my brother-in-law," writes the relentless Sinclair, "and I ought to know him, nor can I accuse myself of ever having spared him, absent or present, in my life." "His darling passion is desperate projects," and he was sent solely to mislead James. In coming back the luckless Erskine was wrecked off Dundee, and all the Spanish gold he brought was overwhelmed in ocean!<sup>6</sup>

It was amidst jealousies about promotions, while Huntly's men were practically unofficered, that old Breadalbane came in,—the Breadalbane who dealt with the Highlanders before Glencoe. He did not, in fact, as we have shown, embezzle the money intended to pacify the clans at that time, though Scott repeats the story in his notes to Sinclair's narrative. Breadalbane was nearly eighty. Why he joined Mar, or how he escaped the consequences, is unknown. He was a humourist, and advised the officers, as they did nothing else, to turn journalists, get a printing-press, and publish newspapers.

Meanwhile the great western expedition to Dumbarton and Inveraray occurred, and is thus briefly but sufficiently described. "The clans' bloodthirsty curiosity was soon satisfied in Argyllshire by seeing folk in arms ready to receive them,"—Islay at Inveraray with 1000 men.<sup>7</sup> They were recalled to join Mar, after doing nothing. Huntly's horse, totally undisciplined, were sent to Auchterarder to join the western clans, with Sinclair to encourage them. The clans, in consequence of desertions, were but 2500 men. Huntly, Gordon, Glengarry, Maclean, and Sinclair returned to Perth, and Glengarry showed that he had understanding of war. Huntly was earnest to join his men with these clans, being irritated by the taunts of the Lowlanders. Douglas, one of the leaders of the English mostroopers with Forster, arrived at this time with despatches, accompanied by a young Englishman, who let out the state of the Border gentry. "There was scarce a cutting sword among them:" they were cavalry armed with light small swords, and riding light hunters.

The western clans had come in, but Mar now waited for Macdonald of Sleat, Seaforth with the Mackenzies, and the Frasers under that Mackenzie who had married the eldest daughter of

Hugh, Lord Lovat. But Sutherland, with his own men and the Mackays, Munroes, and Gunns, was detaining Seaforth, who, however, occupied Inverness, while that Simon Fraser who had so long been a prisoner in France now appeared in Scotland and led his clan over to King George. Simon of Beaufort's case is instructive as showing that the clans were little nations, their politics being to regard their rightful chief as their king, and to follow him, with little regard to the claims of James or George. How the Court of Saint Germain had long ago decided that Simon was a traitor we have seen, and the French Government, if they could do little for their exiled guests, could at least keep Simon in durance. But in April 1714 the leading Frasers, who could not brook a Mackenzie usurper as chief of their name, selected a Major Fraser of Castle Leather to visit Simon in prison.

The Major, a Protestant who always acted on the supposed motto of his enemies the Jesuits, "the end justifies the means," was a cousin of Mackintosh of Borlum. Pretending that he was a good Jacobite, the Major procured from Mackintosh credentials to James. Mackintosh told him that the king had in his possession a letter written by Simon, a proof of his double dealing, and that this would cause trouble: the king would not be apt to permit the release of the chief. The Major set out from Calais in a French boat, and was obliged to menace three sailors on board with his rapier before they would give him even the refreshment of that poor creature—small beer. On landing he began his walk to Saumur, where Lovat lay, and offered to tramp to Bar-le-Duc and ask for James's pardon and permission to leave the country. After many adventures he saw James, who frankly said that he did not believe one word of Lovat's written profession of loyalty. He produced an intercepted letter of Lovat to Lord Leven, in which he requested that, if there were trouble at Queen Anne's death, John would raise the Frasers in the interests of Argyll. James had received this letter from Leven, "as sure a friend as he had in Scotland,"—a curious statement. James then tried to induce the Major to go home and win the clan to his cause, but the officer stood firm by Simon. The pair determined to escape to England, which, after a long delay, they did, setting sail on November 14, 1714. They skulked in London, while the Major sought the favour of Lord Islay. He was sent down to Scotland to secure a loyal address to King George from the gentry of the five northern counties, whom they induced to believe, in the

case of Jacobite signatories, that the loyal address was to be delivered to the other king, *James!*<sup>8</sup> To Whig chiefs they said that Islay wanted the address as a means of procuring Simon's pardon from George. In February 1715 the Major returned to London with this curious document. Argyll and Islay did not know which side Lovat really meant to take. Lovat was imprisoned; but two of the sentries on watch were Frasers, and through them they hoped to bribe eighty Highlanders in the third Guards, who, in fact, proved ready to cut Simon's path out of town.

The Rising began, and Sutherland was going north to raise his county for King George. To Sutherland Simon wrote "a very creeping letter," asking him to go bail for his good conduct: he could be of great service in the north. Sutherland undertook, with Duncan Forbes of Culloden, Monro of Foulis, and others, to be guarantors for Simon's loyalty in a bond of £5000. But Lovat had no pardon, and he made his way to the north disguised as the Major's groom. At Dumfries, apparently, though the Major says at Newcastle, they had some trouble, but were helped by Annandale, who had narrowly escaped from Kenmure and his company, just then beginning their futile Rising. Thence they made their way to Stirling and waited on Argyll, who was extremely astonished to see Simon. However, the Major persuaded Argyll that 300 Frasers, who had refused to go out with their Mackenzie chief, would keep Simon straight or "send his head to Stirling," while the Frasers under the said Mackenzie would desert him. "I must own," adds the Major, "that his Grace had his doubts about him [Simon], as he has to this day."

The pair reached their country by sea. The Major saw the 300 Georgian Frasers, and was asked by them "on what terms Lord Lovat had come home"! "Gentlemen," said the Major nobly, "you are all my friends and relations, and I am bound to tell you the truth." "Which, by the bye, he did not do, but dissembled with them all." They would not have joined Lovat had the Major told the unvarnished truth—namely, that Lovat was a friendless fugitive. So he boldly declared that Lovat had a full pardon, a promise of his estate, and £500 in his sporrán. "Whereupon quart stoups of whisky went round to the King's health, who had given their Chief his peace."

Thus jesuitically acted the Major, with the best results. He marched his 300 to Culloden House: Culloden had 200 men,

Kilravock had 500. Lovat went to Fraserdale to gain more recruits for an attack on Inverness, then held for James; and his approach frightened away Macdonald of Keppoch, who had advanced "not to serve any king, but to plunder, as his ordinar always was." The Major is no grammarian, but his meaning is plain. The Major then advised Simon to attack Inverness in the name of King George, before his party knew that he was still under a cloud, and to send to the Frasers with Mar, bidding them desert. Three hundred of them consequently did so, two nights before the battle of Sheriffmuir, and, to be brief, Inverness surrendered. Strange to say, Lovat's heart—if he had any—was still with the Jacobite side. However, as needs must, he became the chief means of breaking up the Cause in the north of Scotland.<sup>9</sup>

While the Cause across the Border was being crushed, and in the north was on the point of crumbling away, Mar, at Perth, was doing nothing. A feeble idea of fortifying Perth occurred to General Hamilton, who consulted Sinclair,—no engineer, but an officer with an intelligent interest in his profession. Aided by Sinclair's valet, Hamilton made a few feeble efforts, later carried to a futile pitch under a French fencing-master. The host—we can hardly style it an army—had picked up a few guns, but had no powder and ball. The guns were dragged out when Mar led his men vaguely in the direction of Dunblane with no particular purpose. Argyll had as far as possible damaged the fords of Forth: they had no guide to these but Rob Roy, who had driven cattle through them to Southern fairs, and Rob was a dependent of Argyll, who "gave him wood and water." Argyll had destroyed the Bridge of Doune over Teith, and, for its size, Teith is rather a more difficult river to cross than Forth itself.

On the arrival of Seaforth, Sleat, and the Mackenzie chief of the Frasers, Fraserdale, Mar marched out "à la bonne aventure," the blind leading the blind. On the night after the first day's march the Frasers deserted at Auchterarder, running north to join Simon of Beaufort. Two hundred of Huntly's best men, deserting Glenbucket, also went off. Next day Mar reviewed his troops at Auchterarder, when quarrels arose, Huntly insisting that his force should accompany Sinclair's little troop. He went with the Macdonalds, Stewarts of Appin, and Camerons, the clans who were the life and soul of Prince Charles's army, and with the remnant of Gordon's horse, very unlike the Gordons of Montrose's day. The

mass of the army was to meet at Ardoch, by the Roman camp; the advanced guard was to occupy Dunblane. It was November 12, the day of barricades at Preston. About three in the afternoon a boy came, sent by Lady Kippendavie (Mrs Stirling of Kippendavie), with news that Argyll was marching in full force through Dunblane. A despatch was sent to Mar, and Sinclair threw forward a small patrol. Darkness came on, and the advanced guard bivouacked in a hollow, with the Allan Water behind them, inviting disaster. Mar arrived, and declined to believe that Argyll was approaching. Eight thousand men passed the night in a death-trap, where the horses could not be moved, commanded by heights from which three regiments of foot might have annihilated the force. At dawn the enemy's horse were visible to the two lines of the army: they were Argyll's reconnoitring party, with the Duke himself. Huntly proposed retreat to Sinclair, who said that to fight Argyll in the open was their only chance. But he proposed first to negotiate and try to make terms with the Duke,—a course which he justifies by the imbecility of their leaders, and the chance of obtaining terms while they were still armed.

Huntly had seen an intercepted letter from Townshend to Argyll, and gathered that he had power to negotiate. However, Mar collected his officers, and, by Sinclair's confession, made a spirited speech. Huntly replied, alluding to a letter which Mar, he said, had received from Bolingbroke. What encouragement, he asked, did Bolingbroke give? If this was the despatch of the end of July, entrusted to Allan Cameron, it only advised delay, as we have seen. Sinclair had not heard of this letter before, and Mar did not answer Huntly's question. The curse of Father Callaghan's false news of July 15 had come home. It was unanimously decided to fight. "No man who had a drop of Scots blood in him, but had been elevated to see the cheerfulness of his countrymen on that occasion," as bonnets were tossed in the air, and even the Master felt confident of victory. "I began to think that Highlandmen were Highlandmen:" previously he had despised them as mere militia. They were, in fact, when well led, much superior to the regular troops of the day, if opposed to infantry, unbacked by good horse and artillery.

Hamilton formed the host into two columns with Huntly's two companies of horse, Marischal's and Linlithgow's with the first column: with these went Lord Drummond. They all rushed to

the top of the rising ground on the great bare swell of Sheriffmuir, which is destitute of cover, but, by its undulations, caused half of each army to be sometimes practically invisible to the other half, as at Falkirk in Prince Charles's campaign. Sinclair's horse, with Rollo's and Southesk's, was on the left of the second marching column. When that column started, the first column was already forming in line at the crest of the rising ground, with their horse on their left, "it seems not knowing their left hand from their right." Drummond and Marischal and Linlithgow were thus in the centre of the foot. There appear to have been the two columns which Sinclair could observe, and also two others, "marching most irregularly at some distance." The account is confused, but aide-de-camps came up insisting that *all* the horse must go "to the right of the whole army." Wightman, on the other side, agrees with Sinclair that the right, at least of the Jacobites, was well marshalled; regular troops could not have done better.

From the hill they could see the heads and colours of the enemy marching rapidly to the Highland left, along their front, which seems to have been a dangerous manœuvre, the forces being but two hundred yards apart. But no advantage was taken of it, though a gentleman, Captain Livingstone, with oaths, asked Gordon to give the word to charge. Gordon said that he must consult Mar, Mar was not to be found, the enemy was allowed to form, and then the Highlanders of the right did charge, with a dropping fire. The enemy answered with a volley: the Highlanders threw themselves on the ground, rose, and with the broadsword cut through the bayonets in a moment, as later at Prestonpans, "with an incredible vigour and rapidity, in four minutes' time from receiving the order to attack." All the regulars within view fled, foot and five squadrons of dragoons; but the enemy in front of Drummond and Marischal's horse, not having been in the line of the Highland rush, stood. Drummond and Marischal, in place of charging them, wheeled to the right and followed the pursuing Highlanders. Sinclair takes great credit for preventing his men from joining in this movement, and has been blamed for not attacking the firm part of Argyll's line himself. But what could three squadrons do against an undemoralised line of bayonets? Really, he seems to have shown judgment. He had heard Major MacArthur call out that their left and centre were broken and running, and he replied, "S'wounds, keep that to yourself."

A squadron of Argyll's—whence they came Sinclair never discovered—surrounded a number of Marischal's men, but withdrew when Sinclair advanced his own. Argyll was now coming up unseen on his rear, after scattering the Jacobite left wing, which frequently re-formed and detained him before he drove them in confusion to the Allan Water. The horse of the two victorious wings—that is, Sinclair's and the Grey Dragoons—now halted, in fair field, within three hundred yards of each other, while the five fugitive squadrons of Argyll's horse had halted and formed above Dunblane. While they watched each other, Argyll's right came into view, a mile away, returning from the pursuit of the Jacobite left. Both forces were again fairly marshalled, the horse and Highlanders of Mar had returned from their headlong pursuit, and now was Mar's chance. The affair was not unlike that of Marston Moor, but Mar was no Cromwell. Argyll probably thought that he had accomplished his object; and though Glenbucket uttered his famous "Oh, for one hour of Dundee," and made a motion to Linlithgow to charge, Mar stood still, and the Duke moved off to Dunblane in the dusk. Mar had still a great superiority in numbers; but he threw away his only chance, left his useless guns in the roads, left his broken powder carts, and lost almost all of his columns on the left, who had been outflanked early in the day by Argyll's horse, led by Cathcart across a frozen morass. In this affair the gallant young Earl of Strathmore was killed. Deserted by his men, he had seized the colours and, with fourteen others as brave, held his own till he was struck by a musket-shot and sabred by a dragoon. Even the Master says, "He was the young man of all I ever saw who approached the nearest to perfection." On the right, when the Highland charge began, the brave Clanranald had fallen in front of his clan, who were rallied and led to take their revenge by Glengarry. On Argyll's side the Earl of Forfar was slain and the Earl of Islay was wounded. The losses of his army were reckoned at about 650 killed and wounded, but they had made a number of prisoners and recovered the small guns which they had lost.

Of course each side claimed a victory in a scuffle where the generals knew not how to find their own men, while tactical errors, due in part to the impossibility of surveying the whole field, were committed by both parties. The advantage, however, was decidedly with Argyll. He had proved to Mar his immobility, and



Mar lost far more men by desertion than by sword or shot. The Rising was practically dead, and the most unfortunate thing was that James was trying to make his way to Scotland. He could do no good, but the movement was kept up in his honour. As we shall see, he heard a flourishing account of the battle before he set sail, but remarked that the statements about the left wing of his army were not very lucid.

As if disasters were never to cease, the host learned from Seaforth, as they returned to Perth, that Sutherland had taken Inverness, the feat being mainly due to Lovat, as we have seen. Seaforth therefore returned to the north, whence Sutherland, with about 1700 men, was threatening to march south. Seaforth's clan, the Mackenzies, had gone thither in front of him, of their own will and fantasy.<sup>10</sup> Gordon of Glenbucket also departed to raise Huntly's following again. The victorious Highlanders of the right wing "went home with the enemies' plunder," which must have been scanty, and gentlemen of the clans followed to look for them. Apparently Argyll might have marched into Perth, had he thought good, for the works were delayed by lack of labour and by the hard frost. Meanwhile Mar promised the arrival of foreign arms, powder, and money, and of James, who, had he not been detained by contrary winds, would have landed at Dunstaffnage near Oban, the ancient seat of the Dalriad kings, whence he might have found the journey to Perth both difficult and dangerous.

The army had little powder, few flints, and no powder-horns, though there were tinkers and gypsies enough in the host, whose business was the making of such utensils. Hamilton sent memoranda to Mar on all these points; but the Highlanders continued to keep their powder loose in their pockets, where it was ruined if the weather was wet, while, if the warrior thoughtlessly put his lighted pipe in his pocket, the results were damaging and instantaneous. Flint is a common object of the seashore in the east, but gun-flints were rare in this strange army. It was to this host that the news of the Preston disaster came,—news which rumour could not exaggerate; but Mar wasted much powder in salvos for an imaginary success—that reported in Mackintosh's letter, written in the dawn of the day of surrender. Tidings of reinforcements for Argyll, of Dutch troops on the way to England, and of artillery shipped from London for the attack on Perth, were not lacking.

Sinclair pressed on Marischal the idea of asking for terms, to

which the good Earl "answered short, that he would rather be hanged." It is known that the Government did not reply to a hint of Argyll about terms: the Duke was a very good Scot, and had no joy in victories over his countrymen, when all that was necessary could be gained in a bloodless way. Sinclair told Marischal that he himself had no wife and family, and had a profession and knowledge of "the languages," but that reason bade him pity the poor gentlemen involved. Marischal said that it was too late to be reasonable. The Atholl men had begun to see that they had better side with their Duke than with Tullibardine and Lord George, then very young, and later the excellent General in Prince Charles's campaign. One recruit arrived, Keppoch, of whom the relentless Master tells us that, as he came south, he robbed the victorious Highlanders who were going north with their plunder. Sir Walter Scott conceived that the scoundrel Patten, in his History, used against Keppoch similar information from a hostile clan, that of the Mackintoshes. The Keppoch Macdonalds, in any case, during the next thirty years, reformed their predatory character, and won glory in the latest fight for the Cause.

Mar now wished all the gentlemen to sign a band to the effect that none would seek to obtain terms contrary to the vote of the majority. The thing was not liked. Kinloch remarked that, as the king was not mentioned in the band, it smacked of the Covenant, but Mar mended that defect. Several men declined to sign, and Marischal told Sinclair, who was one of them, that the measure was intended against Huntly's attempt "to make a separate peace for himself," like Dicaearchus in Aristophanes. The Fifeshire gentry, "The Grumblers' Club," agreed with Sinclair that they needed a capitulation much more than an association. They had only 1000 foot and 400 horse, without carbines; as to their king, nobody knew where he was. They could not hold Perth unfortified and without powder: the lack of powder was always the refrain of these laments. The Grumblers were said to design to send a trumpeter to Argyll and ask leave to capitulate; what they did was to remonstrate formally with Mar. They asked him to prevent James's arrival; to which Mar answered that he knew not where the king was, and had already sent to warn him against coming. Now, by December 1, James had heard of the place, which he does not name in writing to Bolingbroke, where Mar wished him to land.<sup>11</sup> Even by December 12 there is no sign that James had heard of

Mar's message : indeed he only at that date received intelligence of what, as he saw, was not a victory, if not a defeat, the battle of Sheriffmuir.<sup>12</sup>

Finally the Fife men and Huntly's almost unanimously refused to sign the band of association. Lord George Murray told Sinclair that, if his own brother acted as Sinclair did, he would call him a traitor. Sinclair replied that, were he Lord George's brother, he would flog him. One would suppose that swords were drawn, but there was no such matter.<sup>13</sup> Such was the army to which James was coming. The Grumblers feared that Mar would set the clans on them, for *they* had no idea of surrender, and, Sinclair argues, in their hills had nothing to fear. His party believed that Mar had an intercepted letter from Townshend to Argyll, to the effect that an indemnity was drawn up, save for the names of the men excepted, among which would certainly be that of Mar. That peer had spoken hastily of having a ship in readiness for flight ;<sup>14</sup> but they had no ships ; they believed that he had three ! In any case, Mar sent to Argyll his chief prisoner taken at the battle, Colonel Lawrence, who brought back the message that the Duke had no power to treat with Mar, or with the Jacobites *en masse*, but with individuals only.<sup>15</sup> By another version, Argyll was to send to London for powers, and reply when he had an answer from Government.<sup>16</sup> To double confusion, Mar had, while resisting the idea of capitulation, sent to Argyll the Countess of Murray, daughter of the Earl of Argyll executed in 1685, with instructions to see what could be got in the way of terms !<sup>17</sup> Huntly's men, who were said not to have distinguished themselves in the fight, and who were the victims of an unseemly ballad, were kicked in the streets.

“ And oh, as the Marquis rade !  
 And oh, as he ran !  
 And oh, as the Marquis rade,  
 When the battle it began ! ”

said the ballad-monger, adding details of a high impropriety. No wonder that Huntly was set on departing for the North, where Sutherland was threatening his country, and the Master meant to accompany him, as, bearing a gentle heart, he “ would fain be out of that hell.”

Mar seems by this time to have known that James was really coming, for he spoke to Sinclair of a plot to murder him on the

way. This plan is mentioned in an undated warning in the Stuart MSS. Stair's agents were the Douglas whom, as we have seen, Saint-Simon mentions, and a Mr Elliot. This story dates from about November 8,<sup>18</sup> and had clearly reached Mar.

Meanwhile Huntly departed, and the Master, giving his full mind on the situation to his friends of Fife, rode after him. His friends went home, and few suffered loss of estates, none of life. Except by their capture of a few muskets and barrels of powder, they had done the Cause no good, while their leader's conduct, as complacently described by himself, is open to more than one interpretation. He had constantly preached to his friends that the resolute men of the party were either Highland chiefs, who could not be injured in their mountain retreats, or "bankrupt" nobles with nothing to lose, who could go abroad, get places or pensions in France, and live at ease on their reputation for loyalty. In neither category could he reckon men like Tullibardine, who held the world well lost for the sake of "keeping the bird in his bosom." Thirty years later, beneath the monumental peaks that look down on Loch Shiel, Tullibardine raised a not inglorious standard.

At Castle Gordon, with Huntly, Sinclair saw Mar's letter to the Marquis announcing that the deep snow had allowed the army "to eat their Christmas goose" at Perth unattacked, that he had received from Argyll a civil reply to a message asking for terms, and that the king would soon arrive. On December 22 (old style) James had landed, with Allan Cameron, at Peterhead, and been met by Mar at Fetteresso. James had reached St Malo on November 8.<sup>19</sup> He had intended to start instantly for the west of Scotland. On November 15 he still meant to sail for Dunstaffnage, though "my going to Scotland straight has been vigorously opposed." Meanwhile two of his messengers, Murray and Lord Clermont, were arrested in Flanders. On November 15 Bolingbroke "repeats the necessity of your Majesty's speedy departure." "*Your Majesty may be assured that nothing has been neglected.*" Later his Majesty dismissed Bolingbroke, on the charge that everything had been neglected. Bolingbroke "makes no doubt but we shall be able to procure you support from the Continent."<sup>20</sup> What support, and on what evidence did he base his certainty?

On November 20 James had received no intelligence. "The situation is terrible. The winds are contrary, and there is no sign of change. The world may have changed face in the last ten days,

our plan may have turned from good to bad, and we know nothing." On November 24 James admitted to Bolingbroke that he had left Bar too hastily, "but my patience was no longer proof, I freely own, against all the attacks made on my reputation." He had been delayed by Maclean's treachery, and the failure of Ormonde and his return from England. In Ormonde's crowd of followers at St Malo the secret of James's presence there became public property. As soon as the wind permitted he embarked, with the purpose of sailing round Ireland. The seamen said that the route, in the weather, was impossible. St George's Channel was crowded with English ships, and James's own crew knew who he was, and, though the king does not say so, a reward of £100,000 might tempt them. James knew that Rothe (Routh, an Irish adherent) wished him to sail at all hazards, "*whither* he could not well tell, nor reply to the objections made by Ormonde and myself." Routh was disgusted, but, with his usual calm fairness, James adds, "Were he not too honest a man to say what he thinks, my reputation would very much suffer."

Did it deserve to suffer? Prince Charles would have sailed at adventure: such audacity is applauded if successful, if unsuccessful is called folly. In this letter alone the king's temper allows him to speak of Berwick most unworthily as "a disobedient servant and a bastard." Later, he returns on this point to his usual reasonableness as regards his brother. "His honour and conscience may make him omit sometimes what he ought to do, but will not, I am sure, permit him to act manifestly against his duty."<sup>21</sup> On December 1 James was starting for the east coast of Scotland, but Ormonde again returned from an attempt to reach England, and December 12 found James still in France. "The *contretemps* of my not passing was cruel, but there was no remedy." His last letter before his departure with a fair wind is dated "December 27." The king came to meet a wintry welcome. Just before January 1, 1716, Sutherland, with the Mackays, Grants, Rosses, Munroes, and Lovat's Frasers, had frightened Seaforth into submission.<sup>22</sup> Neither in the struggle of Montrose, nor in 1715, nor in 1745, nor in 1719, was the large clan of Mackenzie of much use to the Cause. Among other causes they were hampered by the Whig clans of the north, the Munroes and Mackays, while the Frasers, with a chief like Lovat, were never to be reckoned on with confidence. But on hearing that James was landed, Seaforth turned out again and considerably

hampered Sutherland, who, however, kept his hold on Inverness. In the south, Argyll, with Dutch and other reinforcements, caused Mar to draw in his garrisons from Fifeshire, so that the insurgents were practically cooped up between Perth and Aberdeen, unless they chose to take to the hills during very hard winter weather and without supplies.

Mar, with as much pomp as he might, hurried to James at Fetteresso, to "that unhappy Prince, as entirely a stranger to his own affairs," writes Sinclair, "as if he had dropped out of another world, or from the clouds. He was brought in imminent danger of his life, without . . . any other effect than the certain ruin of his friends," who, perhaps, could never have got good terms, and now had less chance than ever.<sup>23</sup> Mar is said to have put the best face on things: Huntly would recover Inverness before Argyll could attack Perth, and the whole of the Highlands would gather round the standard. "Poor George," as Mar calls General Hamilton, was sent over to France as a messenger: the whole burden of the failure at Sheriffmuir had been laid on Hamilton's shoulders, and he had been made odious to the Highlanders, as James wrote to Bolingbroke. Hamilton was to obtain help from Spain.<sup>24</sup> He could have done more to secure Perth than any one who was left, says Sinclair, inconsistently, for he had previously described in the most amusing way Hamilton's amateur ideas of fortification. But now the Master, very fond as he is of the classics, quotes Macrobius,—a feat not likely to be repeated by any infantry captain of our more highly educated age.

Probably James was hoodwinked. But had he known that Argyll had 11,000 regulars within eighteen miles of Perth, and that, for the taking of Inverness, Huntly possessed neither men, nor powder, nor heart,—while the weather which kept Argyll from Perth kept Huntly, had he been ever so eager, from Inverness,—had James known all this, what could he do? Huntly (January 1) did send a message to call out Glengarry and Lochiel, but he cannot have expected their arrival. James was actually led to believe (January 8) that Huntly was easily able to surround Sutherland, and take all his army prisoners and hostages for the captives of Preston!<sup>25</sup> Writing to Bolingbroke from Kinnaird on his way to Perth (January 2, O.S.), James says, "Our present circumstances are none of the best"; but Atholl, he is told, will declare for him, Huntly and Seaforth will clear the north, "but of all this I have

no certainty." He repeats his lesson, and believes as much of it as he can. The only chance lies in receiving early assistance, and he hopes that the Regent will be moved to help him. Bolingbroke, in December, had represented himself as *au mieux* with "Euphemia," the Regent. Will he not send Ormonde to England yet once more with French troops, and send Irish regiments to Scotland? Dillon will be a desirable general, and Mar,—“I never met with a more able or more reasonable man, nor more truly disinterested and affectionate to me,”—will gladly resign command. Mar, the reasonable, able, and affectionate, had “captured” James, as Bolingbroke was soon to learn. Mar advised James to write to Argyll and Islay asking them to join his cause,—a proof of Mar’s reasonableness and ability. He might as well have written in the same terms to Dumbarton rock. “It is my business,” says James, “to please as many and disgust as few as possible,”—a business for which his natural stiffness, and a melancholy that increased with each day’s discovery of the truth, made him quite unfit. He ends with a report that Ireland is rising, and that Sutherland has evacuated Inverness,<sup>26</sup>—“sooner or later I make no doubt of its coming to that.” “Unhappy Prince!” Perhaps Mar was incapable of seeing things as they were; perhaps he hoped for miracles to be wrought by James’s presence; perhaps he thought that to tell him the truth and ship him back to Dunkirk was to discredit himself, James, and the Cause. Bad as the choice was, it was the least of the evils open to his choosing.

On receiving James’s letter, already cited, Huntly saw that the king had been deceived. He answered complaining of Mar’s usage of him, and of the eternal want of powder, which Mar seems to have regarded as a rare product of the soil in certain favoured regions, not as a commodity which could be made at Perth or Aberdeen by arts known to men. Sinclair went to see some neighbours, hating life, and pitying every man he met. “*Nam quid miserius misero non miserante se ipsum*” (Divus Augustin., Lib. I., Confess.), quotes the erudite Master. He tried to find a ship and escape; he failed, and Huntly, in place of taking Inverness, made a fortnight’s truce with Sutherland. Huntly had several ingenious excuses: one of them was the example set by Seaforth. Gordon of Glenbucket went to Perth and saw James,—“the only modest man there, he hearkened to reason,” quoth Glenbucket.

James’s journey to Perth had been delayed by an attack of fever

and ague at Fetteresso. Here he had received a loyal address from the Episcopal clergy of the diocese of Aberdeenshire, a county in which the Church as arranged by James VI. had struck deep root, surviving the storms of the Covenant, the Commonwealth, and the Revolution of 1688. The clergy assured James that the recovery of his just rights would "not ruin our religion, liberties, and property," which was true enough, but not easily to be credited by Protestants who remembered James's father. As for James, the song said—

"He did no wrong, he knew no guilt,  
No laws had broke, no blood had spilt;  
If rogues his Father did betray,  
What's that to him who's far away?"

The address alluded to the heavenly care displayed in the king's preservation from "the Hellish contrivances for encouraging assassins to murder your sacred Person, a practice abhorred by the very Heathen." This was a not undeserved allusion to the price of £100,000 set on the king's head. If James replied in the cold two lines which he is reported to have uttered, the Highlanders at Perth, remarking his taciturnity, may well have asked, "Can he speak?" Charles II., however much he disliked Covenanting ministers, made himself personally agreeable to them in his lively way. But James, constitutionally shy, had never acquired, by study and practice, geniality of manner. At Dundee he sat on horseback for an hour in the street, while the people kissed his hand: he remarks wearily to Bolingbroke, "The people here are very affectionate." When he entered Perth the British Parliament was meeting in London, and impeached Widdrington, Nithsdale, Carnwath, Wintoun, Kenmure, and Nairne of high treason.<sup>27</sup> Erskine, with the gold for the campaign, was wrecked off Dundee, and the money was lost. Huntly prolonged his truce with Sutherland, and Inverness was held for King George by 2500 men. James was permitted to issue one proclamation out of many, in which he said, "For me, it will be no new thing if I am unfortunate: my whole life, even from my cradle, has shown a constant series of Misfortunes"! Nothing could be more paralysing to the adherents of this melancholy prince; yet Mar (January 29) assured Huntly that the Regent was about to adopt their cause openly, and send an invading force to England. As Berwick's son, Lord Tynemouth, had arrived in the ship which conveyed the lost gold, the impression to be given was that Tynemouth



brought these glad tidings. Mar said that Stair, English ambassador in France, had warned his Government of an open rupture with France. Argyll's men were deserting daily. Mar was as optimistic as ever, but Huntly well knew how far he was to be trusted.<sup>28</sup> As usual, he was demanding powder and receiving no reply.

On January 31 James wrote to Charles XII. of Sweden. He deeply regretted that hero's misfortunes, and was sure that he might best retrieve them by establishing him on the English throne as a faithful ally! This letter is marked by James "Not sent." He had not time nor opportunity to send it.<sup>29</sup> On the same day Bolingbroke wrote a very guarded letter to Mar. The secret about France was to be kept most private. Mar, we see, had blabbed it to Huntly.<sup>30</sup> Had Bolingbroke really won over the Regent? Nothing seems more improbable.

Meanwhile James resided at Scone, within two miles of Perth, and fitful preparations were made for crowning him there, as Bruce had been crowned with maimed rites. An eyewitness says, "It was no time for mirth. Neither can I say I ever saw him smile. . . . If he was disappointed in us, we were tenfold more so in him. We saw nothing in him that looked like spirit. . . . He cared not to come abroad amongst us soldiers, or to see us handle our arms or do our exercise." These remarks in 'A True Account of the Proceedings at Perth, by a Rebel,' are not, as has been supposed, from the pen of the Master of Sinclair, who was in the north and on the point of flight. James was still under the effects of his ague, and the winter was unusually hard. He had come to a scene of ruin, and he had a price on his head. But either his uncle, Charles II., or his son, Prince Charles, would have put a better face on the situation.

We know that Marlborough distrusted and detested Argyll, who really seems now to have been as dilatory as Mar. From Sinclair's account of Perth after Sheriffmuir, it seems that Argyll could have scattered lightly the remnants of Mar's host. Marlborough's favourite officer, Cadogan, was sent down to hurry him; if there really was warning from Stair of danger from France, this was highly necessary. On December 25, 1715, Stanhope had informed Stair that the rebels would abandon Perth on the arrival of the Dutch troops at Stirling.<sup>31</sup> Things had not moved so rapidly, and Argyll was unwilling to march forward through the snow, which lay very deep. Cadogan reported suspiciously of Argyll's

behaviour: he seemed depressed when he heard that the Jacobites had decamped from Perth. He himself was to have marched on January 29, and the men of the Jacobite army, says "A Rebel," were delighted to hear the news. "What did the king come hither for? Was it to see his people butchered by hangmen, and not strike one stroke for their lives? Let us die like men and not like dogs." This was the spirit of the Scots at Preston, the spirit of the army of Prince Charles when he and they were turned back at Derby by a council of war, despite the eager remonstrances of the Prince. Did James remonstrate?

He did extremely detest the resolution taken by his council on January 29, not merely to retreat, but to burn and destroy the towns and villages such as Auchterarder, and the hay and corn on the route which Argyll would take. The cruel order, however, was given and executed, and James, as was reported, wept when, at two in the morning, his reluctant army crossed the Tay on the ice and retreated northwards. "The burning goes mightily against his mind," Mar wrote to General Gordon (February 3-14), "but there's no help for it."<sup>32</sup> The coins with the head of James III. and VIII. had been struck by Roettier (they are rather pretty crown pieces), and were ready at Paris when James in his flight reached Montrose.<sup>33</sup> At Montrose he wrote to the Regent. Affairs might yet be restored, with the help of France. "We entreat your instant aid, which we do not doubt that we shall obtain after all the assurances you have given me" (February 3-14).<sup>34</sup> Erskine the unlucky was being sent with this despatch. James had left Dundee on February 1-11, Argyll had entered it on February 2-12. He sent forces to Arbroath and Brechin, but the weather detained them.

James reached Montrose on February 3-14; on February 3 he wrote to the Regent, apparently with no idea of abandoning his enterprise. His army had been sent forward towards Aberdeen, understanding that he was to follow. Yet after writing the letter of February 3-14 to the Regent, of which we have an unfinished copy, he suffered himself to be induced to embark with Mar and others on the following day (February 4-15). On the evening of February 3 James saw an envoy of Huntly's. He asked, "with emotion," "what Huntly is doing."<sup>35</sup> The answer, "Nothing," decided his flight. He first wrote, on that date, a letter to Argyll. He cannot think, he says, of leaving the country without repairing

the loss of the inhabitants of the burned villages. He therefore consigns "to the magistrates of — the sum of —," imploring Argyll, "as a lover of your country," to employ the money for the compensation of the people, "that I may at least have the satisfaction of having been the ruin and destruction of none at a time when I came to free all. . . . I thought to write this in my own hand, but had not time."

A copy of this very characteristic letter is among the papers of the Thrieplands of Fingask. But the copy at Windsor Castle is marked, in James's own hand, "Never sent."<sup>36</sup> He certainly wrote to General Gordon giving his orders, and empowering him to send the letter to Argyll, but Gordon never sent it.\* James's intentions were humane but futile. He sailed away with Mar and Melfort, and sent for Marischal, who, according to the little account of him by d'Alembert, refused to come. Marischal was despatched by the dispirited and deserted army to try whether Huntly would stand by them. Of course Huntly would not, and the remnant met and broke up, like Lord George Murray's remnant after Culloden, at Ruthven, in Badenoch. It is certain that honour might have been won by a stand at Perth, but the army had only seven hundredweight of powder,—so Hamilton, who knew, told the Regent. Marshal Keith, in his Memoirs, says that powder for one day's fight might perhaps have been procured at Aberdeen. Even in these circumstances the army would have trusted to the broadsword with joyous hearts. But princes do not take, or are not permitted to execute, such resolutions. In fact, the game was up. An army drifting about, without ammunition, without supplies, under a proscribed leader valued at a great price, in the worst of wintry weather, cannot exist.

Thus ended an affair which caused ruin, blood, and tears enough to men and women, nobles and peasants. In the whole there is nothing to be praised but the spirit of the fighting-men, Highlanders or Lowlanders.

"Here's to every honest man  
That will do't again,"

says the song, and they "did it" again and again.

\* Or did James never send it to Gordon?

## NOTES TO CHAPTER IX.

- <sup>1</sup> Patten, History of the Late Rebellion, p. 39.
- <sup>2</sup> Lancashire Memorials, v. 197.
- <sup>3</sup> Lancashire Memorials, v. 106-108.
- <sup>4</sup> Lancashire Memorials, v. 179.
- <sup>5</sup> Sinclair, p. 161.
- <sup>6</sup> Stuart Papers, i. 486.
- <sup>7</sup> Sinclair, p. 187.
- <sup>8</sup> Major Fraser's Manuscript, ii. 11.
- <sup>9</sup> Major Fraser's Manuscript. Edited by Lieutenant-Colonel Alexander Fergusson. Two volumes. Edinburgh, 1889.
- <sup>10</sup> Sinclair, p. 243.
- <sup>11</sup> Stuart Papers, i. 471. December 1, 1715. (No date or place.)
- <sup>12</sup> Stuart Papers, i. 472-474.
- <sup>13</sup> Sinclair, p. 287.
- <sup>14</sup> Sinclair, p. 294.
- <sup>15</sup> Sinclair, p. 299.
- <sup>16</sup> Sinclair, p. 301.
- <sup>17</sup> Sinclair, pp. 302-304.
- <sup>18</sup> Stuart Papers, i. 453.
- <sup>19</sup> Stuart Papers, i. 456.
- <sup>20</sup> Stuart Papers, i. 458, 459.
- <sup>21</sup> Stuart Papers, i. 466, 474.
- <sup>22</sup> Rae, History of the Rebellion, p. 336.
- <sup>23</sup> Sinclair, p. 334.
- <sup>24</sup> Mahon, vol. i., Appendix, p. xl.
- <sup>25</sup> Stuart Papers, i. 483, 484.
- <sup>26</sup> Mahon, vol. i., Appendix, pp. xl-xliv.
- <sup>27</sup> Rae, History of the Rebellion, pp. 351-358.
- <sup>28</sup> Stuart Papers, i. 490, 491.
- <sup>29</sup> Stuart Papers, i. 492, 493.
- <sup>30</sup> Stuart Papers, i. 493, 494.
- <sup>31</sup> State Papers, Foreign, France, vol. 160.
- <sup>32</sup> Stuart Papers, i. 496.
- <sup>33</sup> Stuart Papers, i. 503.
- <sup>34</sup> Stuart Papers, i. 504, 505.
- <sup>35</sup> Sinclair, p. 359.
- <sup>36</sup> Browne, Highland Clans, ii. 340, 341; Stuart Papers, i. 505.

## CHAPTER X.

## THE SEQUELÆ OF THE RISING.

1716-1717.

THE flight of James proved to have been made not a day too soon, if he wished to escape the pursuit of Argyll and the consequences attending his presence with an army lacking ammunition and supplies and cut off from a base. Cadogan, with three regiments and 600 foot, reached Montrose on February 5-16; Argyll on the same night was at Brechin with all his dreaded dragoons; and the Dutch forces occupied Arbroath. On February 8-19 the Duke arrived in Aberdeen: the Jacobites had reached the town on February 6-17, and had there been disbanded by Gordon, who read the farewell letter of James. The contemporary historian, Rae, says that Gordon and the other leaders pretended to be surprised, "though they were in the secret design before they left Perth," but this is not correct: the design of flight was only decided on after the arrival at Montrose. Many of the chief men hurried to Peterhead to take shipping, which James despatched as soon as he landed at Gravelines (February 10-21).<sup>1</sup> The main body of the fugitive army broke up at Ruthven in Badenoch, whence General Gordon, the Earls of Linlithgow and Southesk, Struan, Clanranald, and others, sent a letter to Argyll. They appealed to his patriotism: they had suffered "many and great hardships since the late Union," and on this point they expected his sympathy.

The peril of their own lives afflicted them less than the imminent ruin of many old and worthy families. They implored the Duke to secure an indemnity for all who would promise to live peaceably at home, and liberty for others to "pass the rest of their lives beyond seas." He would thus strengthen himself by the gratitude of many noblemen and gentlemen.<sup>2</sup>

Meanwhile Seaforth was at his castle of Brahan, in Ross (February 18-19), and, having made his submission, appears to have thought himself safe. "God forgive him and Huntly," writes Captain Straiton to Mar in France (February 28 to March 10). But while Seaforth was ill-thought of at Saint Germain, he had really retired to his great isle, the Lewis, with his men, while Huntly had gone to London to make his peace.<sup>3</sup> Marischal, Tullibardine, and Seaforth hid in the Highlands and the Isles till they could escape to France, where Mary of Modena received Marischal's brother, the future field-marshal, very kindly. "Had I conquered a kingdom for her, she could not have said more," says Keith in his Memoirs. She gave him 1000 livres out of her poverty, and James gave both brothers, and many of his other followers, such small pensions as he could afford. Seaforth and the two Keiths were the mainsprings of the next rising in 1719. Argyll, "having gloriously finished the most laborious and hard campaign that ever was known," says Rae, left Cadogan to pacify the country, and on March 5 set out for London, where he was not very graciously received. Cadogan had sent bad reports of him to Marlborough, who was actually receiving an old servant of James II., Captain Floyd, and lamenting the distresses of the Jacobite cause. He wept,—

"Down Marlborough's eyes the streams of dotage flow,"—

and protested that he would serve King James.<sup>4</sup> Cadogan says that Argyll "seemed thunderstruck" when he heard of the Jacobite retreat from Perth, and that while the regular army was not allowed to loot, Argyll sent his Campbells a day's march ahead to plunder the towns. Cadogan wrote in French, that his letter might be shown to King George; and the Duke suffered, in the loss of his posts, from this creature of Marlborough.<sup>5</sup> It is quite certain that, without Argyll, Mackintosh would have entered Edinburgh, and at least secured recruits and supplies; while, with a very small force at Stirling, Argyll held Mar far north of the Forth. Argyll alone kept down the flame in Scotland, and being thus ungratefully treated, and at feud with "the Squadrone" in Scottish politics, he made his court to the Prince of Wales. Finding him "a worthless giddy-headed creature," says Lockhart, he retired to the country and "seemed highly discontented."<sup>6</sup> The nature of the offence for which he was deprived of his command was probably no more

than the reports of Cadogan and the intrigues of the double-faced Marlborough.

Meanwhile, in France, James was discarding Bolingbroke for much the same sort of reasons as influenced George in his treatment of Argyll. On touching at Gravelines James had at once appointed Mar to the highly confidential post of Gentleman of the Bedchamber.<sup>7</sup> This boded ill for Bolingbroke, for Mar had won the king by his apparent sacrifices for the Cause, and Mar needed a scapegoat to bear the sins of his own failure. On February 26-27 James was to lie in a house near Saint Germain, as he was not allowed to reside with his mother, whom he naturally desired to see. Here he was to meet Ormonde, Mar, and Bolingbroke.<sup>8</sup> On March 4, 1716, we find Bolingbroke, in a letter to Mar, conscious that he will be blamed for not sending ammunition to the army,—“I shall not be much disturbed at the reflection.”<sup>9</sup>

Now Hamilton, the defeated of Sheriffmuir and James's envoy to France, had reported unfavourably of Bolingbroke. He had told him that the army at Perth had not 7 cwt. of powder, and Dillon, who was present, told this to the Regent. The Regent ordered 6000 cwt. of powder to be sent immediately to Scotland, and complained that Hamilton had not been brought to see him. Bolingbroke never brought Hamilton to him, and this was reckoned neglect of duty, as the serious concern of the Regent for James was apt to evaporate, while Hamilton might have kept it alive. The Comte de Castel Blanco also complained that, while he was ready to forfeit 20,000 crowns of his own to send, in breach of guarantee, the arms and ammunition of the Cause which had been stopped at Havre, his action was countermanded, apparently by Bolingbroke, in December.<sup>10</sup> On March 5 Mar wrote to General Gordon, dwelling on “the negligence,” or worse, “of some people,” that is, Bolingbroke. On March 6 James wrote to the Regent, saying that a report had arrived from his friends in England, on the strength of which he was about to deprive Bolingbroke of the Seals. He had also broken with Berwick.<sup>11</sup> On March 11 Mar writes to Captain Straiton in Scotland about “the mighty cry here” against the negligence of Bolingbroke. Moreover, Ormonde and Bolingbroke cannot work together. On April 6 Mar accepted the Seals. Bolingbroke (April 21) told Dicconson, who came for James's papers, that the English charges against him were utterly “false, virulent, and even contradictory.” Apparently James thought

that they represented the opinion of the English Tories, but "he would find it hard to lay hold of the Tory party in England."<sup>12</sup> Was Atterbury, Bishop of Rochester, concerned in the English memorial against Bolingbroke? On August 28 Mar wrote to Atterbury, "I need say little of Bolingbroke, now you know all that relates to him. . . . *It was the previous knowledge of your sentiments of him that determined the king to act as he did.*"<sup>13</sup> This phrase suggests that James broke with Bolingbroke on the suggestion of the Bishop and those who acted with him, "the report from England." But Bolingbroke attributed much to the influence of the Jacobite ladies among whom James tarried for some days, living at a house in the Bois de Boulogne, and seeing the Regent's Secretary and the Spanish and Swedish Ministers, instead of taking Bolingbroke's advice and retiring at once to Lorraine.

James may have had a private ground of grudge against his Minister. In one of the letters which passed, Bolingbroke defending himself against charges made against him in England, and an unnamed writer replying with great vigour, this disputant avers that at an important meeting with Ormonde in the autumn of 1715 Bolingbroke was intoxicated. Now General Bulkeley, who was of James's household, told Lord Waldgrave, who noted the story in his diary, that Bolingbroke when drunk spoke of James in abusive terms. Ormonde repeated his words to Mar; necessarily *after* James's return to France Mar told James, and Ormonde was obliged to corroborate Mar in the king's presence. This source of vexation may have partly determined James to dismiss his intemperate adviser.<sup>14</sup>

The influence of pretty Jacobites would also be exerted during James's stay in the house in the Bois de Boulogne. Bolingbroke and they were no friends. The fair Olive Trant is found writing to James in terms which show that he had been in her society (March 18).<sup>15</sup> Fanny Oglethorpe also writes to Mar (March 28), asking James to pardon a Mr Macdonnell if his only fault is intimacy with Bolingbroke.<sup>16</sup>

There was thus a combination of causes to irritate James against his Minister. It can hardly be maintained that he lost much in losing that servant, for Bolingbroke's management of his own fortunes at the close of Queen Anne's reign was unspeakably inept. A man who was "still drinking like a fish," and otherwise conducting himself "like a goat," as Swift wrote to Stella, was not



likely to keep secrets better than the tattlers of Saint Germain, whom he accused of half the mischief. Berwick attests his capacity, industry, and honour, which outweighs much tattle, and Berwick was discarded with him.

A number of letters and papers on Bolingbroke's affairs were published in London in 1735, and immediately suppressed.<sup>17</sup> They contain articles against Bolingbroke (London, March 16, 1716), but this cannot be the charge mentioned by James to the Regent on March 6 as made by "a person of confidence of my party in England," if the dates are correct. The paper of March 16 is based on Hamilton's letter of February 13. Bolingbroke, in reply, said that he knew of the design to discard him before the neglect to send powder was "so much as talked of." "The true reason flows from another source" (Atterbury? Mary of Modena?). Later, Bolingbroke said (April 4) that he could not speak out "without exposing some characters in such a light as will shock everybody." But he was thwarted, first, "by the riveted prejudices of *one person*." This probably means that James would not give up his religion, for Bolingbroke maintains that all he did was on a Protestant footing. Yet he knew, while Minister of Queen Anne, that James would not barter his faith for any number of crowns.

Probably his religious grievance against James is revealed in a letter of Mary of Modena to her faithful retainer, Dicconson (August 30, 1716). "The Lord Bolingbroke said one day at his table before several people that for his part he never acted out of any love or regard for the Chevalier's person, but entirely in obedience to his party [the English Tories]. That the Chevalier could keep no secret. . . . That he was blindly led by priests, who had altered the Declaration worded by Bolingbroke, particularly in these words, '*will protect the Church of England*' into '*will protect his subjects of the Church of England*,' which is visibly fallacious and equivocal."<sup>18</sup>

Bolingbroke's second grievance, by his own showing, was that James would keep his mother, Mary of Modena, informed of his plans. James's own son was to act otherwise to himself—and what the queen knew "the whole rabble of the Court of Saint Germain" knew. They caused the third difficulty. He "broke all measures with them." Later still, he blamed Ormonde for heading an English cabal against him. He admitted that Mar constantly, six times,

wrote for ammunition and supplies, but he "did not understand there was any particular want of powder more than of any other species" till Hamilton came. He "could not speak plain" on the affair of Castel Blanco. Why, he asked, should Hamilton be allowed to see the Regent? Why not, as the Regent wished to see him? He never corresponded with Marlborough, but he heard of Marlborough's doings through Berwick and others. He "will never serve the same people again," and "has withdrawn himself almost entirely from the world." A long reply was written, in which it was urged that "an innocent man, with his Lordship's pen, could have made a more plausible defence." It was alleged that Bolingbroke did deal with Marlborough, who was no friend of Ormonde, and, with truth, that Bolingbroke was hardly qualified to preach Gospel truth to James. When with Ormonde, on an important occasion, he was drinking heavily, probably this was the moment he spoke with indiscreet candour about James. *Enfin*, James lost little in losing Harry St John, though in Mar he was not more fortunate. Bolingbroke at once turned his coat, devoted himself to currying favour with Stair, and, in his letter to Sir William Windham and by other means, did his best to obtain the pardon of George and his Ministers. But he was not allowed to go home till Atterbury's conspiracy and exile. The friendship of Bolingbroke with the famous English wits, and his own brilliant gifts, have won sympathy for a most untrustworthy and reckless politician, and have increased the obloquy in which historians envelop the character of "the Old Pretender."

Meanwhile "Jamie the Rover," as the old Jacobite song calls him, shut out from Lorraine, lurked in various places. On March 21 he was near Châlons-sur-Marne. Far from resenting the forced inhospitality of the Duc de Lorraine, he addressed him in terms of the most sincere gratitude. "I should be the lowest of mankind if I cherished any other sentiment. . . . You know my heart, and I know yours; I do justice to your feelings, as I trust that you do to mine. Excuse this little expression of my emotion, which I cannot resist. It will convince you that my gratitude and affection will never change with changes of time and place. Believe me, I hope sincerely that absence cannot undo our close friendship, which I trust may exist between us till the last moment of my life. . . . French regard for French interests does not permit me to stay long in France; my regard for your interests prevents me from lingering

in Lorraine, and it is decided that I go to Avignon to await replies from Sweden. . . . Our poor Scots have escaped into the hills—a death by slow fire: God knows how they will exist, and what manner of terms they may obtain, resourceless as they are. I have sent them two ships in the hope of saving some of them. You will have been touched by the death of poor Lord Derwentwater: he died as a true Christian hero. . . . My news are sad indeed, and crushing to me who thought myself in a manner happy, while I was alone in my misfortunes, but the deaths and disasters of others of which I am the innocent cause pierce my heart” (March 21, 1716).<sup>19</sup>

The king seldom spoke out: in this letter he shows his heart. But in his position, and with his upbringing, he believed that ceaseless enterprise was his duty both to himself and to the country whereof he was king by right of birth. Perhaps no man of his age, twenty-seven, and in his day, would have announced to Europe that he left his cause to his country, and that he would never stir or encourage his adherents to move till he was summoned home by the British Parliament. Yet in that course alone lay the chance of rest, peace, and happiness for James and the three kingdoms. Meanwhile he assured the Regent of France of his gratitude and friendship. “I am charmed,” he wrote to the Regent’s secretary, “by his frankness and sincerity towards myself. These are his own, the rest is an inevitable submission to political necessity.”<sup>20</sup> Early in April, James, Mar, and Ormonde were settled at Avignon. In the old and beautiful pontifical city on the Rhone Fanny Oglethorpe told Mar that she feared they “would be a little dull.”

Meanwhile, in Scotland, there was “nothing but an entire desolation from Stirling to Inverness. The Dutch have not left a chair nor a stool, a barrel nor a bottle, *enfin*, nothing earthly undestroyed,” and the English troops are very little more merciful. It was expected that feudal superiorities would be abolished, “so that the Duke of Argyll himself shall ere long have no more than his vote. . . . Besides, great numbers of the common Highlanders will be transported. . . . A great many Roman Catholics turn Protestants.” So Menzies wrote to Father Innes of the Scots College in Paris.<sup>21</sup>

While James, at Avignon, was weaving again the Penelopean web of intrigue, the rejoicings were “great in Lancashire.” It was revealed to a Quaker in Lancashire that “these backsliders from

the Truth, who profanely call themselves the Church of England and the Kirk of Scotland, are nothing but the Worshippers of Baal and Dagon." The Kirk of Scotland is put in the category of Baal-worshippers, innocent of Jacobitism as she was! "We hear that one of our sisters named Hannah, whom we hoped would have held forth one of these days, alas, she, even Hannah, has fallen down beneath one of the half naked brauny Pagans: tho' it is hoped she may rise again, yet she cannot be received into our Bosom, till she be twin'd of the Bloody Offspring of that Anakite." So writes a Quaker, "Gabriel Dutton, on the nineteenth of the ninth month of the year called 1715,"<sup>22</sup> or so some mocker parodies the style and ideas of the Quakers.

The hangman went to work, to the joy of the enlightened English. Highland instruments of torture, destined for Protestant martyrs, were exhibited in woodcuts for the edification of the loyal.<sup>23</sup> In January 1716 a Commission of Oyer and Terminer was sent to Lancashire to try the rank and file of the Preston prisoners at Liverpool. The number executed at different towns, Lancaster, Manchester, Wigan, and so on, seems to have been about thirty.<sup>24</sup> The head of Mr Shuttleworth, a Catholic, was impaled on the town hall at Preston. The Scottish victims were in many cases labourers: most of those who bear Highland names are described as gentlemen. About a thousand prisoners put themselves at the king's mercy, and prayed to be transported. The entrails and hearts of the men executed were burned in fires of faggots at the gallow's foot, the bodies were quartered. Among the victims was Siddall, a Manchester blacksmith who had led the Sacheverell mob: his son was executed after the 'Forty-Five. The mass of prisoners was sent to provide slave labour in the colonies. In fact, except for the absence of torture, illegal in England, the Government handled their prisoners in the style of the Scottish Government of the Restoration, after the Pentland Rising, and the rebellion crushed at Bothwell Bridge in 1679. Nothing more or less was to be expected.<sup>25</sup> Punitive proceedings under Henry VIII., Elizabeth, and James II. after Monmouth's rising had been much more drastic. Several prisoners, even Highland prisoners, were acquitted; others, not of the thirty, were respited and probably were transported. No contemporary Government would have been more lenient.

The noble prisoners of Preston, Derwentwater, Nithsdale, Ken-

mure, Carnwath, Widrington, and Wintoun were impeached in January 1716, and tried before the English House of Lords. All but Wintoun pleaded guilty, and put themselves at the mercy of King George. Nairne was pardoned: tradition ascribes his good fortune, says Lord Mahon, to the intercession of Stanhope, who had been at Eton with him.<sup>26</sup> An argument for severity might be drawn from the fact that Nairne's son was out with Prince Charles in 1745; while the Kenmure of that year, remembering the Kenmure executed in 1716, went no further in 1745 than presenting Prince Charles with a barrel of beer, so says family legend. Young Lady Derwentwater in vain appealed in person to King George, and in vain did Lady Nithsdale throw herself at his feet. If there were to be any capital punishments, the king could not have subordinates executed, men perhaps "forced out," while he spared the responsible leaders. George may have been as reluctant to consent to the deaths of these men as James was to assent to the burning of the Perthshire villages. Yet the House of Commons was inclined to lenity. Sir Richard Steele, of course, though a Whig, was all for mercy, and only a majority of seven carried Walpole's motion for adjournment till the first of March, after the executions.<sup>27</sup> By a smaller majority the Lords voted an address to George for a reprieve to such of the captive nobles as deserved his mercy. Nairne, Carnwath, and Widrington, "who showed little tenacity at Preston," received the benefit of the royal clemency, which, however, did not retain in office Nottingham, his son Lord Finch, and his brother Lord Aylesford, active in the address for reprieve. These are Sir Robert Walpole's "family of the Dismals," and Horace Walpole's "black funereal Finches." Lord Nithsdale's famous escape in the costume of his heroic wife was made on the night before the day of execution. Despite the lady's own published narrative, it is hard to believe that escapes like this, of Argyll from prison in Edinburgh, or of James Mor Macgregor later, are ever made without collusion. In James Mor's case it had already been schemed that he should get clear, as a useful tool of Government; and Charles II. certainly did not want to detain Argyll, and refused to have him rearrested in London.

On February 24 the beloved and long-lamented Derwentwater suffered on Tower Hill. He confessed his faith as a Catholic, withdrew his plea of guilty, and acknowledged his rightful king,

whose lament for him as a Christian and a hero we have given. The bulk of his estates was settled on Greenwich Hospital. Kenmure, like Derwentwater, renewed his profession of loyalty to James. His estates are still in the possession of his descendant in the female line. Wintoun was tried, and, being refused counsel, conducted his own defence with rough humour. He was allowed to escape from the Tower: it is hardly credible that there was no connivance at these evasions. The escape of Charles Wogan, Brigadier Mackintosh, Talbot, "the Crow," and others, from Newgate (May 4), was due to their own fists. They knocked down the keeper and turnkey, disarmed the sentinel, and walked out of the yard into the streets. Several were retaken, but Charles Wogan entered a house and made his way over the roofs to a place of safety.<sup>28</sup>

Colonel Oxburgh was executed on May 11, and his head was set up over Temple Bar,—an unhappy survival of the manners of the Trojans, as described in the Iliad. London juries were lenient, and acquitted Townley and Tildesley, while a fresh jury, to gratify the judge, found Captain Nicholas Wogan guilty.<sup>29</sup> But Nicholas lived to be very busy in Atterbury's plot, to lose an arm at Fontenoy, and to fight in Scotland with Prince Charles, as we have seen. In addition to these, two out of twenty-four condemned prisoners were executed in July—namely, Mr Hall, J.P., of Otterburn, and the Rev. William Paul, a Non-juror, who died very manfully, wishing that he "had quarters enough to send to every parish in England." Mr Edward Swinburne of Capheaton, with several others, died in prison.

It would not, perhaps, have been safe, and it was deemed impolitic, to try and to hang in Scotland the prisoners taken in that country. No man had been more serviceable to the cause of Hanover and of the Union than Duncan Forbes of Culloden. He had smoothed the way for the repentant and useful Lovat's capture of Inverness,—a very heavy blow to the Jacobite Cause,—and generally had worked for the security of the north of Scotland. No man knew his countrymen better than Culloden, and he wrote, or is said to have written, an anonymous letter to Sir Robert Walpole, George I. being then absent in Hanover. He declared that the British Ministry was "pursuing measures ruinous to Scotland." But the prisoners were tried in England, at Carlisle, in November.<sup>30</sup> This was an insult to Scottish justice, and a national subscription.

was raised, while eminent advocates were sent across the Border to instruct the English barristers retained by the accused. "The Government was so fastidiously attentive to English privileges that it would not shift prosecutions from one county to another without an Act of Parliament, while a multitude of Scottish captives were removed for trial in England without a thought."<sup>31</sup> These proceedings were so clearly dangerous that, while several prisoners were condemned, not one was executed.

Secondly, urged Culloden, many prisoners were detained in gaol. Thirdly, "a vast number of Scots gentlemen and noblemen were attainted." Fourthly, it was put out of the king's power to grant any portion of the forfeited estates. Fifthly, "a Commission was appointed for inquiry, and for levying the rebels' goods and chattels." Now, argued Culloden, there were not two hundred gentlemen in Scotland who were not of near kin to one or other of the insurgents. They could not endure to witness such vast ruin of their kin, and the discontents would be most dangerous. Thousands of innocents would wander about the country, provoking pity and indignation. The case of creditors under the Forfeiture Bill was especially hard. The whole country hoped that the king "will overturn that fatal Bill." If not, a standing army would be necessary: that would cost £100,000. The forfeited estates were not worth £20,000, for men of wealth had kept clear of the Rising. Culloden suggested measures of security, and denounced the Squadrone, now in power, as a set of men long detested by the country, and now busy in blackening the reputation of Argyll. Cadogan's intrigues, already noticed, Culloden denounced. He had insisted on pursuing the clans into the hills, and had been reduced "to save his own shame in making articles with a puny Highland chief, G——." In this unworthy style Culloden indicates Glengarry, in no way "puny," but "famous for obtaining conditions of the British general, which afterwards were ratified by a formal remission." "G——" had recently been in Edinburgh welcomed at the councils of the Squadrone. "He is the worthlessest rogue living," says Culloden, who himself was hand and glove with the gracious Lovat. The writer, who is vastly interested in Argyll, ends his letter with a threat, very astonishing from such a person. The editor of the 'Culloden Papers' (1815) publishes this piece from a copy of an extant example in the hand of Forbes of Culloden, but it is natural to doubt his authorship. Lovat informs

Culloden that, by the account of Ross of Kilravock, "Glengarry is the greatest knave on earth to the Duke of Argyll," and this might account for Forbes's wrath against Glengarry (April 7, 1716).<sup>32</sup> But it would be rash to dogmatise on the authorship, though the plea for mitigation of severity is much in Forbes's manner: his enemies declared that he was a Jacobite.<sup>33</sup>

Even the principal officers of the crown for Scotland shared the emotions which are expressed in the anonymous letter attributed to Culloden. The brother of Stair, Sir David Dalrymple, the Lord Advocate, complained that he was hardly spoken to at Court. He wrote to Stair that the Forfeited Estate Bill "is by much the worst I ever saw." The Prince of Wales, then much under the influence of Argyll, was said to be for amending it. During King George's absence on the Continent, the Prince held a kind of regency without the title of Regent; but Argyll was technically "disgraced" on a charge of bullying the Lord Chief Justice, a charge denied by that official himself.<sup>34</sup> Sir David Dalrymple's opposition to the treatment of Scotland caused him so much discomfort that he went abroad, and Stair was unofficially warned of his brother's discredit. Dalrymple must implicitly obey Roxburghe, now a duke, who was Secretary for Scotland and had the confidence of George I.<sup>35</sup> The English Government, in short, had irritated all Scotland, which was without means to resist, as nothing could reconcile the majority to the Jacobite alternative.

The one person who profited by the Rising of 1715 was the rogue Lovat. The country had been harried and plundered, trade had been hampered, the Presbyterian ministers had been "teased" by jovial cavaliers, the cess money had been raised by Mar and spent on everything but ammunition. On every side fortunes had been wrecked and homes made desolate. Argyll had lost place and power, but Lovat secured the escheat of his rival for the chiefship of the Frasers, Mackenzie of Fraserdale, while he and General Wightman divided the silver plate of that unfortunate Jacobite. Argyll prevailed on the chief of the Grants to give the hand of his sister to the double traitor. It cost Lovat, now Lord Lovat, some pains to attain all his desire, and in 1716 his retainers, if not himself helped themselves to the horses of Dunbar of Thunderton. *Pœna, pede claudo*, was on the track of this miscreant, but thirty years passed before she reached him.<sup>36</sup> The Squadrone cannot have been wholly evil, for its members, as Lovat complains to



Forbes of Culloden, "have resolved to do their best to ruin me *du fond en comble*, to break me as to my commissions and my gift, and to set up a Fraserdale in odium of Argyll and of myself as his partisan." The Squadrone sided with Montrose against Argyll, for the old feuds of Graham and Campbell were still full of life under the new conditions of society.

It is interesting to see how the whole affair of the Rising affected a simple citizen like Wodrow, the learned historian and minister of Eastwood. He attributed the trouble to the remnant of Catholicism, never sufficiently persecuted by William III., and to the Episcopalian clergy of the north, "the outed clergy," who had been tolerated "in such odd and boundless terms as want a parallel in any established Church." The Patronage Act had also strengthened the hands of the disaffected gentry, "and kept great numbers of parishes vacant." The Presbyterian clergy had been driven from their pulpits in the Mearns and Angus by methods "worse than Turkish"; but what the special atrocities were Wodrow "blushes to write." In fact, letters from ministers in the Mearns say that they "have been obliged to leave their churches and preach in their own houses,"—which hardly reached the Ottoman level of ferocity. In other cases preachers are said to have been "driven from their houses and plundered," like the conformists in 1688-1689. Cadogan was much more affable to the afflicted ministers than Argyll, on whom "a great many waited but could not get a word from him." At Arngask the Highlanders, namely the Macgregors, robbed a congregation of their Bibles and their boots. Rob Roy was reckoned "the fairest and most discreet among them." His clan seems by this account to have plundered in a general way; but no one else is charged with such cold-blooded acts as Lord George Murray, in the burning at Auchterarder. One Highlander, indeed, sold a Bible, which he had stolen, to a woman, and then resumed possession of the book without restoring the purchase-money. An honest merchant at Montrose was compelled to drink the health of the Pretender, but, *conversis rebus*, he extracted a fine from his assailants, who drank King George's health with him!<sup>37</sup> Perhaps Wodrow's remarks on the more than Turkish iniquities of the clans may be a trifle exaggerated.

The majority of Scots at this time, while relieved from the terrors of Popery and the Pretender, writhed under the sense of being citizens of a conquered country,—their laws trampled on;

their counsels rejected; their friends ruined and exiled; their hero, the Duke of Argyll, disgraced. They had to endure as best they might, and cast no wistful eyes on the exiled Court and king at Avignon. The Court there was being overcrowded with fugitive Jacobites, for whom James tried, with little success, to secure commissions in the armies of Spain and Sweden. France could not and would not help, for she was negotiating the Triple Alliance with England and Holland, a condition of which was that James must be driven across the Alps to Italy, where he would be more remote, and the more distrusted at home as a guest and pensioner of "that odious beast and lecherous swine, the Pope of Rome," to quote the edifying recantation of a canon of St Andrews, written when Knox was in that city, in the spring of 1560. The view of the Papal character thus tersely expressed was very general in Scotland, hence the anxiety of the English Government to drive James into the arms of the Pope.

A number of Jacobite gentlemen had been driven to Ultima Thule, to Ormaclett in South Uist, whence (April 22) Clanranald, the son of the chief slain at Sheriffmuir, wrote to Mar concerning their fortunes. His letter is singularly well expressed, and shows a loyal heart as well as an accomplished education. Many gentlemen, he said, were leaving on the *Marie Thérèse*, a ship sent by James with supplies. They believed that the money left for them by James at his departure had been dishonestly distributed. Clanranald gave Mar a full account of the movements of the army which Mar and James had deserted at Montrose. "I was both sorry and vexed to see the effect which" the king's letter of farewell "produced on some. . . . For my own part, I was the less surprised, . . . as I had long foreseen things must have ended in this or a more fatal point, which made me bless the happy genius that saved our king, though he could not save the country." Thus delicately did Clanranald break to Mar the news of the disgust of the leaders and army. It becomes plain that the Earl Marischal was among the most angry, and that between him and Mar the feud was to be irreconcilable, "a settled grudge." It was Marischal who summoned Huntly to join the army, still undispersed; but Huntly burned the carriages of the guns meant for the siege of Inverness and buried the cannons, "in reality lest we should attack Inverness with them." Clanranald was still full of fight, but Glengarry made terms for himself; and Clanranald

and the rest soon saw that exile was to be their fate. The news reached Avignon, being carried by Captain Sheridan (the Sir Thomas Sheridan of 1745, Prince Charles's tutor), on May 19.<sup>88</sup>

To Avignon set the tide of refugees, among them a sinister figure, a Captain Macdonald, "a shag-faced thin fellow, and is a very great rogue," writes Arbuthnot from Rouen, June 11, 1716.<sup>39</sup> This appears to be the Macdonald mentioned (August 13) by Menzies, the Jacobite agent in London, to Father Innes, S.J. In any case, Menzies speaks of a Macdonald to whom the English Government offered the pay and position of a spy on James. He was advised by a Jacobite, Mr Philips, to accept the post, but to deceive his employers. When Macdonald set out "*with that Colonel*" (Colonel Douglas, Stair's emissary against James in November 1715?), English Jacobites were alarmed, says Menzies.<sup>40</sup>

This Macdonald arrived at Avignon and told James his errand, and that he had come by the advice of Jacobite friends. The English thought him their spy, but he was there, as a loyal subject, to mislead his employers. So Mar wrote from Avignon to Menzies on July 16. "He is to be sent from hence one of these days," adds Mar.<sup>41</sup> He *was* expelled from the town, with no money, and with the intention of going to Lyons, as we know from two undated notes of his. The date is certainly after July 16,<sup>42</sup> to judge from Mar's letter of that day. But on July 3 Lord Stair enters in his accounts for extraordinary services, "July 3, paid for Alexander Macdonald at Lyons, for his Majesty's service, £33, 6s. 8d." Alexander Macdonald was the name of this ambiguous personage, yet, from Mar's letter, he seems to have been at Avignon as late as July 16. In any case he made, as his own notes show, for Lyons after leaving Avignon. On August 15 Stair notes, "Paid for said Macdonald's relief and subsistence at Lyons and Geneva, *after his misfortune at Avignon*, £66, 13s. 4d."<sup>43</sup> In September Stair sent Macdonald to England. On September 19 Father Graeme writes from Calais to Mar, "If I be not very much mistaken, Douglas, who undertook to murder the king [James], arrived here yesterday by the packet boat and went straight towards Paris."<sup>44</sup> It is an obvious conjecture that this is the Colonel Douglas whom Saint-Simon, as we saw, accuses of having been suborned by Stair to murder James in 1715.<sup>45</sup> After his failure he found doors closed on him in Paris, among others that of Saint-Simon; "soon afterwards he disappeared from Paris. I

know not what became of him.”<sup>46</sup> On August 6, 1715, James himself, writing from Bar, mentions a suspicious Mr Douglas who has been haunting the town.<sup>47</sup> In a letter from London, unsigned and undated, the writer says that Stair has suborned, as assassins, a Mr Elliot and “Mr Douglas, commonly called Count.”<sup>48</sup>

Did Macdonald, arriving in London in September 1716, send back this suspected Douglas to take his place, and is he the Douglas who, according to Saint-Simon, disappeared after his failure to slay or seize James in November 1715? Saint-Simon's man had been a colonel in an Irish regiment in French service, disbanded. Is he “*that Colonel*” with whom Alexander Macdonald left London for Avignon? Is Alexander identical with that “Mr Macdonald who is going upon the account” of the Elliot-Douglas murder plot cherished by Stair, according to the anonymous, dateless London letter already cited?

These may be idle questions, yet we seem to reconstruct the figure of an ex-colonel of an Irish regiment,—a brave man, Saint-Simon admits,—failing in a plot of November 1715, disappearing from Paris, and acting as a spy of England.

These considerations bring us to their extraordinary sequel, a set of events not easily explained.

In the manuscripts of Cardinal Gualterio, the friend of James, is a letter to “Monsieur le Comte S'Esthers, ambassadeur pour sa Majesté Britannique, à Paris, dans son Hostel.” It is dated Orange, August 24, 1716. The endorsement is (in French), Copy of a letter intercepted, addressed to Milord Stairs, and signed “La Grange.”<sup>49</sup> The epistle, being interpreted, runs thus:—

“MONSEIGNEUR,—In spite of all my endeavours I was unable to reach this *Villeje (sic)* in time to find the person [Macdonald?]. But I inquired so adroitly as to discover that he had been dismissed. From the fashion of his dismissal, as described to me, I doubt not that he has taken himself out of the way. Thus the mission which you confided to him and me has failed. But, monseigneur, if you will trust me, I believe that I can succeed unaided. As long as you employ foreigners they will never succeed: only a Frenchman can escape detection.

“I have several plans for doing it. If poison fails, I will make use of one of these methods: either at the Mass, or in the town, or when he is taking a walk. I am confident that I can do for

him, and thus give repose to all our [*nostre*, query *vostre*] nation. Whether I am to live or die, I am resolved to destroy him; I am pledged to the king [what king?], and I shall think my death glorious if I take the person's life.

"These are my plans. I try daily to corrupt some one, so as to get a chance with poison: it is the shortest way—send me some by *le nommé* Desmenis as soon as you can, within a fortnight. I have no address, because I take my meals here and there, and seldom sleep in the town. As Desmenis knows this town [Avignon], he can find me on the bench at the left hand of the Porte St Michel any day after September 8. On my arrival there [at Avignon] I shall wait at the place mentioned every day from noon to one o'clock. I missed the best chance in the world. Having left my pocket-pistols at home for fear of exciting suspicion, I was walking near the town, and came to a place where the Chevalier de St George with all his suite was going to amuse himself at a convent about a league away. I wanted rather to see *our man*, whether he was in the suite or not, than to see the Chevalier. I therefore left the road and went into a vineyard. I was greatly surprised not to see *nostre homme*, and cursed the day when I missed such a chance to get rid of him [of the Chevalier]. I could have run through the vines, and swum the river before his suite could have got on to the road in the town [apparently so that they might cross the Rhone by the bridge]. As he goes to Mass it is even easier to take him off: the churches are sanctuaries, and there I can escape. Again, his favourite drive offers even a better opportunity, as it goes along the river, and one can shoot him and swim.

"All this I explain that you may encourage Desmenis: he will share the glory with me. For double assurance let him bring the poison: we shall thus run no risk at all. If he is brave, as he has proved so well, we shall not be obliged to stay here long. [Douglas had also given proof of great courage.] I await him with open arms. Assuring you that I am ready to die for my king, and for you, monseigneur, my protector.—With the deepest respect, your very humble, affectionate, and obedient servant,

"LA GRANGE.

"ORANGE, August 24."

The person here calling himself La Grange entrusted his precious effusion to a tailor, who appears to have given it up to the author.

ities. This tailor, later, on August 28, received another note from the author of the letter to Stair, asking him to visit that gentleman at his rooms, in company with the bearer of the note, who would show the way. After walking for two miles he was attacked by ambushed men, who, having missed him with their pistols, were pursuing him, when a crowd gathered and rescued him.\* The others fled, and the tailor wrote to Avignon, enclosing the note of invitation, unsigned, but in the same hand as the long letter to Stair.<sup>50</sup>

Next, the tailor's adventure being of August 28, we have Mar's letter from Avignon, of August 31, to Sir Patrick Lawless. He says that he intends soon to give full particulars "of a most hellish design against Le Vasseur [James], discovered by the greatest accident in the world. . . . It will show the world what wretches Heron [Hanover, George I.] and his people are. . . ." But it does not appear that proofs of "Heron's" iniquity were ever given to the world. Sir Patrick Lawless was James's agent in Spain.

Was La Grange a lunatic? He seems to have known about Macdonald's affair, if Macdonald is his *nostre homme*, who has been expelled from Avignon. It is hardly conceivable that the whole business of La Grange was concocted by the Jacobites: it is rather risky for a practical joke, and there we leave this little historical puzzle.

At this period, in consequence of the Union, Scotland had practically no independent political existence, and the interest of the years following 1715 is that of the European and other combinations—the dreams of the Jacobite party. The publication of the papers of the exiled dynasty contains much personal matter hitherto almost unsuspected. We need scarcely dwell on the chimæras of the Duke of Leeds, whom Bolingbroke had tersely characterised as "mad." In April 1716 James, not without a smile we may suppose, had appointed the Duke to be Admiral and Commander-in-Chief of the British Fleet. Six years later the Duke, meeting James at the baths of Lucca, returned the honourable but compromising document. Admiral Baker, commanding the Mediterranean squadron, had been an officer under the Duke, whose idea

\* Of this fray, my friend, Mr A. E. W. Mason, being at Avignon, found a record in the town's archives, which he copied: the transcript has unluckily been mislaid.

was to bring over Baker and his ships to the cause of the exile at Avignon. But James had as yet no answer to his request for permission to shelter his navy, when he got one, in Swedish ports, and the virtue of Admiral Baker was not attempted.<sup>51</sup>

In England the names, long associated with struggling Jacobitism, of Ezekiel Hamilton and Sir Harry Goring, a rich squire of Sussex, begin to appear, with that of Atterbury, Bishop of Rochester and Dean of Westminster, who had been eager to proclaim the king, on Queen Anne's death, if Marischal would back him with his regiment of the Guards. In 1715 Atterbury's name does not occur in the correspondence, though doubtless he was secretly engaged. Ezekiel, on April 7, from Paris, reports the results of a mission to England. Atterbury and Goring, with Lord Arran, thought it wise to consult General Webb,—

“As Paris handsome and as Hector brave,”—

the tall, vain, brave hero of Wynendael, and the deadly foe of Cadogan, and of Marlborough, who was now smitten by apoplexy. Webb was the darling of the soldiers. In his characteristic style he had told Sir Constantine Phipps that with 6000 regular troops he would undertake to defeat any forces that could be raised in England for the Hanoverian interest. His real motive, doubtless, was to measure swords with Cadogan. He determined, if a descent in force were made (but where was the force?), to join the king and Ormonde, as if Ormonde's were still a name to conjure with. His Majesty should land as near London as possible: the populace was still furious against the authors of “the late cruelties,”—incidents to which the Georgian world was very well accustomed. But Ezekiel remarked that, though there was plenty of money in England, holders were stiff. They would ask to what uses their money was destined, and, if they knew, Government would know. Atterbury was ready to announce the great day, when at hand, from the pulpit, and Dr Sacheverel will “lift up his voice like a trumpet.”<sup>52</sup> For forty years or more this was the attitude of the English Jacobites. Let them be able to say, with Squire Western, “Thank God, twenty thousand honest Frenchmen are landed in Kent,” and they would do wonders. Twenty thousand honest Swedes, or Spaniards, or Irish, or Turks, for that matter, alone were needed, and “the Bark would sink,” and the Exchequer would be closed. It would have been closed, the very Whigs declared, if Forster had held out for

a week in Preston. Really, the Hanoverian dynasty seems to have had a tottering throne, and 5000 irregulars, thirty years later, all but overset it. Ezekiel calculated that Government could not bring 6000 men into the field in less than ten days; but, alas! James never could bring 600 from abroad.

Atterbury, with some sense, suggested that James should issue an explanation of his flight from Scotland. A pamphlet called 'The Hue and Cry after the Pretender' had appeared, written with a humorous brutality not unworthy of Swift, and accusing James of a censurable coldness towards the fair sex,—“A laggard in love and a dastard in war” was his character. The Apology<sup>53</sup> replies, truly enough, that the indolence of Huntly, the desertions of the Highlanders, the weakness and want of supplies of the Jacobites, with the Dutch reinforcements of Argyll, made Perth untenable, and that James's “duty to his people” rendered his flight inevitable, and that his presence would only increase the vigour with which all his scattered bands would be pursued. The reluctance of Mar to go, the tenacity with which the Earl Marischal refused to go, are stated; and James's orders to Gordon to compensate the burned-out villagers are reported, but the report was disbelieved. The courage of James in braving, with three companions, the minions of Stair in his journey to the coast, and again in travelling to Dunkirk, are lovingly dwelt upon, and he is declared to possess “all the great and good qualities that are necessary for making a people every way happy.” Mar drew up the paper; Father Innes revised it; James approved of it. But the people whom he was so anxious to make happy remained unconvinced.<sup>54</sup> Unexpected as is the Jacobitism of General Webb, the intrigues of Oxford (Harley) are still more surprising. He was still a prisoner in the Tower, and seems to have been approached in James's interest by a lady well known to him, Anne Oglethorpe (Anne Oglethorpe to Mar, July 9, 1716).<sup>55</sup>

It appears highly probable that in their many strange vicissitudes the Stuart Papers, now in Windsor Castle, have been tampered with. Sir Walter Scott saw letters which have never been seen again. Sir James Mackintosh saw, at Carlton House, a letter from Oxford which neither Lord Mahon (Stanhope) nor the very careful Editor of the papers was able to discover. It appears, but dimly, that Oxford was to try to move the Regent of France; it is more certain that his messenger was no other than that unhappy



Ogilvie who, in 1708, had wretchedly served him as a spy on his friends, the Jacobites. Ogilvie had been a most remorseful spy: now he probably recovered his self-respect.

Ogilvie visited Mary of Modena in Paris, and went on to Avignon, whence Mar (September 21) wrote a letter for him to carry to Oxford. Mar professed to believe that Oxford had always been a friend of the Cause though thwarted by "others,"—Bolingbroke. Oxford will find James "every way, perhaps, the finest gentleman you ever knew." But Oxford never knew him. Walpole, early in 1717, resigned, and presently combined with the Tories in securing the failure to try Oxford, with his consequent release, in July.<sup>56</sup> Mar's letter to Oxford mainly referred to James's hopes from Charles XII. of Sweden.<sup>57</sup> Ogilvie carried a document appointing Atterbury his chief agent in England: in the cypher he is "Mr Rigg." He mistrusted Oxford, but was told that Oxford was now a loyal man.<sup>58</sup> Shrewsbury, too, was in communication with James: Shrewsbury was not happy, for the Jacobite agents had managed to misdirect and lose a letter written by him. James informed him of the hopes from Sweden, which were so soon to be dashed as usual. It is amazing that discontent induced so many men of fortune to deal with ex-spies, and the sanguine servants of an impossible Cause. Yet, till Atterbury's turn came, none of these rash venturers was betrayed. Mar was even obscurely trying to tamper with Islay, and through him with Argyll, whose disgrace was recent. The attempt was later renewed. The Marquis of Wharton was offering his alliance, and asking James for the Garter (September 25).<sup>59</sup> While George's thanes were thus discontented, the Court at Avignon was rent by the arrival of the Earl Marischal, full of his grievances against Mar. Apart from the question of Mar's flight, there was a dispute about a verbal message as to Marischal's share with Mar in the command of the Rising of 1715, apparently part of Lord John Drummond's premature and fatal communication to Mar in July of that year.<sup>60</sup>

There was also trouble about an attempt by Mar to conduct a negotiation privately with Argyll in December 1715. In Mar's defence he averred that Argyll, or those about him, "were in a manner engaged" to give Mar notice before advancing against Perth.<sup>61</sup> This is very vague; but Mar was apprehensive that his remarks, which are dim, might reach the Duke, whom he thought it not impossible to enlist. It is conceivable that Argyll would

have liked to see the Jacobite force at Perth break up and go home without the shedding of Scottish blood.

The two serious affairs in the history of the Jacobite party, in 1716, were their attempts to secure the favour of the Regent and to form an alliance with Charles XII., who had excellent reasons for lowering the power of George. As to the Regent, as he was weaving the Triple Alliance with Holland and England, his one desire was to secure the removal of James from Avignon. On June 14 de Magny told Mary of Modena at third hand that the Regent had observed, "I shall not be left in peace till I have made the king leave Avignon." "How will you make him do so," asked the confidant, "as you have no means of doing so?" "Yes, I have," said the Regent, "namely, by means of starvation."<sup>62</sup> He could stop the pension received by Mary from France, and cut off whatever sums of money were doled out to her son.

General Dillon advised James not to leave Avignon except under force, and his banishment to Italy was not carried out at this moment. But to him, as to his son later, the ancient city of the Popes was to yield but a brief and uncertain hospitality. Stair, of course, was well aware of all his schemes, through a brother of Sir Thomas Higgons, a member of the Court at Saint Germain. He knew that the chief hope was from Sweden. In September James's health was very bad, and he suffered a painful but successful operation. "The Pretender," writes Stair to his Government on September 12, "is sending away his people, intending that his own move [of invasion], when it takes place, should be less observed." He expected an attack on England, with a feint or diversion at Scotland. Or again, merchants' vessels in the Mediterranean are to take James to Ireland.<sup>63</sup>

Stair seems to have been gulled by false news from Marseilles (September 28) of James's departure from Avignon to Antibes, near Cannes, where four galleys were to meet him. On October 7 Stair reports the conclusion of the treaty, and that the Regent has told Queen Mary that her son must quit Avignon: Stair was disinclined to believe in the king's illness and operation, which were genuine. On November 25 Stair was convinced of this, and in good hopes that James would not recover. On December 11 he had bad news: the Pretender was slowly recovering. Meanwhile James and Mary, says Stair, pay to their exiled friends more than the whole amount of the queen's pension from France. It

cannot with fairness be said that the queen and her son were avaricious and ungrateful.

We have seen that many of the political prisoners were transported to provide the colonies with unfree labour. It is therefore not unpleasant to learn from Stair that seventy rebels on the voyage to Carolina seized the vessel in which they were being conveyed, steered her to Bordeaux, and seized all the money and goods on board. The Regent said that he would treat them as pirates. The Jacobites also bade their friends in England be wary of a Mr Johnston. "I'm afraid that is our man," says Stair : which of his spies we know not. By February 24, 1716, James had crossed the Alps, and entered on a new portion of his long and weary pilgrimage. So far his dealings with the King of Sweden had been indirect and interrupted, though not unhopeful.<sup>64</sup>

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#### NOTES TO CHAPTER X.

- <sup>1</sup> Stuart Papers, i. 509.
- <sup>2</sup> Stuart Papers, i. 512, 513.
- <sup>3</sup> Rae, p. 372.
- <sup>4</sup> Menzies to Mar, February 15. Stuart Papers, i. 507.
- <sup>5</sup> Coxe's Marlborough, iii. 392 : 1848.
- <sup>6</sup> Lockhart, ii. 14.
- <sup>7</sup> Stuart Papers, i. 509.
- <sup>8</sup> Stuart Papers, i. 536.
- <sup>9</sup> Stuart Papers, ii. 2.
- <sup>10</sup> Stuart Papers, i. 502, 503.
- <sup>11</sup> Stuart Papers, ii. 5.
- <sup>12</sup> Stuart Papers, ii. 105, 106.
- <sup>13</sup> Stuart Papers, ii. 386.
- <sup>14</sup> Coxe's Sir Robert Walpole, i. 200, note 4 : 1798.
- <sup>15</sup> Stuart Papers, ii. 23.
- <sup>16</sup> Stuart Papers, ii. 43, 44.
- <sup>17</sup> Tindal, iv. 476 *seqq.*
- <sup>18</sup> Stuart Papers, ii. 511.
- <sup>19</sup> Stuart Papers, ii. 34, 35.
- <sup>20</sup> Stuart Papers, ii. 38, 39.
- <sup>21</sup> Stuart Papers, ii. 41, 42.
- <sup>22</sup> Lancashire Memorials, v. 174.
- <sup>23</sup> Lancashire Memorials, v. 185.
- <sup>24</sup> Lancashire Memorials, v. 192-195.
- <sup>25</sup> Lancashire Memorials, v. 196-202.

- <sup>26</sup> Mahon, i. 194.
- <sup>27</sup> Mahon, i. 195.
- <sup>28</sup> His arrival in France is reported on April 29, in a letter in the 'Stuart Papers': there must be error in the dates. Stuart Papers, ii. 130. Lancashire Memorials, v. 215, gives May 4 as the date of the escape.
- <sup>29</sup> Lancashire Memorials, v. 221.
- <sup>30</sup> Culloden Papers, p. 68.
- <sup>31</sup> Hill Burton, viii. 337; cf. Wallace's Account of the Rebellion, 1724; Rae, p. 387.
- <sup>32</sup> Culloden Papers, p. 49.
- <sup>33</sup> Culloden Papers, p. 52.
- <sup>34</sup> Duncan Forbes to John Forbes, October 26, 1716. Culloden Papers, pp. 67, 68.
- <sup>35</sup> Stair Annals, i. 321-325.
- <sup>36</sup> Culloden Papers, pp. 57-70.
- <sup>37</sup> Wodrow, Correspondence, ii. 89-157.
- <sup>38</sup> Stuart Papers, ii. 107-115.
- <sup>39</sup> Stuart Papers, ii. 218, 219.
- <sup>40</sup> Stuart Papers, ii. 343, 344.
- <sup>41</sup> Stuart Papers, ii. 284.
- <sup>42</sup> Stuart Papers, ii. 245.
- <sup>43</sup> Stair Annals, i. 391.
- <sup>44</sup> Stuart Papers, ii. 449.
- <sup>45</sup> Saint-Simon, xiii. 403.
- <sup>46</sup> Saint-Simon, xiii. 408.
- <sup>47</sup> Stuart Papers, i. 386.
- <sup>48</sup> Stuart Papers, i. 481.
- <sup>49</sup> Gualterio MSS., Add. MSS., pp. 20, 311, f. 342.
- <sup>50</sup> Gualterio MSS., Add. MSS., pp. 20, 311, f. 344.
- <sup>51</sup> Stuart Papers, ii. 51-55, 62, 76, 146.
- <sup>52</sup> Stuart Papers, ii. 67-70.
- <sup>53</sup> Tindal, iv. 467 *seqq.*: 1745.
- <sup>54</sup> Stuart Papers, ii. 80, 106.
- <sup>55</sup> Stuart Papers, ii. 269.
- <sup>56</sup> Mahon, ii. 275-279.
- <sup>57</sup> Stuart Papers, ii. 464-466.
- <sup>58</sup> Stuart Papers, ii. 459.
- <sup>59</sup> Stuart Papers, ii. 470-472.
- <sup>60</sup> Stuart Papers, ii. 221-224.
- <sup>61</sup> Stuart Papers, ii. 187, 274.
- <sup>62</sup> Stuart Papers, ii. 220.
- <sup>63</sup> State Papers, Foreign, France, vol. 160. Record Office.
- <sup>64</sup> State Papers, Foreign, France, vol. 161. Record Office.

## CHAPTER XI.

FOREIGN AFFAIRS. THE STORY OF CLEMENTINA.

1716-1719.

THE history of Scotland, at this period, is a lost thread which might be sought, perhaps, in the study of freethinking among the ministers and the sproutings of the germs of dissent. But the doubts and heresies and discontents are dealt with later. We are here obliged to look for the sequence of national development in the fortunes of the Jacobite party, whose hope was to make Scotland once more Scotland, an independent kingdom under a Stuart king. The peculiarity of this nationalist endeavour was, that while a majority of the people, no doubt, would have voted for repeal of the Union, the majority would have declared against a Restoration. If the return to national independence could only be made by way of the recall of a Catholic prince, the ministers would endure the Oath of Abjuration, which they could refuse with safety; the Cameronians would merely moan over a broken Covenant; and the populace would submit to what they regarded as English arrogance and ill-faith, rather than face again the perils of which they had an unforgotten experience. The most prejudiced enemy of the Jacobites could not deny to them the praise which the tolerant preacher allotted to the Accuser of the Brethren. They were very active about their own business. Within less than a year of the king's flight from Scotland, the dispersal of the clans, the execution of many adherents, and the ruin of most, the Jacobites were able, at least, to give England a fright. Their songs of this period toast "the Royal Swede," who is the man "to do the deed." Berwick attributes to himself the beginning of negotiations with Charles XII., and the project of a sudden landing, like a bolt from a blue sky, of eight thousand honest

Swedes, sailing from Gothenburg. Charles was charmed by the idea, but totally unable to put it into execution.<sup>1</sup>

During 1716 the Stuart Papers show Sir John Erskine, who lost the gold off Dundee, trafficking with Sparre, the Swedish ambassador to France, who, again, communicated with Gortz, the confidant of Charles XII. General Dillon was also engaged with Sparre in this intrigue to gain for Charles an ally in James, who was to be restored to the English throne. Like Bolingbroke, Sparre found that whatever Mary of Modena knew at once reached Stair, through spies in her little Court.<sup>2</sup> James could not bring himself to treat his mother as his son, Prince Charles, later treated himself, and to conceal his projects from her. His conduct was filial and amiable, but of perilous consequences to his fortunes.

Meanwhile Sir John Erskine, who was to deal with Sweden and Russia, if he lost his master's gold, found his own silver—that is, a vein of silver was discovered on his property in Scotland. He was likely to receive a pardon, and leave to go home to attend to his silver mine, and James, being informed, sent his congratulations. "His own affair is now to be his chief concern, and he [the king] wishes him all success," and will be "amongst the last to have an unfavourable opinion of him" for abandoning the Swedish intrigue and accepting a pardon. So Mar writes to Sir John (September 25, 1716).<sup>3</sup> Such was the temper of "the weak, bigoted, and obstinate Pretender," to use the phrase which is stereotyped in our histories. Not to be outdone in generosity, Sir John, whose brother was physician to the Czar, tried the pulse of the autocrat: would he help *la bonne cause*? The circumstances are peculiar, and illustrate the energy of the individual Scot, and the condition of these medical and surgical studies in which Scotsmen have ever since been eminently distinguished. Dr Robert Erskine was great grandson of John, seventh Earl of Mar, and of his second wife, Lady Marie Stewart, daughter of Esme, Duke of Lennox. He was, therefore, "sib to the king"—indeed, in a distant way to both kings, *de facto* and *de jure*. As the sixth surviving son of Sir Charles Erskine of Alva, he had to make his own way in the world. He chose, like the famous cadet of Bonhill, Tobias Smollett, the profession of medicine.

There was as yet no medical school in the University of Edinburgh, so he became apprentice to a general practitioner, a surgeon apothecary, Hugh Paterson, himself probably of the Jac-

obite family of that name, represented in 1745 by Sir Hugh Paterson of Bannockburn, uncle of Clementina Walkinshaw, the mistress of Prince Charles. The prentice, by his indentures, was bound not only to chastity, but "not to play any games whatsoever." The high-born prentice, after tending his master's gallipots, pursued his studies in Paris (1697), and, in 1703, returned to England: he became F.R.S. In London there were then several eminent Scottish physicians, such as Arbuthnot, and George Cheyne of the ancient Norman-Scot house of Cheyne in Aberdeenshire. In 1704, doubtless under powerful protection, he went to Russia, then ruled by Peter the Great, and was almost at once taken into the service of the Czar as physician and as *Archiattros*, the Greek title given by Nero to his physician-in-chief, but by Peter to the head of his medical Chancellery. In the year at which we have arrived, 1716, Dr Erskine was accompanying the Czar on a European tour, being now a counsellor of State, a post which gave him hereditary *noblesse*; but that he already had by birth, according to the Continental view of *noblesse*. In July the Czar and Dr Erskine reached Copenhagen, where the doctor was within reasonable distance of his brother, Sir John, the agent of James.

It was before the Rising that Sir John discovered and made profit of his silver mines near Alva, and the British Government, hearing of it after the Rising, was ready to pardon him if he would point out its site (surely not a difficult thing to discover), as a tenth of the ore would come to the Crown by a Scots Act of 1592. At Copenhagen the doctor met Sir Henry Stirling, who was looking for Sir John Erskine and also acting as a Jacobite agent; and on September 22 Sir Henry wrote to Sir John Erskine from Copenhagen, saying that the Czar and the doctor "heartily wished George at the devil," but were too remote to be of any help in sending him thither.<sup>4</sup>

Meanwhile Sparre asked Dillon for a memoir as to what help James expected from England, to be shown to Charles XII. by Gortz. He hoped that Charles would be able to act in the beginning of December (September 6); but Sparre made these promises without the orders of Charles, as he explained. Father Innes and Middleton drew up the desired memoir containing the usual promises of the English Jacobites, if they were backed by honest foreign invaders. What Charles needed most was money: what would the English advance in coin?<sup>5</sup> The English Jacobites

happened at this time to be in a fright, caused by some underling Jacobite agent's doings. At this point of the negotiations with Sweden the published volumes of the Stuart Papers cease, and information is no longer so full and authentic.

As early as November 7, 1716, Stair, from Paris, reported "the talk of the Pretender's treaty with Sweden,"<sup>6</sup> but his despatches are not important as regards this matter. But on February 20, 1717, King George, in his speech to the House of Commons, announced that supplies would be needed for the defence of the kingdom, owing to "the preparations which are making from abroad to invade us." Stanhope then announced that letters of Gyllenborg, Swedish Ambassador in London, Gortz, and Sparre would be laid before the House in proof of the conspiracy. In October and November the Government had intercepted and read letters of Gyllenborg and Gortz, at the end of January had arrested Gyllenborg,—General Wade, later the maker of the military roads of Scotland, was the officer who acted,—while Gortz was seized by the States of Holland, and Charles XII., in reprisals, arrested Jackson, British Resident in Sweden. The Regent finally pacified Sweden and England, Charles disclaiming the conspiracy of his Ministers.<sup>7</sup> From The Hague Peter proclaimed his own innocence, and added Dr Erskine's oath that he had never written to Mar, or any other person, with regard to the plot.<sup>8</sup> The letters of Gortz and Gyllenborg mention the doctor as a cousin of Mar and a hopeful instrument, but do not precisely implicate him.<sup>9</sup> But a letter from Sir Henry Stirling (September 22, 1716) to Sir John Erskine represents that the doctor has induced the Czar "to get your affair done, if t'other way should fail."<sup>10</sup>

The intercepted letters show that the Jacobites had promised £60,000 towards the Swedish invasion, which, as an invasion by Protestants, they would reckon peculiarly "honest." Gyllenborg, (November 17, 1716) declares that Dr Erskine has written to Mar saying that the Czar is very friendly, but cannot make the first step.<sup>11</sup> As to the English Jacobites, Gyllenborg (December 4, 1716) found that they had been deluded by the too hopeful exiles at Avignon, who believed and asserted that Sweden was actually committed to the design. "For you," said an English Jacobite to Gyllenborg, "to flatter yourself that, out of respect or friendship, we should part with our money to any one whatsoever, would be to know nothing of us." Only fixed assurances from Sweden, not requests for money



on vague assurances, would loosen the Jacobite purse-strings. The English Houses were stirred by the rather unusual correspondence of the Swedish Minister, and an unnamed member moved that war should be declared against Sweden. Stanhope replied that "it was time enough to do that if the King of Sweden refused to disown the practices of his Ministers." Meanwhile Walpole, on private grudges, made friends with Sir William Windham, "downright Shippen," and other Jacobites, and managed the escape of Oxford from his trial for treason, while Oxford continued to be in communication with Atterbury, the chief Jacobite agent. Here was food for the eternal hopes of the exiles.

Throughout these negotiations Lockhart had been in hopes of gaining the "disgraced" Argyll to the Cause. Mar had suggested this plan to Lockhart; but Mar, before the Rising, had opposed the Duke's interests in Scotland, and neither Lockhart nor Colonel Middleton, his confidant, believed that Mar was sincere at present. So he sent to Mar a sealed letter for James, saying that James alone was to see the epistle. Meanwhile he heard that James, from Perth, early in 1716, had written a threatening letter to Argyll, a letter which must infuriate Red John of the Battles, but that the bearer had not delivered it. It was thought that Mar had inspired this letter to serve his own ambition; but there is no draft of it in the Stuart Papers, while James's letter from Montrose to the Duke is most courteous. A Captain Dugald Campbell was Lockhart's authority, and declared that he had seen the menacing letter from the king.<sup>12</sup> Colonel Middleton now sounded Argyll, and believed that he would come over to James; but Lockhart's private letter to the king on the matter of gaining Argyll remained unanswered for many months. The dateless Lockhart implies that it was written during the negotiations with Sweden, but no letter of his is in the Stuart Papers up to September 30, 1716. Finally Mar, in a note to Straiton, said that the king had read Lockhart's letter as to Argyll, but "not approving what I [Lockhart] proposed, would enter into no measures with that person [Argyll]." Now Lockhart had begged James to keep the secret from Mar, so he concluded that Mar had opened his letter to the king, concealed it, and returned his own reply as if from James. Two or three years later, from Rome (1720), Lockhart's son wrote to him, saying that he had given a copy of a fresh letter of his father's concerning the affair of Argyll to the king, who, after reading it, "told me he had never

heard of these matters before,—so it seems all the letters on these subjects have either been suppressed or miscarried. The king was beforehand with me as to Argyll's capacity and usefulness. . . ." Now Lockhart's letter had not miscarried, and the inference is obvious. But James, writing to Lockhart, expresses his joy (February 15, 1720) that a good opinion is still entertained of Mar, who to Lockhart seemed long to have ceased to deserve, if he ever had deserved it.<sup>13</sup>

Lockhart, in 1720, made no attempt on Argyll, partly because he believed that Hay, who was now serving James in Rome, knew all about the idea. Argyll was presently reconciled to George I., and made High Chamberlain of the Household. But we are anticipating events. As one door shuts another door opens. The Jacobites did not despair of assistance from Sweden while Charles XII. lived. They industriously sought a wife for James (who had already been in treaty for a princess of the House of Modena, and would not have been alarmed by the Protestantism of a lady of the House of Hesse). In autumn 1717 Ormonde, with Sir Henry Stirling, Charles Wogan, and others, went to Sweden and Russia, to seek a bride for James in the family of the Czar and to reconcile Peter with Charles XII. He was not received at either Court, but Stair reported activity among the Jacobites in Paris (November 1717).<sup>14</sup> This activity and Jacobite "uppishness" Stair continued to report throughout the spring of 1718, while he moved the Regent to banish the exiles. Mary of Modena closed her life of sorrows on May 7, 1718,—the latest grief had been her son's withdrawal of confidence from the Court of Saint Germain, and from Father Innes of the Scots College. James, at Urbino, was induced to act against—what had constantly been represented to him by Berwick and Bolingbroke—the untrustworthy faith or lax garrulity of people about his mother,—women, priests, and traitors bought by Stair. The Catholic Jacobites, as James wrote to the queen's confessor, "would force me to the same measures which were the source of my father's misfortunes. . . . I am a Catholic, but I am a king; and subjects, of whatsoever religion they may be, have an equal right to be protected. I am a king, but, as the Pope himself told me, I am not an apostle." His affairs were henceforth to be managed, Stair wrote, by Mar and his advisers in England (May 4, 1718).

Meanwhile the spy, Higgons, was still purloining the private.

papers of the dying queen.<sup>15</sup> Before dying the queen bade her confessor tell James that her affection was not impaired by his recent withdrawal of confidence. He had been only too devoted a son to the best of mothers but not the most discreet of women. Among all the spies of the age, perhaps none equalled in infamy the miscreant Higgons, who ate her bread and betrayed her, even as she lay dying, to the Earl of Stair.

Though Ormonde failed to find a bride for James, Charles Wogan succeeded,—to her sorrow, as it fell out, and perhaps to his own. He went to woo for another, like Lancelot for Arthur, and (perhaps as James certainly, when all was over, guessed) Wogan made, with no disloyal thought, an impression on the bride.<sup>16</sup> Wogan, hunting through the Courts of Europe, saw the three daughters of James Sobieski, "Prince Royal of Poland," a descendant of the great Sobieski who crushed the Turks before Vienna. The eldest daughter was "bristling with etiquette, and astonishingly solemn," so her he ought to have chosen. The second was "beyond measure gay, free, and familiar." She became Duchesse de Bouillon. The third, Maria Clementina, was "sweet, amiable, of an even temper, gay only in season." Her did Wogan choose, though, unhappily, her devoutness was too narrow for the wife of one who "was not an apostle": her gaiety did not survive the tedium of a marriage with a man eternally absorbed in his sad futile business, and her even temper was soured by jealousies which appear, as far as her husband's heart was concerned, to have been as baseless as they were bitter.<sup>17</sup> On October 18, 1718, Davenant wrote from Genoa to Stair that the bride was expected at Venice on her way to Rome.<sup>18</sup>

But Mar had insisted on not sending Wogan back to Ohlau, in Silesia, to bring the princess. He despatched James Murray, an old and trusted agent, later Jacobite Lord Dunbar, and much hated by the party. Murray managed, Wogan says, to let out the secret. However, he brought the marriage contract, signed, to Urbino on August 3, 1718. John Hay (later the detested Jacobite Earl of Inverness) was despatched to meet Clementina and her mother, and conduct them to Ferrara for the marriage ceremony. The secret, of course, leaked out, and was known to Stair in August, and, compelled by English influence, the emperor stopped the bride and her mother, his own aunt and cousin, at Innsbruck. The king went hastily from Urbino to Rome, having heard that the

emperor was to press the Pope to banish him. Wogan, seeing his plan imperilled, followed, and the king, apologising for having taken the affair out of his hands, bade him rescue the bride as best he might, and gave him a letter to her father, Prince James Sobieski. Wogan, seeing that if he failed he had no prospect but that of an Austrian or English scaffold, set forth with glee on an adventure so much to his taste in November. His fortunes shall be narrated later.<sup>19</sup>

Meanwhile, in the summer of 1718, Stair was moving the Regent to drive out "the rebels" from Paris. The Regent promised in August, but the Regent's promises were ill kept, though he was ready to betray Jacobite secrets. From Spain and Cardinal Alberoni had shone a great light of hope upon the exiles.

In 1717 there was war between the emperor and Spain. England, by the Treaty of Utrecht, was a guarantor of Italian neutrality, and had a defensive alliance with the emperor. Cardinal Alberoni, the extraordinary adventurer (who had not as yet the hat), was then all-powerful at Madrid, and had been friendly with England, but as she now stood in his way as regarded the quarrel with the emperor, he suspended his own commercial treaty with Britain. An imperial insult and injury to the Spanish Ambassador at Rome—he was arrested at Milan, and his papers were seized and sent to Vienna—irritated the Spanish monarch to the pitch of declaring war against the emperor. Alberoni, though threatened by domestic opposition, prepared a sea force at Barcelona: its purpose was a secret, but Cagliari in Sardinia, then in possession of the Empire, proved to be its objective. British diplomacy intervened after Sardinia was overrun; but Alberoni continued his preparations, and efforts were made to reconcile Charles XII. and Peter the Great—that old dream of the Jacobites. England, on June 4, 1718, sent a fleet under Sir George Byng to the Mediterranean, where he learned that the Spaniards were overrunning Sicily. He attempted to negotiate an armistice with their commander, who had no powers to treat, and on August 11, off Cape Passaro, he captured or sunk most of the Spanish fleet. On this occasion Captain Walton wrote a despatch famous for its extreme unlikeness to the bulletins of Napoleon,—

"SIR,—We have taken and destroyed all the Spanish ships which were upon the coast: the number as per margin."

There had been no declaration of war, but Alberoni had received due official warning. He recalled Monteleone, the Spanish Ambassador, a friend of the Jacobites, from London, and seized British vessels in Spanish ports. Negotiations were opened between Charles XII. and Peter the Great, and Ormonde's passport to the conference, as Plenipotentiary of James III., signed by Peter the Great, is among the Stuart Papers.<sup>20</sup> Can it be wondered that Stair found the Jacobites "uppish"? Charles XII. and Peter the Great, even when at war with each other, were united in "wishing the Elector at the devil." Now they, with Spain, would impart to George an impetus in that direction. But the persistent Fate which dogged the Stuart cause again had her stroke in the battle, and winged the musket-ball which slew Charles XII. before Fredrikshall on December 11. With him collapsed his policy, if policy it can be called. At Paris, Stair kept supplying King George's Minister, Craggs, with the fullest information.<sup>21</sup>

Presently the romantic Cellamare plot to raise France, under the Duc de Maine, against the Regent was discovered and failed: the Regent declared war against Spain, and England went before him in the declaration (December 28, 1718). Alberoni retaliated by preparing, at Cadiz, an expedition to attack England, under the forlorn leadership of the often baffled Ormonde. He, for his part, had left for Spain, as Stair knew, in the first week of November, burning with just wrath against the seizure of Clementina Sobieski at Innsbruck by the emperor,—“It is sure the most barbarous action that has been done for many ages” (Paris, November 4).<sup>22</sup> Stair had taken measures to arrest Ormonde, but he crossed the Pyrenees disguised as a valet, and Alberoni, war not having yet been declared, denied all connection with him. As Mr Froude says of similar falsehoods on the part of Queen Elizabeth, Alberoni “was without the minor scruples which embarrass timid consciences.”

On December 17, when Charles XII. had been dead for a week, Ormonde, knowing nothing of that blow, wrote to James to say that Alberoni had sent Sir Patrick Lawless to arrange an alliance between Russia and Sweden. Spain would give James 5000 men (of which 1000 would be cavalry), 1000 barrels of powder, and 15,000 muskets. Ormonde asked for arms to supply a Scottish rising, and wrote to summon the Earl Marischal and Campbell of Ormidale, a Jacobite prisoner of 1715, who had escaped. Ormonde thought that James should come to Spain: Rome was full of

English spies.<sup>23</sup> It was not till January 25 that Ormonde, at Valladolid, heard of the death of Charles XII., who, as Gortz's papers show, had definitely promised Alberoni to invade England as soon as he had taken Fredrikshall. The "unknown hand" that sent the fatal bullet altered the whole course of history. As for Gortz, he was decapitated at Stockholm on March 3, 1719. The Cause was as fatal to its friends as Queen Mary to her lovers.

Stair, in Paris, knew most of the Jacobite plans from the Regent and the Abbé du Bois, who gave him the Jacobite cyphers, so that their despatches, when intercepted or sold to him, were easy reading. But the Regent's information, as the following abstract shows, was not always quite correct:—

"*Ld. Stair to Sec. Craggs.*

"PARIS, January 21, 1719.

"He has been told by the Regent & Abbé du Bois the full particulars of the agreement of Kings of Spain and Sweden as to expedition against England. The K. of Sweden, after taking Drontheim, to proceed to Scotland & declare himself for the Pretender & Protector of Protestant Religion: the transports not to be men-o'-war but barks found at Drontheim & on the Norwegian coasts; K. of Spain to provide certain sumes. Sir Peter Lawless, starting from Bilbao with some of the remittances, was shipwrecked off Heylegeland. 20,000 arms being made in Holland are intended for the expedition; Spain to furnish 6000 men, to be sent to Ireland under Ormond; the Pretender to follow. Ormond has embarked at St Sebastien, to pass *incognito* to Ireland, apparently to wait for the troops there. The Duke of Orleans thinks that the Czar has no share in the design.

"(Enclosing the cypher used by the Jacobites corresponding with Ormond, wh. Du Bois has given him.)"

At Rome, on January 26, 1719, James received Ormonde's letter of December 17, and Alberoni's invitation to Spain. Had Alberoni known of Charles's death, the invitation would never have been sent. Mar knew, at Rome, by January 30, as he wrote to Dillon; but James was going to accept an invitation which Alberoni had no time to withdraw, so sluggish were communications.<sup>24</sup>

On February 8 a person, believed to be the king, left Rome with Mar and Perth, going northwards. It was supposed that James had

been summoned to the office of Regent of Sweden, or to pacify the emperor and the King of Spain, or had been called to England and to his crown on the rumoured death of George I. The pseudo-king and his party were arrested at Voghera, in the emperor's territory, and carried in triumph to the Castle of Milan. Stair sent the report that "the Pretender is taken" to his Government on March 4, but he seems to have had his doubts.<sup>25</sup>

He had learned, through the emperor, that James went north from Rome on February 8, after writing to ask the Pope for his blessing. But the Regent's news, more accurate, was to the effect that James was *en route* for Barcelona.<sup>26</sup> The pseudo-king, imprisoned at Milan, was one of the Jacobite family of Paterson (Sir Hugh?), who had played the royal part to conceal James's real movements. But from Mar's long letter on the adventure to Panmure, it does not seem that Paterson was really mistaken for James: the party was arrested at a venture.<sup>27</sup>

The real James went south from Rome,—not north,—and was welcomed at Nettuno by a French vessel under Genoese colours, sent by Cammock, a skipper employed during 1715, and now—an admiral of Spain.<sup>28</sup> On February 10 Ormonde went to Corunna to make preparations. James, who now well deserved the title of "Jamie the Rover" given him in the old song, suffered many things before he reached Rosas, in Catalonia, about March 10. He had a most tempestuous voyage, was very ill from fever, and lurked three days in Marseilles and a day at Villa Franca. He stayed also—to avoid two English cruisers—at Hyères, in a deplorable pot-house, on the day of carnival. There was a crowd of merry-makers, and his Majesty, an elegant and melancholy figure, had to dance all night, though he felt far from well, with the landlady. Alberoni wrote these details to Ormonde on March 18.<sup>29</sup> Meanwhile James, characteristically, was most concerned in Madrid "not to neglect what lies in my power for the support of so many brave subjects and old servants" at Saint Germain.<sup>30</sup>

The Earl Marischal and his brother James, the future Prussian field-marshal, had answered Ormonde's summons, and gone by Marseilles to Catalonia. In February Alberoni gave the Earl two frigates, 2000 muskets, money, and ammunition, with a few Spanish soldiers. With these, on March 8, he sailed for Scotland, carrying letters from Ormonde to Glengarry, the Duke of Gordon, and others. Nobody in Scotland knew anything definite, as we

learn from Lockhart, about the adventure, but Marischal's party alone reached British shores.

At this moment, and indeed for weeks, a singular rumour ran through Europe that the Princess Clementina had escaped from Innsbruck. On March 8 Stair wrote to Craggs: "Princess Sobiesky is expected at Verona on the 13th, but her escape has not yet been reported."<sup>31</sup> On March 11 Stair still had no news of her escape. Two Strasburg news-letters of April 5 reported that, on March 30, Wogan had rescued the princess. Now Wogan, at that very moment, was about to start for Strasburg, on his way to achieve his adventure. To his romantic proceedings we shall return: it was never known how the prophetic rumour arose. Stair remained in perplexity about James's movements: now he heard corroboration of his capture and imprisonment at Milan, now news came of him at Ravenna. The Spanish fleet at Cadiz was believed to be intended for the west of England; and Stair had news of Oxford's traffickings with the Jacobites. The Highland chiefs in Languedoc and Guienne were to go to raise the western isles, as Skye and Lewis. "The project," wrote Stair with truth, "is ridiculous and improbable" (March 11). Stair received, and disbelieved in, exaggerated reports of the Spanish strength, but heard from the Regent about the real strength and movements of Ormonde (really of Marischal). The Regent's informant was James's brother, the Duke of Berwick, who, perhaps, might have been more honourably employed than in acting as an agent for intelligence to his brother's enemies.<sup>32</sup>

The Spanish fleet, in fact, after long delays, left Cadiz on March 7,—five ships of war, and twenty-two transports with 5000 troops, many of them hastily recruited, and, as Stair heard, very unserviceable. The fleet carried arms for 30,000 men, and Ormonde had a proclamation with him in which the King of Spain promised that all British officers who deserted George for James would, in case of failure, retain their rank in his own service. No British officer, however inclined to Jacobitism, would have been "false to his salt." Lockhart, though vehement enough, expresses, on another occasion, his contempt for such behaviour in the field, though, in peace, he appears to have thought that Argyll had a perfect right to change sides.<sup>33</sup> Meantime Ormonde, at Corunna, knew that the attack on England would not be a surprise. In a month of delay (February 10 to



March 7) all had been discovered. The British fleet would treat the Spanish "as per margin," in Captain Walton's commercial phrase, and, even if the Spaniards did slip past the fleets, the British Government had time to lay hands on the English Jacobites, and prepare for the 5000 Spaniards an iron welcome.

Delays continued, and on March 22 Ormonde advised Alberoni that the English project was hopeless, and that the expedition should be directed to the West Highlands. In this case a large supply of provisions would be necessary: it is not possible for an army to "live on the country" in Moidart or Lochaber. Ormonde also said that James, if they sailed round Ireland for the Hebrides, should come in person. To James, Ormonde wrote (Corunna, March 22) that Marischal had sailed eleven days before. "What was good a month ago [the attempt on England] is not so now." To James, Ormonde said nothing definite about the need of his presence, but hinted at it delicately. As his utmost hope, he confessed, was to hold his ground in the Highlands, on the chance "of some occasion that may be advantageous," the proposal to come and loiter with an army, unprovisioned, in the picturesque scenery of Moidart and the isles, did not tempt the king. Thus, at Corunna on April 5 Ormonde acquiesced in James's objection to the Scottish adventure. Alberoni had heard from London that all was in disorder, and that Government, in perplexity, asked aid from France, —which, indeed, was offered by the Regent, as we learn from Stair, who had no desire to see honest Frenchmen landed in England to protect the Hanoverian dynasty. "The bias of all this nation towards the Pretender is inconceivable. . . . Our Jacobites are much better disposed to drink the Pretender's health than to fight for him" (March 20). Alberoni acquiesced in an invasion of Scotland if England proved too strong, for the King of Spain believed that Scotland was about to rise, and must not be deserted. He knew, at least, that many Jacobites had left the Continent for Scotland, and his Catholic Majesty "will not sacrifice so many honest men who have taken up arms already." In fact, the Scots were determined, as Lockhart says, not to move till England was engaged, though they were nearly hurried into action by false news, brought by a man who said that Ormonde had landed him in Galloway to bid them rise. Alberoni, meanwhile, pointed out to Ormonde the wildness of his proposal to risk James and the Cause by taking him on an expedition with no particular objective.

The English Government took the usual precautions, both as regarded the fleet and by bringing over Swiss and Dutch troops to keep England English!

The Spaniards had followed the usual course. Their fleet was scattered in the accustomed way by a storm of March 29. The ships were crippled, the guns were thrown overboard with the stores, and the news of the return of the ruined Armada was sent by James to Alberoni on his arrival at Corunna on April 17. The king's one idea was now to succour the Earl Marischal, who had already set out for Scotland with his two frigates and a small detachment of Spanish soldiers.<sup>34</sup> The storm probably saved the 5000 Spaniards from being sunk or captured. The whole campaign had been shattered by the musket-shot from Fredrikshall in December 1718. To the Jacobites in Paris, says Stair, the failure was an excuse for drinking a good many bottles of wine. It affected Mar otherwise. On May 27 Stair asks Craggs what is to be done about Mar? He has been arrested at Geneva, and "pretends he wishes to quit the Pretender's party."<sup>35</sup>

This is really visible in Mar's behaviour. He wrote to Stair from Geneva (May 6, 22), and a third anonymous letter; he also wrote to his father-in-law, the Duke of Kingston. Stair, thinking that Mar would desert James if George would restore his honours and estate, advised that he should be received: his desertion would prove that only Papists could serve the Pretender, who, for his part, retained, through good and evil report, his belief in Mar's loyalty to himself. Mar's own letters express a wish to be allowed to go to Bourbon and drink the waters of that healing spa. The third letter, mentioned by Stair to Craggs, in which Mar expresses his desire to leave James, is not published with the other two.<sup>36</sup> Indeed there is a mystery about Stair's remark that Mar is ready, on the terms mentioned, to desert James. On June 17 Stair writes to Stanhope that he is in doubt as to Mar's repentance; "he has made no direct step towards abandoning the Pretender."<sup>37</sup> Now Mar's letter in the third person, described by Stair on May 29, was said to be direct enough, and in his own hand. On July 8 Stair announced that the Jacobites have intelligence of Mar's intended defection.\*

The British king, then in Hanover, required of Mar not only

\* After consulting the State Papers in MS., I find nothing that indicates treachery to James in Mar's letters to Stair.

desertion of James but "considerable services" in the treacherous way. Stair said that these could not be expected, and suggested that meanwhile a pension should be given to Mar equal to the value of his estate: George would thus be master of his good behaviour. Later (October 20, 1719) Stair writes: "As to Lord Mar, the things that shock you shock me, but our business is to break the Pretender's party by detaching him from it. . . . Whatever his Lordship's intentions may be, it is very certain in a few months the Jacobites will pull his throat out." Stair thinks that James has his suspicions of Mar, while the Jacobites hold that his wife, a sister of Lady Mary Wortley Montagu, "is a spy, and has corrupted her husband. This, you may depend upon it, is true." On October 29 Stair learns that James has written to Mar "the kindest letter, with the warmest invitation to return to his post."<sup>38</sup>

The sole result of Alberoni's plan had thus been to determine Mar to leave a sinking ship, and to split the Jacobite party on the question of his "considerable services" to the British Government. What these services were—or, rightly or wrongly, were supposed to be—will appear in the course of events. These now carry us to the little diversion which the Earl Marischal, with 300 Spanish soldiers, was to cause in the north-west of Scotland. If he could raise the clans while Ormonde, landing with 5000 men in the west of England, was joined by the English Jacobites, the British Government would have need of their Swiss and Dutch auxiliaries. James Keith, Marischal's brother, went through southern France collecting the exiles and distributing money. But after picking up Tullibardine at Orleans, and reaching Paris early in March, he found fatally divided counsels. He showed credentials from Ormonde to Seaforth and Campbell of Glendaruel, who said that these would have little weight with them if they had not already been told by Mar to obey Ormonde's orders. Keith saw that they were factiously disposed, and, when they met him at Rouen, Glendaruel let it be understood that Dillon, at Saint Germain, ought to have been consulted.

These were obscure jealousies, which arose from James's too tardy but plainly expressed want of trust in the prudence of the exiles at Saint Germain, and also, says Keith, "the Duke of Mar had not been so much employed in the matter as they wished."<sup>39</sup> Mar's part, we know, had merely been to travel north with Perth from Rome, so as to draw attention from the movements of James, early in

February. Mar himself, just before he and the king then separated, had written to James a letter disclaiming desire of office if all went well. "I never aimed at being thought what is commonly called to princes a favourite, but my ambition is to have the honour, as it will be a pleasure, of being near your person,"—precisely the position that "a favourite" always does hold. To continue to hold this post (Gentleman of the Bedchamber), with a seat in the Cabinet, would satisfy Mar, he said,—as well it might. No position, not that of holding the seals, would carry more power and influence. As to the expedition of Ormonde, Mar only asked not to be sent to Scotland, where, indeed, his presence would not have been welcome to the clans, because he had deserted them in 1715. He pointed to Tullibardine, the person chosen to command in 1717, as the most desirable leader in Scotland.<sup>40</sup> Mar would like to join later as a volunteer.<sup>41</sup>

The point of this letter was to have Tullibardine, not Marischal, as commander in Scotland,—a scheme which Keith had detected, and, therefore, had not consulted Dillon. Asked why he did not, Keith said that, being known at Saint Germain, he could not go there, the folk there were so imprudent. Glendaruel's real object was to get from Dillon an old commission of 1717, whereby Seaforth was to act as James's general-in-chief in Scotland in the event of invasion from Sweden. It was a repetition of the conduct of Huntly, hugging his old commission, while the great Montrose was acting as commander-in-chief. However, they all left Havre on March 19; their departure from Paris was announced by Stair to Craggs (March 15).<sup>42</sup>

On April 4 they touched at the isle of Lewis, and found that the Earl Marischal had arrived with his Spanish three hundred. They all met at Stornoway. Tullibardine, though Marischal asked what commissions each of them held, suppressed the fact that he had obtained the commission of 1717 from Dillon, and wished to tarry in the Lewis till news came of Ormonde's arrival. It was not really the safer course, as English ships of war would blockade them in the isle of Lewis, and Marischal proposed a dash across country against Inverness. Next day Tullibardine produced his commission. Marischal bowed to authority, while retaining command of the two frigates, and Tullibardine yielded to the general preference for the march on Inverness. Glendaruel went off on his errand, and the ships, beaten by contrary squalls, did not reach Loch Alsh,

opening into Loch Duich, and Kintail, Seaforth's country, till April 13. On the north shore at the head of Loch Duich is Inverinate; opposite, on the other side of Loch Duich, the river Shiel, flowing east to west, yields a pass towards the eastern coast and Inverness through Glen Moriston, striking Loch Ness and the way to Inverness a few miles east of the Fort Augustus of to-day. Marischal was for surprising Inverness, but Tullibardine did nothing. The reason was, says Keith, that Tullibardine, not knowing what Marischal's commission might be, had sent circulars advising all that James desired them to sit still till news came of Ormonde's landing in England. Matters were so confused that either party in the divided camp may have been in the right: Keith, of course, takes his brother's side.

Days passed, while Marischal advised the attack on Inverness with such Mackenzies as gathered to their chief, Seaforth. Tullibardine hesitated, and Clanranald, when he arrived with Lochiel (April 20), was also for delay. Tullibardine, like Agamemnon in the 'Iliad,' now proposed flight in the ships, but Marischal commanded these, and, with great courage and decision, sent them away on April 30. He had scorned to join the flight of Mar and the king from Montrose in 1715, and he remained of the same temper. If Ormonde did arrive, what would he think when he learned that the leaders of the Scottish expedition had turned tail without firing a shot? The future field-marshal, James Keith, then aged twenty-two, was of his brother's mind. Most of the ammunition was stored in the ancient castle of Eilean Donan, on an islet close to the north shore of Loch Duich; and meanwhile a British squadron beset the exit from Loch Alsh to the open sea, and on May 10 three ships battered and seized Castle Donan, took such Spanish troops as had been left in this death-trap, perfectly untenable against guns, and made prize of the stores. A smaller magazine at the head of Loch Duich was blown up by the Spaniards, and the tiny invading force, as yet not joined by the clans, was in a net. Tullibardine had given reluctant friends an excellent excuse for not joining, but now he wanted men. The news, however, came that Ormonde's force had been dispersed by the storms, so that but a thousand broadswords, with Lord George Murray's Atholl men, Lochiel's, Seaforth's, and some of Rob Roy's Macgregors, were assembled. At Inverness General Wightman had been reinforced: he had about 850 bayonets, a hundred or two

of the Munros, 120 dragoons, and four light mortars. To meet them the Jacobites advanced up Glenshiel to the bridge five miles above Invershiel.<sup>43</sup>

They selected a pass where the road is overhung by a steep hillside, the pass being a narrow road between the hillside and the rocky bed of the brawling river, or large burn, for it is little more. On June 9 Wightman encamped at Strathloan, on the east side of the pass, watched by Lord George Murray and his small contingent. Next day about 2 P.M. the hostile forces viewed each other. The Jacobites had barricaded the road, and entrenched the steep hillside which commanded it on the north. Here the main body was posted, with the remnant of the Spanish regulars, while Seaforth occupied a still higher point—Scaur Ouran—on the left. On the Jacobite right and on the south side of the water of Shiel Lord George Murray, with 150 men, occupied a knoll. Marischal was with Seaforth; our old friend, Brigadier Mackintosh, was with the Spaniards; Tullibardine and Glendaruel were with the centre. The English General placed his dragoons on the level by the road, and attacked Lord George on the south side of the river with his Highland levies and some red-coats. Lord George's men fled across a difficult ravine and stayed there, unassailed. Wightman then attacked Seaforth on his high hill on the Jacobite left. There was skirmishing for two or three hours; the Macgregors and Mackenzies were not very alert, and the Jacobites of the clans gradually withdrew to the hill crests and away. Defence of a position was not their *forte*; a charge down-hill was not called for by their officers; probably they were afraid of being charged on the flank by Wightman's dragoons.

According to Tullibardine, the Jacobite force kept gradually melting away, and the unsupported Spaniards followed. Next day the Spaniards surrendered as prisoners of war, and Tullibardine says that nobody approved of his proposal to keep marching about,—the Spaniards remarking that they could not live without supplies. Tullibardine writes (June 16) from Glengarry, "My Lord Marischal's ill-concerted expedition is to be now shamefully dispersed at last."<sup>44</sup> Perhaps either Marischal or Tullibardine could have done better if not thwarted by the other commander. Seaforth, who was dangerously wounded, and who declared that his men were unsupported, the others merely "standing by," won more honour than his companions. The men engaged on both sides may have numbered

about 2300, and probably not more than 200 were killed or wounded. The leaders skulked in the braes of Knoydart and Glengarry's country till they found opportunities of retiring abroad. The English troops, who behaved very well, had the advantage of attacking an enemy who were not accustomed to acting on the offensive. Dundee would probably have mustered the Highlanders on the hillside north of the river, and trusted to a charge with the broadsword; but he had a handful of horse at Killiecrankie, Tullibardine had none at Glenshiel, and his lack of horse, with the advantage which the English possessed in their mortars and in taking the offensive, prevailed over a little band of Highlanders not united, except in the case of the Mackenzies, by the sentiment of clanship. It was a disastrous beginning of the careers, later so distinguished, of James Keith and of Lord George Murray.

James lingered on in Spain, which was being worsted in the campaign against France, till September, when a graceful reason for his return to Italy was presented by the arrival of his bride in Italy. Charles Wogan had faced the dangers of an English or an Austrian block, and had done what, in November 1718, he set himself to do. Leaving Urbino, then, with a commission from James, he passed through Bologna, where Cardinal Origo told him that he would soon be returning, with no princess. "Unless I bring her, your Eminence will see my face no more," he replied. He was a man inspired by the old chivalry and by the tradition of that "very beautiful person," and very brave man, his ancestor, who led a troop of cavaliers through Cromwellian England to join Glencairn and avenge Montrose. From Bologna, Wogan travelled to Innspruck in the disguise of a French pedlar, for, as the phrase ran, he "had the tongues," being an accomplished scholar, the early friend of Parnell, the poet, and of Pope. He was introduced, by means of his pack and wares, to the captive ladies, Clementina and her mother, and gave them letters from James. Both ladies were romantic, and gladly entered into his plan of escape, subject to the permission of Prince James Sobieski. Wogan therefore visited him at Ohlau, but found him a person of unadventurous character. "The time for Quixotades is passed," he said. But Sobieski liked the gay and courageous cavalier, and on New Year's Day 1719 offered him, as *étrennes*, a valuable relic—a snuff-box of turquoise taken by John Sobieski from the tent of the Grand Vizier on the day when he smote the Turks before

Vienna. Wogan respectfully declined the gift: he would not return to Italy with so rich a gift for himself and with a refusal to his master and king.

Sobieski was touched: he pressed the jewel on Wogan, invited him to dinner, and, in a convivial mood, gave him full powers to do his best for Clementina's rescue. Wogan inquired as to how a passport from Vienna, for the security of the princess travelling through Austria, could be obtained, when to his horror the prince called an Austrian adventurer, Baron Echersberg, to join the conclave. This man, Wogan reckoned, would betray all to the emperor. When Sobieski and Von Echersberg had conversed in German, Wogan determined to ply the Austrian with Tokay in his own rooms. "Dull men are fond of politics," says Wogan, and he delighted the Baron by revealing to him, as a profound secret and an accomplished fact, or a probable conclusion, the Russo-Swedish alliance in favour of James, which Ormonde had failed to procure in 1717. His king desired to have an ambassador, a German, at the Court of Charles XII.: he was commissioned to select a brave and intelligent Teuton, and in Baron Von Echersberg he had recognised his ideal. On the happy Restoration, the Garter and a great estate in England would give to the Baron the eminence and the opportunities which Alberoni enjoyed in Spain. It was an age of great adventurers, like Law "of Lauriston" in France. The Baron took the bait, became Wogan's sworn ally, and remained constant to him, Clementina, and the Cause even after the news arrived of the death of Charles XII.

The fair Countess de Berg, dear to Prince Sobieski, suspected the intrigue, so Wogan did not disappear obscurely from Ohlau, but set forth in a coach with six horses for Prague. But before making that move, intended to disguise a secret trip to Vienna, an almost incredible prospect opened itself to Wogan. Peter the Great had 30,000 men stationed within twenty miles from Ohlau, under Prince Czerematoff. Wogan declares that Czerematoff, necessarily by Peter's orders, secretly invited Prince Sobieski to put himself at the head of the 30,000, seize the Polish throne, and declare war in revenge for Clementina's arrest, backed of course by Russia, who would find her own reward, obviously, in Poland under a Sobieski. After supper the prince consented, *τὰ φρονέοντ' ἀνὰ θυμόν ᾄ ῥ' οὐ τελέεσθαι ἔμελλον.* But when day dawned the prince knew that his was a deceitful dream. He



was old, he had no son,—in fact, he thought better of the proposal. Wogan therefore made for Vienna, where he hoped that the Papal nuncio would mollify the emperor. But the emperor, he learned, was the puppet of England; so Wogan rode to Augsburg, where he had arranged to meet the Starosta Chlebouski and his wife, who would chaperon the princess,—a chaperon, of course, was absolutely necessary when a young adventurer was to carry off a princess of sixteen to be the bride of a king. The Chlebouskis had lost heart, and came not; worse, Prince Sobieski lost heart and withdrew his commission. He had two other daughters; let James choose one of them—the grave (who was really the appropriate bride), or the recklessly gay.

Wogan was not to be defeated. Lurking at Augsburg as a French fugitive from his creditors, he induced James to send a Florentine, Vezosi, to Ohlau, to ask Sobieski for a renewal of his commission. He himself rode to Schelestadt, near Strasburg, where lay a regiment of the "Wild Geese," Dillon's Irish, among them Major Gaydon, Wogan's uncle, Captain Misset, and Captain O'Toole, a gigantic blue-eyed Irishman, while Lally, commanding in Dillon's absence, was in the secret of the scheme. He was the father of another Jacobite, later famous, Lally Tollendal. A chaperon, failing Madame Chlebouski, was found in Mrs Misset, herself about to become a mother; while her servant, Jeanneton, a maid of heroic proportions, friendly to O'Toole, would be useful, and was told that they planned to carry off an heiress as his bride. Not being of a jealous temper, Jeanneton was delighted to join in the adventure.

We have reached the month of March 1719, and James had arrived in Spain. By April 5, as we saw, the curious rumour that Wogan was successful, and that the princess was free, had reached the Strasburg news-letters. The others were alarmed, but Wogan said that the gaolers of the princess would be put off their guard, and argue that, as his plot was known, he would desist. On April 6 they set out by various routes for Strasburg, where Wogan was taken to be Mar and was arrested. The error was discovered and he was released, though, as he justly remarks, he was "more important than ten such dukes." Mar himself was waiting to see how the Spanish enterprise would prosper before going north to Geneva and putting himself in touch with Stair.

At Strasburg Wogan purchased a strong *berline*, with a double

set of harness, for he left nothing to chance. The commander at Strasburg, d'Angervilliers, wished them god-speed,—“You are the lads to conquer or die.” The Florentine emissary to Sobieski had brought a renewed commission for Wogan, and they drove across the bridge of Kehl, Gaydon passing as Comte de Cernes, Mrs Gaydon as the Comtesse, Wogan as the brother of de Cernes, and Misset, O'Toole, and Vezzosi, the Florentine, as servants. Reaching Nazareth, a village distant a day's journey from Innspruck, Misset went, disguised as a French merchant, with cyphered letters to Châteaudoux, the intendant of the Princess Sobieski. He was informed that Jeanneton, apparently in the character of his mistress, was to be smuggled into the house where the captive ladies lay, at midnight, April 27. A woman would later leave the house, but she would not be Jeanneton. The princess would borrow Jeanneton's hood and walk forth, while Jeanneton would occupy her bed, and, being very unwell, would not receive the official who, twice a-day, had to wait on and inspect the captive Clementina. After giving Châteaudoux his orders Misset was to go forward and await the party at an inn on the crest of the Brenner Pass. Next day Wogan heard from Châteaudoux that James had a rival. The Princess of Baden was at Innspruck, wooing Clementina for her son, while the King of England was to provide a tocher of £100,000. But on April 27 the Princess of Baden was to set out for Italy, as she did.

On the 27th of April, when the party of rescue left Nazareth, all was imperilled. Jeanneton was very tall, Clementina was short. It was necessary that Jeanneton should discard her high-heeled shoon for slippers, to help to dissemble her height, but Mrs Misset and all the men had literally to throw themselves at her feet before she would consent. Under cloud of night they alighted at the Black Eagle in Innspruck in a gale and a deluge of rain. Châteaudoux met Wogan and declared that a princess could not walk the streets on such a night; but Wogan was resolute, and a page, Kouska, was ordered to meet him at the bridge and act as guide. At half-past eleven Jeanneton, in a furious temper, and Wogan, met Kouska at the door of the prison-house of the princesses. The sentinel had taken shelter in a tavern opposite; a faint watery moon and the white snow gave a doubtful light. Jeanneton slipped into the house, and Wogan, waiting in a dark corner, heard the chimes at the quarter and the half hour after midnight. At last

a woman in a wet and heavy riding-cloak emerged, passed through the door of the court, and groped her way to the dark corner where Wogan waited. Behind her followed Kouska with the Sobieski rubies, and the crown jewels carried off by James II. and sent to Clementina rather rashly by James III., in an ordinary-looking parcel. The pearls, worn by unhappy queens, and destined to adorn two other queens not more fortunate than they, decorate a portrait of Clementina taken at Rome before she had ceased to smile,—very large pear-shaped pearls, like those in an early portrait of Mary Stuart.

Not knowing, probably, what the parcel contained, Kouska threw it behind the door, when Clementina, thoroughly wet from a fall in the snow, reached the Black Eagle with Wogan. O'Toole drove the *berline* to the door, the party entered it, and had gone some way when Clementina cried, "Where are my jewels?" O'Toole galloped back to the inn: the outer door was barred, but by a great exertion of strength he forced the obstacle, seized the jewels, and hurried back to the party, who had passed, says Wogan, a quarter of an hour that was "terrible but interesting," as the discovery of the packet and its contents would have caused instant pursuit.

The rest of the journey was delayed by the Princess of Baden, who, travelling south, had taken up all the relays of fresh horses in advance. An imperial courier, hurrying to warn the frontier commanders, was ingeniously intoxicated and robbed of his despatches by Misset and O'Toole. It was not till the afternoon of the day of the escape, April 28, that the officials at Innsbruck became aware of the flight of the caged bird.<sup>45</sup> On April 30, after mirthful adventures, in which Clementina showed great courage and cheerfulness, the fugitives crossed the Austrian frontier; on May 2 they arrived in Bologna. One curious point is noted in Gaydon's narrative. A princess of the Caprara family had been spoken of as a bride for James, and Clementina knew it. She insisted on seeing this lady's portrait in the Palazzo Caprara, and, on beholding it, to the surprise of her companions (who knew nothing) she blushed a vivid scarlet! In fact, under all the charm and gaiety of Clementina lay a fund of jealousy, the cause of many sorrows. On May 9 James Murray (second son of the fifth Viscount Stormont, an active and trustworthy agent of the Cause) was proxy wedded to the royal bride. As Jacobite Earl of Dunbar (1721) he became much detested by the divided Jacobites, who at this moment were

concentrating their hatred on Mar. James could have no trusted Minister whom one or another division of the party, at home and abroad, did not despise and dislike. Proceeding to Rome, Clementina was placed in the Ursuline convent, while the honours of the city of Rome were showered on Wogan and his friends. James made him a baronet, and he was appropriately advanced to the Governorship of La Mancha in Spain. He corresponded with Swift, whom he regarded as an Irish patriot, but he did not set out again to seek adventures in 1745.

On June 7 Alberoni gave James the first tidings of the escape of his bride. He confirmed the news on June 8.<sup>46</sup> The Cardinal also showed James plainly that attempts on England and Scotland were hopeless for the time. On August 14 he set out from Vinaros, and on September 5, from Montefiascone, announced to the King of Spain and to Ormonde his marriage. "The Queen has surpassed my expectations, and I am happy with her,"—the very first expression of happiness in his correspondence, and tempered by his being "in a terrible way as to money matters" (September 14).<sup>47</sup> The Pope was James's only resource, and the Pope was not lavish, as James Keith found when he visited his king. James keeps expressing his hope that Mar will be allowed to leave Geneva and return to him. "In the meantime I shall be my own secretary." He found Montefiascone, in the October rains, "a very melancholy place."

It was a melancholy honeymoon,—a defeated, disappointed, laborious bridegroom, earnestly toilsome as his own secretary; a bride of half his age, who found that her crown was pinchbeck, that money was very scarce, that her lord was deep in affairs, and that he in no respect resembled her merry knight, adventurous Charles Wogan; while her father, in disgrace for her escapade, was deprived of his duchies, and had retired to a monastery. The poor child lost her spirits, lost her even temper, became irritable, and finally had a grievance which she would not reveal. The world—even the Jacobites—took her part, historians take her part: it is natural. James, in his usual calm patient way, tried to reason with his wife—a course proverbially futile: her jealousy poured the last drop into his cup of bitterness.

## NOTES TO CHAPTER XI.

- <sup>1</sup> Berwick, ii. 235-237.
- <sup>2</sup> Stuart Papers, ii. 359.
- <sup>3</sup> Stuart Papers, ii. 474, 475.
- <sup>4</sup> Stuart Papers, ii. 495; Miscellany, Scottish History Society, ii. 373-385.
- <sup>5</sup> Stuart Papers, ii. 477.
- <sup>6</sup> State Papers, Foreign. Record Office. Vol. 160.
- <sup>7</sup> Mahon, i. 260, 261. Parliamentary History, vii. 396-420: the Swedish Correspondence.
- <sup>8</sup> Miscellany, Scottish History Society, ii. 422, 423.
- <sup>9</sup> Miscellany, Scottish History Society, ii. 419-422.
- <sup>10</sup> Miscellany, Scottish History Society, ii. 418.
- <sup>11</sup> The publication of the third volume of the Stuart Papers will prove the truth of this or of Dr Erskine's note to the opposite effect; at best he sailed very near the wind.
- <sup>12</sup> Lockhart, ii. 15.
- <sup>13</sup> Lockhart, ii. 29-31.
- <sup>14</sup> State Papers, Foreign. Record Office. Vol. 161. The Jacobite Attempt of 1719, Scottish History Society.
- <sup>15</sup> Haile, Mary of Modena, pp. 500-503, and Appendix D., p. 516.
- <sup>16</sup> I found a hint of this, in a paper written by James after his wife's death, among the Stuart MSS. Unfortunately I have lost the copy, and the reminiscence must be taken merely as such.
- <sup>17</sup> The various accounts of the romance of Clementina, including the pleasant version of Wogan, have been published by Dr Gilbert, Dublin, 1894. See, too, Historical Manuscripts Commission, x. 6. 216. Lord Braye's Papers.
- <sup>18</sup> State Papers, Foreign, France, vol. 162.
- <sup>19</sup> Wogan, and Glover's Stuart Papers, p. 48, note: 1847. The letters are Atterbury's Correspondence, with notes from the other Stuart MSS.
- <sup>20</sup> Mahon, i. 319.
- <sup>21</sup> State Papers, Foreign, France, vol. 162.
- <sup>22</sup> The Jacobite Attempt of 1719, p. 2.
- <sup>23</sup> The Jacobite Attempt of 1719, pp. 15-17.
- <sup>24</sup> Stuart Papers, *apud* Jacobite Attempt, 1719, xxxii.
- <sup>25</sup> Stuart Papers, Foreign, France, vol. 163.
- <sup>26</sup> Stuart Papers, Foreign, France, vol. 163.
- <sup>27</sup> The Jacobite Attempt of 1719, pp. 206-216.
- <sup>28</sup> The Jacobite Attempt of 1719, xxxiii.
- <sup>29</sup> Stuart Papers, The Jacobite Attempt of 1719, pp. 219-221.
- <sup>30</sup> Stuart Papers, The Jacobite Attempt of 1719, p. 221.
- <sup>31</sup> State Papers, Foreign, France, vol. 163.
- <sup>32</sup> Stair to Craggs, March 22, 1719. A letter from Duke of Berwick to Duke of Orleans on Ormonde's (really Marischal's) embarkation on the 12th, with four companies of Grenadiers on two frigates taken by the Spaniards from the French last year in the West Indies, probably to join the Spanish fleet either at Ushant or Finisterre. State Papers, Foreign, France. Record Office.
- <sup>33</sup> The Jacobite Attempt of 1719, xxxvi.

- <sup>34</sup> The Jacobite Attempt of 1719, pp. 113-116.
- <sup>35</sup> State Papers, Foreign, France, vol. 163.
- <sup>36</sup> Hardwicke Papers, ii. 562-569.
- <sup>37</sup> Stuart Papers, Foreign, France, vol. 163.
- <sup>38</sup> Hardwicke Papers, ii. 599.
- <sup>39</sup> Memoirs of Keith. Spalding Club, p. 46.
- <sup>40</sup> 'Lord Mar's Legacy,' Scottish History Society, No. 26, pp. 147, 148. The Hon. Stuart Erskine, the editor of 'Mar's Legacy,' says in a note that the person intended is "probably either Ormonde or Berwick." Ormonde was not going to Scotland at all, and Berwick was commanding a French army and sending intelligence of Jacobite movements to the Regent d'Orléans. As Keith shows, the reference is to Tullibardine's commission.
- <sup>41</sup> Stuart Papers, cited in 'Mar's Legacy,' pp. 146-149.
- <sup>42</sup> Memoirs of Keith, pp. 42-44.
- <sup>43</sup> The Jacobite Attempt of 1719, xlix.
- <sup>44</sup> The Jacobite Attempt of 1719, pp. 269-273.
- <sup>45</sup> Wogan's Narrative.
- <sup>46</sup> Stuart Papers, The Jacobite Attempt of 1719, pp. 253, 254.
- <sup>47</sup> Stuart Papers, The Jacobite Attempt of 1719, p. 264.

## CHAPTER XII.

## HERESY AND SCHISM.

1720-1740.

THE one important result of Charles Wogan's chivalrous enterprise was the birth of Prince Charles Edward, on Old Year's Night, 1720. Feuds, jealousies, and conspiracies centred round the cradle of the child who was to keep alive the old wasting fever of Jacobitism. But for the moment the party was dormant, and Scotland was little if at all affected by the newest and least hopeful schemes of 1720-1722.

Nothing more important than ecclesiastical motions was interesting Scotland. Both the Kirk and the Episcopal remnant were agitated by various causes which had a considerable amount of vitality, and for long affected, and indeed still in some measure do affect, the religious bodies in which they arose. The Kirk, since the Reformation, had been little vexed by laxity of religious belief: the "standards" of faith had not been impugned, save by the Arminianism of some of the conformist clergy before the Bishop's Wars under Charles I. These peccant thinkers were then purged out, and the Kirk, whether triumphant or persecuted, or rent by the schism of the Cameronians, was unflinchingly orthodox in her Calvinism. Such doubts and theories as were entertained by the unhappy boy Aikenhead attacked many sincere believers, as their testimonies declare, but were stifled or vanquished by them, and there was plenty of free-thinking discourse held over the bottle; but the ministers and professors in the universities had continued to rehearse, over and over, the Calvinistic theory of God and man, with Adam as "the Federal Head" of the descendants whom he involved, without consulting them, in the misdemeanour of disobedience, and the guilt associated with "that forbidden Tree."

As of old in Eden, so now in Scotland, it was woman who tempted man to his doctrinal fall. Antoinette Bourignon was a French mystic of a common type, not welcome to Calvinism, and sympathy with her doctrines caused the deposition of an Aberdeenshire minister, and, later (1706), of a Presbyterian. They doubted whether the heathen were universally reprobate, and held, with Tertullian, that they naturally *vocem Christianam exclamant*, now and then,—an opinion historically confirmed by the study of some elements in savage religion. The Westminster Confession was thus endangered, and even a professor in the University of Glasgow, Mr Simson, was delated by an Edinburgh minister, Mr Webster, for teaching heterodoxy.

Theological topics are ill-suited for the secular historian, but the development or degradation of doctrine occupied the Scottish people so much that the theme must be faced. Where the most awful mysteries of human destiny and the actual conditions of Deity were discussed in the jargon of Scottish law,—when we hear much, for example, of “the personal property of the Father,”—the mind naturally shrinks from approaching the heated arena of the Presbytery and the Assembly, where such matters were the ground of wranglings. Perhaps the least tedious and least irreverent way of handling the subject is to attend to the personal interest,—the characters and ways of the Bostons, Wodrows, Hogs, Erskines, and others, who are the protagonists.

Heresy usually begins in the universities, as at St Leonard's College before the Reformation. The excellent Wodrow, being a historian (“*vous êtes orfevre, Monsieur Josse!*”), conceived that “the increase of irreligion, Deism, and Atheism” might partly be due to the neglect of the ‘History of the Sufferings,’ on which he was engaged.<sup>1</sup>

Wodrow also noted a blow against the doctrines of the mystical Antoinette in an extraordinary murder. “A mighty disciple” of hers, an Aberdeenshire Bourignonist, a schoolmaster, was deprived of his place for his heresy. He came to Edinburgh, naturally to the house of a Gordon, a bailie of the town, as tutor to his sons. Walking with two of them one day in the woods opposite the castle, where now are Castle Street, Hanover Street, and Frederick Street, this man, who was probably mad, cut the throats of the poor children, and, less effectually, cut his own. He was observed and seized red-handed: his hands were cut off, he was hanged, but breathed for



half an hour through the cut in his throat. "He seems to have been possessed." Wodrow does not, it is fair to say, attribute the diabolical possession to the Bourignonian doctrine.<sup>2</sup>

This occurred just before the General Assembly of May 1717, in which the case, already old, of the heretical Glasgow professor, Mr Simson, was debated, Mr Mitchell being Moderator. A committee had examined into the affair, and found that Socinianism, Arminianism, and, we hear with relief, Jesuitism were not proved against the divine; nor was he guilty of any sin against the Confession of Faith. He had, however, been rather rash in his solution of difficulties in theology, and the committee thought that the Assembly should warn him and other professors and clergymen to be careful. Every one, they added, should be recommended to avoid uncharitable judging,—a reproof to Mr Webster, who had published a violent pamphlet against Mr Simson.<sup>3</sup> There were long debates, "and both sides mistook [misunderstood] one another, I am sure, for two hours." Mr Simson alleged that babies "are not in the same state with reprobate angels," founding on Acts ii. 39. "It was remitted to a committee," and then there was a debate of six hours on "moral seriousness and grace." Mr Simson was disapproved of for saying that there was a covenanted connection, under promise, between grace and moral seriousness. The House, in circumstances so exciting, resounded with "a very indecent cry," for which the Royal Commissioner requested the Moderator to rebuke the brethren. Finally, a committee, including Mar's brother, Lord Grange, reconsidered the whole business, and, in secular phrase, Mr Simson received a slight reprimand, and was warned not to do it again. He "*tended* to attribute too much to natural reason."

In a second process (1726-1729) graver charges, as we shall see, of verging on Socinianism were advanced. Presbyteries were consulted, and, while most were for deposing Mr Simson, he was merely suspended. This appeared culpable neglect to the "private Christian" of a Cameronian tinge who wrote 'Plain Reasons for Presbyterians dissenting' (1731), and was one of the causes of a secession later.

The Kirk was, in fact, full of heated passions, orthodoxy and Moderatism being at war, while each faction claimed to be alone orthodox. Already the Presbytery of Auchterarder had been demanding the assent of a young divine "under trials" to formu-

laries of their own invention. One of these, says Wodrow, "made a dreadful noise, and hath been in all the coffee-houses at London." We shall later quote "the Auchterarder Creed," as it was called; but it is interesting to note that Wodrow's Editor, the Rev. Mr M'Crie, writing at the time of the Disruption (1843), appears to side with Auchterarder against the General Assembly, which condemned "the Auchterarder Creed," and thereby "injured the doctrines of grace."<sup>4</sup> Meanwhile Mr Hog, in defence of the Auchterarder Creed, republished part of an old book, 'The Marrow of Modern Divinity' (1646), by Mr Fisher, an Englishman. Who was this Fisher, whose dead hand threw the Marrow bone of contention among the Scots divines? Those who did not admire him said that he was a barber, an Independent. His advocates averred that he was a son of Sir Edward Fisher of Mickleton in Gloucestershire, and that he had been a gentleman commoner of Brasenose College, Oxford. Anthony Wood credits the B.N.C. Mr Fisher with 'The Marrow'; but this Fisher was a Royalist, while the author of 'The Marrow' is recognised as an Independent.<sup>5</sup>

At all events, from Fisher's old book arose that Kirk-rending "Marrow Controversy," now "fallen very dim," though very vivacious and exciting in its day. The topic is, indeed, a great deal more mysterious than the alleged betrayal by Mar of Atterbury, for the problem involves such topics as "the conditionality of grace," which can only be settled by an Infallible Head, or other infallible authority, not acknowledged by the Kirk. We are therefore obliged to consult 'The Edinburgh Christian Instructor' (1831-1832), which contains a very elaborate account of the controversy. The more precise of the ministers were shocked, among them the famed Mr Boston of Etrick, by the condemnation of the Auchterarder Creed. It ran thus: "It is not sound and orthodox to teach that we must forsake sin, in order to our coming to Christ and instating us in covenant with God." Mr Boston, at the Assembly of 1717, "believed the proposition to be true, howbeit not well worded." A great deal might be said on both sides, but not much could be said in favour of the right of presbyteries to frame new tests of faith not authorised by the Kirk. The wording of the Auchterarder test was so indiscreet, we know, that it made a noise, and probably caused unseemly mirth in the London coffee-houses. It would seem to embody the faith of Trusty Tompkins in 'Woodstock,'—a saint with a heavenly

licence to sin at will. Though Calvinism is not the faith of Tompkins, which is commonly called Antinomianism, it has often been understood as if it were. The Assembly of 1717 would not tolerate what seemed to lean towards Antinomianism, and, as Boston says, "for several years there ran a torrent, in the public actings of this Church against the doctrine of grace, under the name of Antinomianism."<sup>6</sup>

In a casual conversation at the Assembly with the minister of Crieff, Boston happened to mention to him that forgotten book of Independent divinity, 'The Marrow.' Mr Drummond procured a copy, and, as we said, Mr Hog of Carnock reprinted much of it, with an Introduction of his own (1718). "By a beautiful step of Providence," Mr Boston was the occasion of much that he deemed "to the signal advantage of the truth of the gospel in this Church." There were great searchings of heart among students of 'The Marrow.' Principal Hadow of St Andrews, a university not free from Jacobite tendencies, both preached and wrote against the doctrines of the old Independent divine,—“the Cromwellian Ghost” as he was called. Principal Hadow detected Trusty Tompkins in the Ghost (see his 'Antinomianism of the Marrow detected'), and also a tendency to believe in Universal Redemption. The General Assembly appointed a Committee of Purity of Doctrine, and several preachers, including Mr Hog, were summoned before the Committee in April 1720. The conference ended amicably; but when the Committee on Purity of Doctrine handed in its report, a set of propositions extracted from 'The Marrow' "were very unanimously condemned," says Wodrow, in spite of the arguments of Hog and others. "The propositions were so gross that there was no reasoning of any force against them. The book is discharged to be recommended" (May 18, 1720).<sup>7</sup>

The heresies condemned were, in fact, sufficiently gross, if they were actually in 'The Marrow'; but the circumstances were analogous to the condemnation of the Five Propositions of Jansenius, as known to mankind through the 'Lettres Provinciales' of Pascal. The Pope settled the question, "Are the Propositions really in Jansenius?" in the affirmative. But the Assembly had no Pope, and the "Marrow men" had no Pascal. Charles Perrault, after studying the Pascal-Jesuit controversy, came to the conclusion that there was little in the matter, and to moderns there may seem to be little in the Marrow dispute. But it was very serious

to the disputants, and led on towards a secession from the Kirk. The condemnation by the Assembly became "more and more stumbling to many ministers of piety and learning," as a serious layman wrote to Wodrow (Feb. 14, 1721).<sup>8</sup>

In 1721 the Assembly met in unfortunate circumstances. The Commissioner, Rothes, "is turned blue and ill-coloured," writes Wodrow, rather tautologically. The malady of Rothes caused the Assembly to break up early (May 17). A petition by twelve ministers against the Act condemning 'The Marrow' was therefore remitted to a Commission, of which Wodrow was a member. Mr Boston, in the remote pastoral parish at the head of Ettrick, was the moving spirit in the matter of this petition, with Mr Hog, and famous Mr Ralph Erskine of Dunfermline, and Mr Ebenezer Erskine of Portmoak. Mr Boston spoke of "that black Act"; in short, theological spirits were much inflamed, and the Assembly was open to a charge of intolerance. In any community or Church there must be some authority: if not in the Assembly, where was it? But to use the authority is, of course, to disoblige some members of the community or Church, and they naturally denounce the authority as tyrannical.

The Commission, when it considered the petition, concluded that, according to 'The Marrow,' "believers' sins are no sin" (May 18, 1720). But the petitioners, in their preamble, had repudiated "as egregious blasphemy" the idea that "holiness is not essential to salvation." That was an error which they abhorred, but they also abhorred the other error of seeking salvation by good works. The General Assembly had not sufficiently adverted to that perilous course, which, we may think, at least involved less danger to the community than the belief that believers may sin at pleasure. 'The Marrow' had quoted Luther, "that blessed and famous Reformer," but the Assembly did not like what Knox calls "Martin's way," or did not like its concomitants.<sup>9</sup> The petitioners really thought—and this is the intelligible point in their position—that "there was a growing humour for turning religion into a mere morality." Each party in the dispute regarded the other as departing from the exceedingly strait old way on the Calvinistic ridge "where the wind and water shear." The debates between the petitioners and the Commission were prolonged, and Boston says, "I was encouraged by the success of an encounter with Principal Hadow."<sup>10</sup> In November the petitioners were recalled,

and asked to answer certain written questions. Boston saw that "we were to lay our account to parting with our brethren," and the questions were received under protest.<sup>11</sup> Finally, on May 21, 1722, the petitioners, who had given in their answers, were "admonished and rebuked" by the Assembly. There was a thunderstorm, not without rain: "it made impression on many, as Heaven's testimony against their deed they were then about to do," but, adds Boston with common-sense, "though in this it is not for me to determine." He must have seen many a rainy day, with thunder, at the manse of Ettrick.

Whether the Assembly was intolerant to the Marrow men or not, the old persecuting way was still in lively force during the Assembly of May 1722. Some fifty persons had attended Mass at the Duchess of Gordon's house in the Canongate. Bailie Hawthorne forced open the doors and seized the whole company. The ladies were released on bail; the priest and another man were imprisoned.<sup>12</sup> It is no wonder that the Jacobites "pretend now to set up upon liberty and Whig principles."<sup>13</sup> It was the moment of Laver's plot in London,—a silly confused affair, later to be recorded, and fatal to Atterbury.

The thunderstorm mentioned by Boston is also noticed by Wodrow in a letter to his wife. He saw no warning from an angry heaven in the matter, and says that the Moderator allowed that the task of rebuking Boston and his friends was "uneasy," but "he did it." In their protest the Marrow men expressed their adhesion to the National Covenant and Solemn League and Covenant (which endeared them to the men of the old leaven in their flocks), and to the Confession of Westminster. They refused to submit to the Act of 1720 or the present Act, "but will preach the truths forbid" by these Acts. They do not appear to have had any regard for the authority of their Church.<sup>14</sup> As their protest was not received by the Assembly, though accompanied with gold coin laid down by Mr Hog in accordance with usage, they published it. Their authority for protesting against the Act of Assembly denouncing 'The Marrow' was "the Word of God" (to which Knox also proposed to refer if, by chance, the Kirk differed from him in opinion), and "the foresaid standards of doctrine and covenants." It is not easy to understand how a Church can exercise any doctrinal authority if any members chose to take a different sense of the meaning of Scripture from that

which the Church prefers.<sup>15</sup> Herein had lain the manifest peril of the Kirk ever since the Reformation.

The Assembly passed by the protestation—the defiance we may call it—in silence. Government, both in the king's letter and in a remonstrance of the Commissioner, had noticed the dissensions of the preachers, and, thinking of Atterbury's and Layer's plots, had implored the clergy to avoid an open breach. Otherwise the Secession might have occurred ten years before it actually happened, though it is not easy to see in what respect it could have aided the cause of King James. The dissenters would, in no case, have donned the white cockade while James remained a Catholic.

The general result of 'The Marrow' controversy was that "several ministers who were cordially attached to the constitution of the Church of Scotland had their confidence in all national Churches shaken," and two began to show a preference for the Independent model over Presbytery. Wodrow writes that "the serious part of this Church are in greater hazard of turning to the excesses of the Independents than many are aware of." "The Cromwellian Ghost" was doing its work; the ideas of "those erroneous parties, the Sectaries," as they were called in Cromwell's time, were being revived. Wodrow himself (1727) was "almost weary of the chicane and different views we have," as Baillie, long before, had been disgusted by the "niggie naggies" of the Protesters, the godly, the left wing of the Covenant.<sup>16</sup>

If men of learning like Wodrow, and the majority of the ministers, conceived that the minority, the Marrow men, were verging on the Independent error, the Marrow men looked on the majority as "Neonomians." This is the view of an eminent modern authority, Professor MacEwen of the United Free Church. Whether or not that Church is the spiritual descendant and heir of the Marrow party, and of the Secession, it might be dangerous to conjecture, as the theme is infinitely ramified and tempers are fiery. At all events, Professor MacEwen says that the Marrow doctrines, as preached by Boston and Hog, were "faced by an unwillingness to accept those doctrines in their completeness, which earned the name of Neonomianism. A strange school this latter was—predestinarian and forensic in its theory, yet prone to vague moralising, and disposed to tolerate anything but evangelical earnestness. Every man was "saved" or "lost"; but salvation was secondary to decent behaviour, and no man had a right to meddle with another man's

opinions. It was enough to be willing to "accept the Confession of Faith."<sup>17</sup>

To accept the Confession of Faith is to accept a good deal! Wodrow would have been much surprised had he learned that he thought "no man had any right to meddle with another man's opinions." The Kirk, generally, was still hostile to toleration, and meddled with the opinions of its children and others very frequently. From the point of view of the community, salvation *is* "secondary to decent behaviour." If all men and women behaved indecently, the fact that they were all "saved" (even if it could be scientifically verified) would be a poor consolation for universal impropriety. If to hold sensible opinions is to earn the nickname of Neonomian, we must remember that the good men who thought decent behaviour secondary to salvation also earned the name of Antinomian. Parties will inflict sobriquets on their adversaries, and each side would have eagerly repudiated the account of its tenets which its opponents gave. The evangelical Marrow men would never have admitted that, if you are saved, the indecency of your behaviour is a quite secondary consideration. The anti-Marrow men would have protested that they were as good Calvinists as Calvin, and that they denounced the blasphemous doctrine of toleration and of not meddling with other men's opinions. The fault of both parties was a passion for what Wodrow calls "chicane."

The various Presbyteries of the country seem to have been more tenaciously orthodox, as against 'The Marrow,' than the General Assembly, and young postulants of holy orders were severely questioned as to their private opinions. But 'The Marrow' was only one cause of the coming Secession, though Marrow men were active in that disruption. Another cause of uneasiness in the Church was the Oath of Abjuration imposed upon ministers. Deputies from the General Assembly visited London in 1717 to express their grievances in this and other matters, especially Patronage,—practically the greatest, or at least the most obvious and popular, cause of suffering. They were well received by George I., the Prince of Wales, Roxburghe, Jerviswoode, and other men in power, and mitigations were promised. One of their grievances was the toleration of Episcopalians, who, for their part, complained of being persecuted.<sup>18</sup> In 1718 it was intended to modify the Oath of Abjuration, and Wodrow expressed his ideas to Colonel Erskine and to the Earl of Ross. Wodrow thought that

the affair should be left alone, though he himself scrupled at the oath as it had stood. The new oath, with no reference to the Acts establishing the hierarchy in England, would satisfy many. But many others would be as dissatisfied as ever, for to swear allegiance to the king was, so to speak, to condone existing laws, and Patronage, and Toleration, and the existence of Bishops. No real Protestant, Wodrow thought, could hesitate as to King George's right to rule. But to promise by oath to assist the rule of a king under whom one supposes that "iniquitous laws are established," such as toleration, was a very different affair. Did these victims of "chicane" and "niggie naggie" not pray for King George? Apparently they did,—Wodrow says that they did,—so their consciences drew the line at an almost invisible point. The point was, Scripture bids us pray for the king, and to do that is not to "homologate sinful laws." But to pray for a king is to assist the king, and the objection to the oath is that "it is just a solemn promise of assisting the king."

There was, in fact, no use in enforcing the oath. Every Protestant preacher would assist any Protestant king as against any Popish Pretender. But the scruples explained, or rather stated, by Wodrow illustrate the condition of the Presbyterian conscience, or the conscience of some Presbyterians, at this period. In fact, as Wodrow says, some preachers were afraid of "giving offence to their people," who thought that the oath "homologated the Union," while the Union was a breach of the Covenant.<sup>19</sup> The Earl of Ross, one of the Scottish representative peers, said that the ministers, if they will "run from one excess to another," would "discourage their best friends, who cannot hold up their faces to appear for unreasonable notions." The new Act as to the form of the oath was made as inoffensive as possible, and many ministers who had not been "clear," as the phrase went, now swore allegiance. Boston says that "there remained but a few recusants, among whom, through the divine favour, were my two friends and I still." The recusants "were treated as aliens by their brethren." Orders were issued to prosecute the recalcitrants in January 1720: Mr Boston, however, continued to be minister of Ettrick.

The Abjuration ceased to be a great cause of division among the ministers after the oath, itself superfluous and irritating, was modified in 1719. Meanwhile the heresies of Professor Simson were allowed to lie dormant for a few years, only to break forth with



greater and more mischievous vigour in 1727. When we remember that the Professor lectured in Latin,—an indication of more learning than is now universal among students of divinity,—the difficulty of pinning him down to a distinctly heretical opinion is obvious.

But what chiefly wrung the hearts of earnest thinkers was that old Protean sorrow of many shapes, Patronage. “The reimposition of that burden” under Queen Anne was really a mischievous trick of the Jacobites, who had the greatest genius for what they called “teasing the ministers.” “It hath been the greatest crush could have been given to the ministry of this church,” Wodrow wrote to Colonel Erskine in 1717, when there was some prospect of the mitigation of the Act. Patrons, often Jacobites, and even if not Jacobites fond of teasing, used in many places “to mock God and man with sham presentations, and keeping vacancies empty unless it happened that some one or other got into their good graces who was acceptable to the people and Presbytery.” The parish of Ettrick had no minister for four years previous to Boston’s induction. Wodrow, as early as 1717, foresaw “an open breach among ourselves” on this head. The stipend, Wodrow remarked, really came in the long-run “from the pockets of the common people,” who felt injured at not being able to select their preferred candidate. The patrons who were not mischievous for the sake of mischief, were anxious to obtain political influence in the General Assembly—for example, to wreak their grudge on Argyll, after the Rising of 1715, by inducing the Assembly to include Cadogan’s name as well as the Duke’s in the vote of congratulation. “This is the bait our great men leap at, and stoop so low as to mix themselves in some of the smallest matters that come before Church judicatories. This makes them raise such a cry against popular calls” to vacant parishes. The result was that Presbyterial government seemed likely “to fall unlamented,” dragging down with it “the Kingdom of Christ.” These, it must be remembered, are the opinions of an anti-Marrow man, and therefore, Marrow men would say, of one so lost as to hold salvation secondary to decent behaviour. Wodrow’s remedies were “that patronage should be abolished, and that the proper callers be determined by law.” Ministers selected by patrons would certainly be “corrupt and despised,”—indeed they were despised already, both by the patrons and, when the presentee was unacceptable to the flock, by the people.

The law did not permit any patron to choose the lawyers, doctors, and tailors for the community; why, then, were they to choose the preachers? As time went on the more popular ministers abstained from attending at the reception of an unpopular presentee or opposed him, and the Assembly's Commission sent some of their own members to fill up the number and do what was needful for the unpopular presentee of the heritors or magistrates. This was called "a riding committee." Up to this date, according to an eminent authority, the Rev. Sir Henry Moncreiff Wellwood, Bart., Doctor of Divinity, the General Assemblies had behaved very well "in providing for the usefulness and respectability of the Church, and for the peace and security of the country." Since the restoration of patronage in 1712, "the proceedings of the Church courts were founded more on the calls than the presentations; . . . vacant parishes appear to have been very generally filled up by the presbyteries, either with the tacit consent of the patrons, even when they lodged their presentations, or *jure devoluto*, when they did not present at all."<sup>20</sup> The power of a patron to keep a parish vacant, either by appointing a Non-Juror, or a preacher who had a better living and would not accept, or in other annoying ways, was removed by an Act of Parliament of 1719, when these methods were made of no effect. The result was a few years of comparative calm in the Kirk, and our author avers that "what was afterwards called *the divine right of the people* to elect was not even then brought forward."<sup>21</sup>

After 1725, when the Assembly's Commission overruled the local Synod of Aberdeen and settled the candidate of the Magistrates, not of the majority of Elders,<sup>22</sup>—a settlement upheld, though not approved,—passions became more lively. In the Assembly of 1726 the divine right of the people was proclaimed by Mr Gabriel Wilson. "He said warmly that the Commission had betrayed the rights of the Christian people."<sup>23</sup>

Leaving the controversy for the moment at this point, we naturally ask why a Whig administration did not abolish a privilege so odious as patronage was to serious concerned Christians? Compensation might have been given for such infinitesimal loss as patrons would have sustained, and the Government had no sympathy with Jacobite patrons. Why, again, did the General Assembly tend to back presentations which were opposed, rather than otherwise? Perhaps we may conjecture that the Scottish members of Parliament were

often patrons themselves, and that English members were afraid of losing their own more valuable privileges. Again, neither the Government nor the majority of the Assembly liked the class of preachers whom the populace would have selected. Patriotism and hatred of the Union, with the love of long sermons about Grace regarded from the point of view of 'The Marrow,'—sermons mainly doctrinal, with not much about decency of behaviour,—were what the parochial patriots and dialecticians seem to have enjoyed. Consequently they would vote for preachers like Hog, Wilson, Boston, and Ralph and Ebenezer Erskine, who would not take the Oath of Abjuration, and would discourse eternally on Man's Fourfold State, with unction of 'The Marrow' variety.

These were honourable, scrupulous, laborious men, highly conscientious, and devoted to their duties as they conceived them. Boston's scruples about his "Call" fill many pages of his Memoirs, in which, if his style is "sometimes Shakespearian" (as the Rev. Dr Whyte declares), that quality is not conspicuous to the lay intelligence. Still, if we do not quite sympathise with Boston and his private written covenants between "I, Mr Thomas Boston, Minister of God's Word at Simprin," and Omnipotence, we do see that he lived a hard and toilsome life, "as ever in his great taskmaster's eye." The "liberal shepherds" of Ettrick could not but be affected by his devotion: they also loved sermons that ranged the mountain-peaks of foreknowledge and freewill, and they "tholed" the "exercises" and catechisings. But human nature is so constituted that the majority of the Assembly were neither Marrow men, nor Non-Abjurationists, nor specially devoted to speculative theological chicane, nor, doubtless, such very strenuous wrestlers in prayer as some of the "Evangelical" leaders. They were not likely to begin praying in church and go on praying till it was time to "skail" and go home, in a kind of holy absence of mind, as one minister is said to have done. They did not practise the popular whining delivery called "the sough,"—"Gie me the sough, and I dinna care for the sense," said an amateur. They therefore moved away from the extreme left with its obsolete Covenanting principles: they were not anxious to support the calls of such men as against the presentees of patrons.

Mr Ralph Erskine, born in 1685, was an example of the anti-Abjurationists, and was a poet. In an ode on the coronation of

George I. he sang to the following effect (and to no other effect, his Majesty caring little for the English Muse):—

“ Redeem us, Sire, from things our country loathes,  
Subverting patronages, ranting oaths,  
Such was the woful dubious Abjuration,  
Which gave the clergy ground for speculation,  
Though all could freely, without laws to urge,  
Abjure the Papish James, and swear to George.”

This is admirable, but—would they “swear to George”?<sup>24</sup> As Mr Erskine prayed that the descendants of George I. might sway the British sceptre

“ Till Nature fail, unhinge the ponderous globe,”

his loyalty is as pre-eminent as his scruples are respectable. He described the White Rose cause as that of “black and bloody Popery.” In the preface to his ‘Gospel Sonnets’ Mr Erskine averred that ‘The Marrow’ doctrines were “the good old way”; whereas the Assembly was seriously convinced that *theirs* was “the good old way,” for their way “required faith, repentance, and sincere obedience as the conditions of salvation.” Mr Erskine was “opposed to this dangerous though specious and palatable scheme.”<sup>25</sup> But his own scheme, though “palatable,” especially to persons disinclined to “faith, repentance, and sincere obedience,” was also more or less “dangerous.”

Before this quarrel between parties, which had each a good deal to say against the other, died out, “that unhappy Mr Simson,” the dubiously orthodox Professor lightly handled in 1717, again caused discord of a far-reaching sort. He was accused, in short, of controverting “or minimising the doctrines of the Creed of St Athanasius.” Previously he “tended to attribute too much to the power of human nature.”<sup>26</sup> Now he tended to attribute too little to the Divinity of the Son; in fact, he was suspected of Arian positions—those of Professor Whiston of Cambridge and Dr Samuel Clarke. In 1726 the eminently devout Lord Grange, Mar’s brother, wrote to Wodrow, in strict confidence, that, as the *fama* ran, “Your neighbour, Professor Simson, has discovered himself to be for Professor Clarke of St James’s scheme.” The Presbytery of Kirkcaldy, or some of its members, had already endeavoured to stand in the breach—at least, the Kirk-session of Portmoak (March 1725) had invited

the Presbytery of Kirkcaldy, in the name of the Solemn League and Covenant, and on other considerations, to remember St Athanasius and protest against the Arian heresy, "lately raked out of hell."<sup>27</sup>

Mr Ebenezer Erskine was the moving spirit at Portmoak, of which parish he was minister, and we see that he was in the field before Lord Grange aroused Wodrow, who, to be sure, had heard of Mr Simson's heresies before Lord Grange wrote to him. Wodrow also knew that Mr Simson denied the reports spread by the men who attended his lecture, and for two years he had censured Dr Clarke's, and even Sir Isaac Newton's, view, "which he takes to be the foundation of all the Doctor's mistakes." It is always unlucky for scientific men to mix themselves up in theological discussions.

Mr Simson was in bad health,—he could talk of nothing but the Council of Nice (let us pity Mrs Simson),—and it was believed that his brain was affected. Consequently the local Presbytery had not summoned the Professor of Divinity before them to give an account of himself. When the Assembly of May 1726 met, five Presbyteries, including that of Kirkcaldy, opened the cry against Mr Simson, and a Committee, including Lord Grange, was to inquire into the views of Mr Simson's own Presbytery, that of Glasgow. "Where it will land, the Lord himself direct." The only comfort was "the king's forward prosecution of the Papists,"—always the whipping-boys of Presbyterian justice. Meanwhile the Presbytery of Glasgow was ordered to go on with the inquiry into the Simsonian theories, aided by a Committee of their own selection. "The consequences are very awful and doubtful," writes Wodrow. Mr Simson himself was said to regard these proceedings as inquisitorial, but, says Wodrow, "if a Church has not power to inquire into the doctrine of her teachers, I know no power she has." Wodrow himself, and even Lord Grange, with the Committee, as it seemed to Mr Simson, "declared against inquiring into Mr Simson's private sentiments": this was not the view of the Presbytery, which pressed its intimate inquiries. The inquiry was based on what the Professor's students said, and many of them were "raw young lads," who probably understood little about what he had told them. It is curious that they do not seem to have made notes in lecture: at one time the students at St Andrews were formally forbidden to take long notes. Obviously Latin

lectures, reported on merely from memory after a lapse of time, were not a basis of sound evidence. To one student who urged objections the Professor replied : "These terms are very impertinent, and should not be used in speaking of sacred subjects." Wodrow himself wavered about "the inquisitorial method," appearing rather to approve of it, but placing his main confidence in Lord Grange, a person interested in his antiquarian collections.

It is curious to note how secular politics were intertwined with controversies on Christian mysteries. In August 1733 Lord Grange wrote a brief account of his own political career, in a letter to Erskine of Pittodry. We learn that the old feud of the Squadrone and Argyll's party, the Argathelians, was mixed up with the Athanasian controversy. The Squadrone being in power, the Argyll faction "were particularly run down in the Church judicatories, where most of the clergy, with the usual honesty of clergymen, ran headlong against the weak, and servilely crouched to the prevailing." As "the prevailing" backed Mr Simson, "a Court minister," the Argyll faction backed his persevering assailants. Lord Grange says that he was neither of the Argathelians nor of the Squadrone, but, as a member of the Assembly, "was against Simson." This procured for him the promise of Argyll and Islay that "when they came to power I should be chiefly regarded," and "I ran their errands and fought their battles in Scotland." It is not clear to what extent Grange's opposition to Arianism arose from his interested attachment to Argyllism.<sup>28</sup> Meanwhile Lord Grange was having his termagant wife kidnapped by Lovat's men and deposited in St Kilda.

Still, in March 1727, the luckless Simson was trying to find out what charges were to be brought against him, and was said to have remarked that the proceedings were "an unfruitful work of darkness." His case was to come before the Assembly in May. By the end of March he did not know what that case might be, and his health was seriously affected. At last the Assembly met in May, and the Moderator prayed for, and preached in favour of, "the peace of Jerusalem." They could have "no assistance of reason" in the case before them ; "the subject was so delicate and tender that he trembled to speak of it." In spite of the very defective nature of the evidence, already explained, a large majority found the chief article of heresy proved against the Professor. No words can give any idea of the confusion in a large meeting, where

quillets of the rules of procedure were mixed with reasonings on matters which, as the ex-Moderator confessed, are beyond the range of human reason. Was Simson to be suspended as a Professor, or deposed, with loss of place and salary? That was really the point on which parties were fighting. He was suspended for a year, when the whole affair was to come up again.<sup>29</sup> Lord Grange told Wodrow that there was danger lest Simson's theories should appear, in England, to be opposed only by "odd out-of-the-way people," such as the founders of the now approaching schism. In 1728 Mr Simson "purged himself from all heresy, and answered questions "very orthodoxly, and as they would have him." But if the Assembly now purged Mr Simson, as a cleanly orthodox man, and restored him to his chair, "there will be a breach," said Wodrow.

One fanatic proposed that the Higher Excommunication should be levelled at the Professor,—“this might be blessed to him.” And all this on the strength of witnesses to a conversation with Simson in the open air, witnesses giving evidence more than a year after the talk! The Assembly remitted the case of Simson, who, if he had erred, had recanted, to the vote of the Presbyteries. The majority were for deposing the Professor; but he was merely suspended from preaching and teaching, “until another Assembly shall think fit to take off this sentence.” Only Mr Boston of Ettrick verbally dissented.<sup>30</sup> The other “Marrow brethren,” like the Erskines, thought that they were sinfully negligent in not making more formal opposition,<sup>31</sup> and when horror of patronage was added to distress that Mr Simson was not deprived of his salary, the match was set to the powder and the schism broke forth.

Patronage now came again to the front, and the Assembly forced presentees on reluctant parishes and Presbyteries by their “riding committees.” The ministers in a Presbytery who happened to dislike the presentee, lodged long and verbose protests with the Assembly, which in 1730 forbade these documents to be entered in their records. In December 1730 Wodrow wrote to Lord Grange, “We have been so obsequious already to presentations, and done more than perhaps the law requires.”<sup>32</sup> But in September he had remarked, “The Assembly had nothing of any importance before them. We are year after year vexed with litigious debates with patrons and parties as to settling of ministers,—matter of very great trouble to all our judicatories, greater and lesser, and I am

afraid will have very ill effects on serious religion.”<sup>33</sup> The good historian was passing weary of debates and quibbles, and soon his letters cease. Soon he had “gone home and ta'en his wages,”—a man void of offence, insatiably eager for knowledge, simple, moderate, laborious, and, considering the strength of his feelings, a candid as well as an industrious historian.

Many presentations were in the hands of the Church herself, which presented when the patron, for any reason, did not. Sometimes a Presbytery selected a preacher, sometimes they allowed the congregation to do so. In 1731 there was a proposal or “overture” before the Assembly that, when nobody was presented, the Elders, and *Protestant* landholders, called “heritors,” should elect, or, in Royal Burghs, the Elders and Magistrates: their choice was to be laid before the congregation, and, if they disapproved, the Presbytery was to decide. By the terms of what is called “the Barrier Act” of the Assembly, this proposal was laid before all the Presbyteries, for ratification or rejection, before being embodied in an Act of the Assembly. Thirty-one Presbyteries rejected this scheme; six approved, twelve approved conditionally, eighteen sent no reply,—thirty-six had not actually expressed an unconditional negative, as against thirty-one who had. But the Assembly of 1732 calmly passed an Act embodying the scheme, and to the Assembly, on May 16, 1732, 'twas Mr Ebenezer Erskine who spoke. He and others had protested against the Act (Scottish History is a long series of protests!), but their document had not been received. Mr Erskine towered to the old heights of Knox and Melville,—“Christ, the exalted King of Zion,” was the only source of ecclesiastical authority. He had given to mortals His Word. On what part of the Word the Act of the Assembly was founded Mr Erskine confessed that he did not know. Indeed it would be hard to find in Holy Scripture any precise statement as to the right of Presbyteries to decide on differences between congregational “calls” on one side, and those of Protestant heritors combined with Elders on the other. Said Mr Erskine, “The privilege of His little ones is conferred,” by the Act, “upon heritors and the great ones of the world.”<sup>34</sup>

At Stirling, in a sermon preached on June 4, 1732, Mr Erskine again expressed himself, as also on October 10 at Perth, “with great freedom,” says his biographer; “with inflammatory declamation,” says the Rev. Sir Henry Moncreiff Wellwood, D.D., Bart.



"Professed Presbyterians," said the preacher, who thrust a minister on a reluctant congregation, "were guilty of an attempt to jostle Christ out of His government." He used phrases which were certainly capable of being interpreted as unpleasant reflections on the majority of the General Assembly, drawing a parallel between them and the Scribes and Pharisees. Persons of common-sense would have let the speech pass unchallenged, but the Synod of Perth, which had appointed Mr Erskine as Moderator, snuffed the battle from afar, debated vehemently for three days, and then censured some of his phrases as tending to provide a breach of the peace of the Church. Then, as was to be expected, the wonted protests were put in: alas, it is hard for clerical brethren to dwell together in unity! Mr Erskine had spoken under considerable provocation, offered to his brother, Mr Ralph Erskine, in the matter of his resistance to the entry of a new minister at Kinross. At the meeting of his Synod, in April 1733, he would not apologise, but spoke, in language rather exalted, about "the utterance given by the Lord to me at Perth," wherein "I delivered His mind, . . . and therefore I dare not retract the least part of that testimony."

Mr Erskine may have believed that he preached under the influence of direct inspiration, or he may merely have held that his inference as to how the Founder of Christianity would have viewed the Act of Assembly was a correct inference; but there was no means of verifying the truth of an impression which was not shared by his opponents. They, in their turn, might say disagreeable things about him from the pulpit, and declare that "the utterance" was "given to them." Everything is so subjective in such matters. Sir Henry Moncreiff Wellwood thinks that there was nothing very remarkable in Mr Erskine's impugned sermons, which might have been quietly passed over. Mr Struthers deems that "their piety and noble spirit of independence" make them "admirable." The General Assembly of 1733, however, voted that Mr Erskine "had vented expressions" which were "offensive," and that he should be rebuked. Mr Erskine listened to the rebuke, and, it is needless to add, put in a protest. Three clerical friends followed his example, and, even now, all might have passed off quietly. The protest was lying on the table, when some unknown agency, possibly the law of gravitation, "as Providence ordained," says Professor MacEwen,<sup>35</sup> caused the document to drop off and fall to the floor: some one picked it up, looked upon it, and

proclaimed aloud that it was an insult to the House. Mr Erskine stated, in his protest, that his rebuke implied that he had "departed from the Word of God," whereas to others it only seemed that some of his expressions had been described as "offensive." The Assembly found that the protest of the Four must be apologised for in August, otherwise they would be suspended, like Mr Simson ; while, if they acted contrary to their suspension, the Commission of the Assembly would proceed to a higher censure. In August the Four would not say that they were sorry, and suspended they were ; so they put in protests, as did their ruling elders. Any one who, during their suspension, did any part of their pastoral work, "shall be held as a violent intruder," which appears to give a sufficient hint as to how he was likely to be treated.

In November the question of the "higher censure" came up, and the Commission of Assembly now tried to build a bridge of gold whereby the dauntless Four might return to the fold in peace. They were offered these terms : If the next General Assembly shall declare that it was not meant by the Act of the last General Assembly "to deny or take away the privilege and duty of ministers to testify against defections, then we shall be at liberty and willing to withdraw our protest against the said Act of Assembly, and, particularly, we reserve to ourselves the liberty of testifying against the Act of Assembly of 1732, on all proper occasions." But no ; the Four would not accept the terms, though they were given a night to think over them. They had "no freedom to go into the proposal." No decision of a subsequent Assembly, they said, could "take away the ground of protesting against a wrong decision of a preceding Assembly."

This was, indeed, "greatly to find quarrel in a straw." They were then "loosed from their charges," so they put in protests. They were in communion, they said, with the True Presbyterian *Covenanted* Church of Scotland," but not "with the prevailing party in this Established Church." They protested that they still could, and would, exercise the Keys of doctrine, discipline, and government"—in short, they were now the nucleus of the True Presbyterian Covenanted Kirk, with the Keys of St Peter at their belts.

However much we may sympathise with the sentiments of the four Seceders, as regards clerical subserviency towards heritors and "the great of this world," their secession seems to have been injudicious. They had admirers and adherents enough within the

Kirk. They had, apparently, no reason to despair of ultimately becoming a majority, capable of reforming the Kirk from within. In place of persevering in this laudable effort, they went out, thanking Heaven pharisaically that they were not as these Pharisees. Pugnacity is the *péché mignon* of such very good men as these were. They prefer a sword to peace, and rejoice in the delight of battle. It is argued that they were finally deposed “because they had formed themselves into a Presbytery [this they did later] for the purpose of giving to their countrymen a pure dispensation of Gospel ordinances, unfettered by the laws of patronage and other Acts of Parliament.”<sup>36</sup>

To do this might be praiseworthy, but it was obvious that, if they seceded from the State Church, that Church had no choice but to separate them from her, as they had separated themselves. You cannot both eat your cake and have it. Mr Grub, a very fair writer, says that the opinion just cited as to the unrighteousness of the deposition of the Seceders “would be reasonable enough if proceeding from an Independent, but is unfair on Presbyterian principles.”<sup>37</sup> That is precisely the opinion of Wodrow in his letter of October 27, 1727, to Mr Marr of Murross,—the letter printed in ‘The Christian Instructor’ of 1832, but omitted by the Rev. Thomas M’Crie from his edition of Wodrow’s ‘Correspondence’: “I am apprehensive that the serious part of this Church are in greater hazard of turning to the excesses of the Independents than many are aware of.” Wodrow was right, though, during the excitement of the great Disruption (1843), his Editor omitted his letter on the subject.

On December 5, 1733, the four Seceders met at Gairney Bridge and constituted themselves into a Presbytery, with a Clerk and Moderator. In 1883 a monument was erected on the spot, or near it, “the dedication address being given by Principal Cairns.”<sup>38</sup> The number of the names was six,—both Erskines, Wilson, Moncrieff, Fisher, and Mair; but Mair and Ralph Erskine were not yet in this “Associated Presbytery.” Being a Presbytery, the Four were not Independents: such was their position. They did not yet “exercise the Keys” in a judicial way, but they published a ‘Testimony.’ They were still seceding, not from the Kirk, but from a prevailing party in the Kirk, which, by “riding committees,” was taking from Presbyteries “that power and authority that they have received from the Lord Jesus.”<sup>39</sup>

The measures of the prevailing party also "do actually corrupt, or have the most direct tendency to corrupt, the doctrine contained in our excellent confession of faith,"—for example, Mr Simson had not been deprived of his salary. Moreover, preaching was in the way to become "a sapless and lifeless descanting upon the moral virtues," of which people do need to be reminded, if we may judge by the Sermon on the Mount, and many Apostolic passages in the New Testament. There were other charges, and the Four "believe that Christ hath appointed church officers under Him, distinct from the civil magistrate, and that to these are committed the Keys of doctrine, discipline, and government."

It is plain that if all preachers had agreed on this head with the Four, and had understood their power of the Keys in the sense of the claims of Knox and Andrew Melville, the State must now have entered into the old war with the Church. However, fortunately, nothing of that sort was necessary, though the Four did believe it lawful for a minority of a Church "to manage the Keys of the kingdom of heaven," if the majority declined from "purity of doctrine, worship, or government"—in the opinion of the minority.<sup>40</sup> The Four "testified their belief in the perpetual obligation of the National Covenant and of the Solemn League and Covenant." The country was not with them on this head: a Covenanted king was not to be found, either at Rome or Herrenhausen, for

"Nature brings not back the mastodon."

Ideas like those of the Four were cherished by many serious concerned Christians, for the old leaven of the Covenant worked among the more earnest of the populace. Perhaps the Assembly saw that some of their steps had been erroneous, and that one, the Act of 1732, was in all probability illegal, a breach of the Barrier Act: perhaps they were frightened. They repealed in 1734 the Act of 1730, rejecting protests, and the Act of 1732, about filling up vacant pulpits. Approval of the deed of the Commission in suspending the Four was reserved, and the Assembly in 1734 and in 1735 sent a Commission to appeal to king and Parliament against patronage. They did not, however, pray to be admitted as a body into the Associated Presbytery of the Four. They did assert the liberty of preachers to "testify," and declared that they had never restrained or intended to restrain it. The Synod of Perth and Stirling was granted powers to restore the four brethren,

and the Presbytery of Stirling asked Erskine to be their Moderator. But Erskine was as obdurate as Achilles in the Ninth Book of the 'Iliad,' when he is adjured to accept the offers of reconciliation.

"Dishonour not thou the heroes that beseech thee, who to thyself are the dearest of the Argives; dishonour not their petition nor their journey hither, though in the past thou didst no wrong when thou wast wroth." So Phoenix prayed Achilles,<sup>41</sup> and so the Presbytery of Stirling, that to Mr Erskine were "the dearest of the Argives," implored him. But Mr Erskine had read the Gospel in a sense rather different from that in which it is accepted by men less earnest. He gave exactly the same reason for his obduracy as Achilles gave in the case of Agamemnon's petition for reconciliation, which shows the uniformity of human nature before and after the coming of the Gospel. Agamemnon, says Achilles, "hath done wickedly, but never again shall he beguile me with fair speech—let that suffice him." In the same way, says Mr M'Kerrow, Mr Erskine "was convinced that the majority [of the Assembly] were actuated by the same spirit as formerly." The majority, he said, "were actuated by the same spirit of defection as ever,"<sup>42</sup> just as Achilles did not believe that Agamemnon was sincere in his repentance. The majority, by cancelling their Acts, had now done what they could to show their repentance, but it was not enough. Mr Erskine knew that their bad hearts were unchanged. "In my opinion," said the Achilles of the Secession, "it would be by far much wiser for these reverend brethren" (who asked him to return to them) "to come out from the dangerous current to us, than for us to come back to them" (Jeremiah xv. 19-21). Thus closely did Mr Erskine imitate Achilles, who invited the other heroes to go back with him to Greece and desert the cause of their army.

The conduct of Achilles was reprobated even by the rudimentary ethics of Homer's age. Achilles was young and fiery: Mr Erskine was fifty-four years of age. But he was a very good man, and very much wedded to his own infallibility. He and his friends displayed considerable acuteness in refining on the terms of the Assembly's offers, and showing why they were not sufficiently excellent. They would not let bygones be bygones. Mr Erskine said that he had been "rebuked for having testified in public." He had really been rebuked for "venting offensive expressions," which is quite another matter. He and the other three offered to return on six conditions,

one of which involved deliberate breach of the law of the land and the Patronage Act; while another would have caused Presbyteries to examine candidates for Orders as to "the work of the Spirit upon their Souls." They are also understood by Professor MacEwen to have insisted that the Church should proclaim a National Fast, in recognition of her guilt in not agreeing wholly with Mr Erskine, or, at least, "for the acknowledgement of past defections."<sup>43</sup>

In 1735 the Four brethren began to "exercise the Keys" in a judicial way, and to embody in their previous extrajudicial testimony "a *judicial* condemnation of the various steps of defection which had been pursued by the Church of Scotland from the year 1650 downward till that period."<sup>44</sup>

Their ideal, it seems, was the Kirk from 1638 to 1650,—the Kirk that defied the State and laid the distracted country at the feet of an English conqueror; the Kirk that cried for the blood of prisoners and of women after Philiphaugh; the Kirk of MacEvoy and massacre. But that mastodon Nature will never bring back; the brethren, however, could, and blamelessly did, provide "supply of sermon" for persons dissatisfied with the discourses of uncalled and unpopular parish ministers (1736). They did not yet "license young men" as preachers. They *did* solemnly meet and confess their past ecclesiastical defections to each other, and admonished each other with perfect and amazing gravity at their own bar, like the repentant Kings Valoroso and Padella when they reciprocally flagellated each other for the excesses of their reigns. Such a lack of humour was a warrant for success in their enterprise, and it startles their historian, Mr M'Kerrow.<sup>45</sup>

The Assembly, in the humblest way, now passed an Act enjoining frequent insistence by preachers on the doctrine of St Athanasius and "the necessity of supernatural grace," and they declared against intrusions of preachers on reluctant congregations, but did not always act up to their principles; while they merely admonished Professor Campbell of St Andrews to be careful, in place of depositing him for some expressions in a pamphlet, 'The Apostles no Enthusiasts.' This appears to have been regarded as a slur on the Apostles. In December the Seceders published their 'Judicial Testimony,' exercising the Keys with vigour: the Porteous Riot, for reasons to be later given, added to the excitement. In 1739 the brethren, now an organised Church, declined the jurisdiction of

the General Assembly; and, at last, in 1740, were deposed by a majority of a hundred and forty to thirty. Secession had long been imminent: for at least twenty-three years it had been foreseen. Now it had come, with the usual mixture of good and evil consequences. Among the bad results was the exhibition of much very unchristian temper. The result would have been worse had the whole Kirk returned to the fanatical and cruel superstitions of Waristoun and the Protesters of 1650.

This would have implied a revolt against the uncovenanted George II., while, had King James been dead and Prince Charles his own master, Charles III. would have come home and taken the Covenant more nimbly than did Charles II. It would have been necessary to follow the Earl of Morton's old advice and hang a few preachers. But the Kirk at large did not join the Seceders, who renewed the Covenants in a purely platonic way, remaining perfectly loyal to the uncovenanted Hanoverians. Their motive for renewing the Covenants is stated by the biographer of the Erskines as "a wish to unite friends of Truth," which may conceivably mean to bring the Cameronians into their new Kirk. The religious Presbyterians, we learn, regarded the treatment of the Covenants during the Restoration "as a heinous provocation to God," who, in a forgiving spirit, brought the Prince of Orange over. In 1741 a draught of an Act for renewing the Covenants was tabled before the Associate Presbytery, and was warmly welcomed as highly seasonable, except by a Mr Nairn. He was of the old Dissenting or Cameronian principles as to existing Government—namely, that in the eyes of God it did not exist. It is to be presumed that Mr Nairn emitted protests; at all events, in 1743 he seceded from the Seceders, and joined Mr John MacMillan in founding quite a new ecclesiastical Court, "The Reformed Presbytery." But Mr Erskine persevered with what he called "the begun resurrection of the Covenants" in Stirling, where James Guthrie had been maltreated by Malignants before he was hanged in Edinburgh. On St Valentine's Day 1744 the Seceders made the taking of the Covenants "a term of Ministerial and Christian Communion."<sup>46</sup> The Church at large could never have relapsed with them into a proceeding so absurdly intolerant and so worthy of Mr James Guthrie. It is obvious that if the Erskines and their associates were the men to refuse to communicate except with persons who revived an obsolete folly, they must

have seceded sooner or later, and we learn that "not a few of the seceding ministers were afterwards sensible of the sinfulness of this act." It was at least as silly as sinful, but it does not seem that many parishes entered into the folly, and a rift within the Associated Presbytery deferred the work.

Time brings wisdom, and in 1841 Mr M'Kerrow, the historian of the Secession, frankly confesses that the original old Covenanters went too far when they "violated the rights of conscience, making the subscribing of their bond the test of a person's holding any office—civil, military, or ecclesiastical. In this respect their conduct deserves not praise but blame," which falls on Mr James Guthrie, among many other fanatics.<sup>47</sup> Indeed, Mr M'Kerrow, much to his praise, goes further than many modern sentimentalists among his countrymen. He denounces the extremists of 1638-1650 for "foolishly attempting to compel all, *vi et armis*, to come within the bond of their darling Covenant, as if no person could be either a loyal subject [such subjects the Covenanters excommunicated] or a true Christian who preferred remaining without the mysterious circle."

The New Covenanters drew up their Covenant "in a suitableness to their present circumstances," which the original Covenanters did not. However, they made the Covenant "*the* term of ministerial and Christian communion, as if this constituted the only satisfactory evidence of a person being a genuine Christian. . . ."<sup>48</sup> Another modern sympathiser remarks that this new Covenanting was "a harmless piece of religious antiquarianism," which seems uncertain. If a soul which could not find rest in the Kirk sought a home in the Church of the Associated Presbytery, and then was met by the foolish demand for signature to the Covenant, where was that soul to shelter? The original Covenant's banner meant "Blood, and No Quarter" (as Mr Richard Cameron tersely put it) to members of other denominations. The "circumstances" of the New Covenanters were not "suitable" to the demand made on them by the old Covenant: the circumstances were such as to subject them to a prelatist king, a "Baal-worshipper," in the old phrase. Decidedly there was a lack of lucidity of thought and of sweet reasonableness among the Fathers of the Secession. The peculiarities which they developed prove that they could never have been at ease within the national Kirk, and even fostered within that Kirk the growing horror of what was then called



“enthusiasm.” Now, as we understand the term, a religion with no enthusiasm is a religion with no vitality, and we find it easier to sympathise with the old enthusiasts, despite their more eccentric vagaries, than with such Moderates as, perhaps, were not really without religion, but thought it in good taste to keep that religion as inconspicuous as if it had been absent.

The causes of the dissensions in the Church are sufficiently conspicuous. The old Knoxian spirit of the ministers in general had been crushed by what they saw of its consequences between 1638 and the Restoration. From 1638 to 1650 the Commission of the General Assembly had been a terror to many, and, as Baillie's correspondent, Mr Spang, observed, was by no means consistent with ecclesiastical freedom for any ministers who would not go to all lengths with the extremists. The success of the extremists had caused the defeats and the conquest of the country, and had split the Church into the hostile parties of Protesters and Resolutions; while the English governors of Scotland during the Cromwellian occupation had not been favourable to the rigours of Presbyterian discipline, nor to the abominable cruelties practised on persons accused of witchcraft. The misgovernment of the Restoration, with the ferocities of torture inflicted on men like Mr Mackail, did not unite in a common sorrow the old contending parties of the wilder and milder ministers; for the murders committed on Archbishop Sharp and others, with Renwick's declaration of private courts and war by assassination, and other frenzies of the period, were denounced by the majority of the clergy, who were disdained by the more furious for their acceptance of the Indulgence. After the Revolution the influence of William of Orange was entirely on the side of moderate measures, as far as that influence went, and the conformist ministers who retained their parishes were, in a few instances at all events, men of sense and toleration. In the remote isle of Tiree Mr Fraser was producing his interesting speculations on the Second Sight, and at Aberfeldy Mr Campbell was compiling his quaint ‘Secret Commonwealth of Elves, Fauns, and Fairies,’ each author writing as if abnormal or supranormal phenomena were not causes of wrath, and works of Satan and his human servants, but things quite in nature. Their spirit was entirely unlike that of Wodrow, and of the Seceders who protested against the abolition, in 1734, of the old laws against witchcraft. The labours of the Royal Society,

and of Newton, Robert Boyle, and others, were heard of throughout the country, and, in some places, produced the "drolling Atheism" of the Restoration; in others a dislike of the minute certainties of Calvinistic dogma, and a desire to make the most and the best of what is best in "the natural man."

The Revolution of 1688 had hardly been accomplished, as we have seen, when the restoration of trade and a fair share for Scotland in the commerce of the world diverted thought into other than theological channels. Near the beginning of his career (September 1709) Wodrow averred that the nation "would go down into Egypt," having "ceased to depend on holy and kind Providence for the outwards in trade, &c." Merchant ships, he reckoned, were likely to bring the plague as part of their cargo; however, the country risked it.<sup>49</sup>

It is curious to observe that Wodrow, who occasionally seems so old-fashioned, as early as 1709 takes a low sense of spiritual experiences which were very important to Boston. In fact, he is against what was beginning to be called "enthusiasm." Professor Campbell, in his censurable tract on 'The Apostles no Enthusiasts,' derided "the exercises," so frequent among the serious, of long private prayer, resulting in a kind of ecstasy of incommunicable joy, and in the automatic occurrence of comfortable or monitory Scriptural phrases to the mind. One of the murderers of Archbishop Sharp had a phrase thus "borne in upon him," and the experience was looked on as more or less of the nature of inspiration from without. Campbell averred that the phenomena were "mechanical," the result of a brain and nervous system deliberately wrought up to excitement, while the owner of the brain might be, and often was, a wicked hypocrite. The Apostles, he argued, were not men of this kind, but sober and scientific observers of an astonishing train of actual events. His object plainly was to deal a sly stroke at the Seceders and other "enthusiasts," and his language, in one passage, was neither respectful nor justified by his documents in the Gospels, Acts of the Apostles, and the Epistles. The subjective phenomena of religious experience need to be studied in another spirit than Campbell's.

Wodrow, as a young man, in 1709, speaks thus about "the more closely exercised" of his own little flock: "They run to an extreme that I take to be exceedingly dangerous, though I desire to observe it with all tenderness to them. They are frequently shaken, what

with one temptation, what with another, and they take not the safest . . . way to examine themselves by solid Scripture marks, nor go this way to the Law and to the testimony; neither do they draw any comfort from their tender and close walk with God when under darkness; but, in the room of these, limit their inquiry to their former experiences, and till they come up the length of these again they will not be satisfied, and try themselves mostly with respect to the places of Scripture that have been *borne in* upon them, and will receive no satisfaction or comfort till these or some new Scriptures be borne in upon them, to the raising of their affections." 50 \*

As time went on, the general trend of opinion among the ministers was to discourage these symptoms of religious hypochondria which Wodrow thought "extremely dangerous," and to fall back on "common-sense" and the inculcation of human duties. In this they were encouraged by the success of the lectures in Moral Philosophy delivered, *in English*, not, as was customary, in Latin, by Mr Hutcheson (1729) in the University of Glasgow. These had a great and wide influence among clerical admirers of *le bien, le beau, le vrai*. But they tended to suggest that the natural man was not so totally lost and depraved a being as he ought to be, considering the original error of his Federal Head, Adam. The sermons which were inspired by Hutcheson and common-sense were godless and "sapless morality," in the opinion of the party in and out of the Church later styled "Evangelical" by its members, and "The Wild Men" or "High Fliers" by its opponents, "The Moderates."

We shall later have an opportunity of studying some eminent Moderates, and it will perhaps appear that they carried Moderatism to an immoderate extreme. The sermons of Dr Carlyle, for example, at Inveresk, must have seemed "fashionless" to the more serious members of a rural and piscatorial flock, who probably swarmed off into one or other branch of the Secession,—for the Secession itself broke up into a variety of Sects, each rebuked, and each protesting.

\* For a case of strange experiences like those of some Catholic Saints, such as Saint Theresa, see 'Diary of a Senator of the College of Justice' (1717-1718). The senator is Lord Grange.

## NOTES TO CHAPTER XII.

<sup>1</sup> Wodrow to Veitch, February 19, 1717: Correspondence, ii. 237. In the same letter Wodrow says: "We hear Mr MacMillan is dead. I'll be glad to hear if it hold." There could not be a more harmless remark. Wodrow does not say that he will be glad if the report is true, but that he will be glad to have authentic intelligence. His editor, the Rev. Thomas M'Crie, however, says, "This is really too bad, and affords a melancholy proof how far the *odium theologicum* had overcome the better feelings of Wodrow's heart."

<sup>2</sup> Wodrow, Correspondence, ii. 253.

<sup>3</sup> Wodrow, Correspondence, ii., Appendix, pp. 691-693.

<sup>4</sup> Wodrow, Correspondence, ii. 270, note.

<sup>5</sup> Grub, iv. 54, note.

<sup>6</sup> Memoirs of Thomas Boston, p. 317: 1899.

<sup>7</sup> Wodrow, Correspondence, ii. 529.

<sup>8</sup> Wodrow, Correspondence, ii. 546, note 2.

<sup>9</sup> Edinburgh Christian Instructor, Oct. 1831, p. 698.

<sup>10</sup> Memoirs of Thomas Boston, p. 359.

<sup>11</sup> Memoirs of Thomas Boston, p. 364.

<sup>12</sup> Wodrow, Correspondence, ii. 640.

<sup>13</sup> Wodrow, Correspondence, ii. 647.

<sup>14</sup> Wodrow, Correspondence, ii. 652-654.

<sup>15</sup> Edinburgh Christian Instructor, Oct. 1831, p. 825.

<sup>16</sup> These letters of Wodrow to Mr Marr of Murross and Lord Grange are quoted from 'The Edinburgh Christian Instructor,' Feb. 1832, p. 83, note 4. They are dated October 27, 1727. For some inscrutable reason the Rev. Thomas M'Crie did not publish them in Wodrow's Correspondence, where (iii. 324-326) there is a blank between Sept. 18, 1727, and Dec. 27, 1727. The letters testify to Wodrow's *fond* of common-sense.

<sup>17</sup> MacEwen, The Erskines, p. 56.

<sup>18</sup> See a Diary of Mr Mitchell's expedition to London. Miscellany of the Spalding Club, vol. i.

<sup>19</sup> Wodrow, Correspondence, ii. 408, 409.

<sup>20</sup> Wellwood, Life of John Erskine, D.D., pp. 435-439.

<sup>21</sup> Wellwood, Life of John Erskine, D.D., p. 436. These are very tender themes, and it is not easy to thread the labyrinth of law and debate on the subject. Sir Henry Moncreiff Wellwood, D.D., is here contradicted by the Rev. John M'Kerrow, in his 'History of the Secession Church,' p. 29, note 2 (1841). But as Sir Henry does not advance the proposition which Mr M'Kerrow attributes to him and contradicts, further discussion is unnecessary, especially as Mr M'Kerrow does not precisely cite the passage which he opposes.

<sup>22</sup> Wodrow, Correspondence, iii. 197-199, 249, 256.

<sup>23</sup> Wodrow, Correspondence, iii. 254.

<sup>24</sup> Fraser's Ralph Erskine, pp. 149, 150: 1834.

<sup>25</sup> Fraser, Ebenezer Erskine, p. 235: 1831.

<sup>26</sup> Fraser, Ralph Erskine, p. 182.

<sup>27</sup> Fraser, Ebenezer Erskine, pp. 255-257.

<sup>28</sup> Miscellany of the Spalding Club, iii., Erskine to Pittodry, August 1733.

- 29 Wodrow, Correspondence, iii. 234-320.
- 30 Wodrow, Correspondence, iii. 435.
- 31 Ebenezer Erskine, p. 260.
- 32 Wodrow, Correspondence, iii. 475.
- 33 Wodrow, Correspondence, iii. 468.
- 34 Fraser, Ebenezer Erskine, pp. 358-360.
- 35 MacEwen, The Erskines, p. 75.
- 36 M'Kerrow, pp. 64, 135.
- 37 Grub, iv. 65.
- 38 MacEwen, The Erskines, p. 79.
- 39 M'Kerrow, p. 77.
- 40 M'Kerrow, p. 81.
- 41 Iliad, ix. 520-524.
- 42 M'Kerrow, p. 87.
- 43 MacEwen, The Erskines, p. 86 ; M'Kerrow, p. 92.
- 44 M'Kerrow, p. 94.
- 45 M'Kerrow, p. 96.
- 46 Fraser, Ebenezer Erskine, pp. 434, 435.
- 47 M'Kerrow, p. 194.
- 48 M'Kerrow, p. 195.
- 49 Wodrow, Correspondence, . 49.
- 50 Wodrow, Correspondence, i. 53, 54.

## CHAPTER XIII.

THE SECESSION. PATRONAGE. WITCHCRAFT.

1736-1809.

LOOKING back on the Secession from a great distance in time, and from new conditions of thought and life, it is, perhaps, impossible to sympathise fully either with the ministers who went forth from the Kirk or with the Kirk which they left. We cannot easily believe in the corrupt condition that certainly was produced by patronage as then exercised, and patronage was, perhaps, the main cause of the Secession. Fortunately we have evidence from private letters which justifies the feelings entertained against patronage by the Erskines and their associates. In 1736 there was a vacancy for a minister at Duffus. The right of patronage was disputed between Sir Robert Gordon, acting for the Duke of Gordon, a minor, and Dunbar of Newton. The case was laid before the Synod of Moray, who, with the later adhesion of the General Assembly, pronounced for Dunbar. Lovat, that eminent pietist, took an eager share in the dispute. "You may freely depend upon all the assistance in my power," he writes to Dunbar, "and I believe I have as much to say with the ministers of that Synod as any one man that you can write to."

Three of these ministers Lovat calls "pretty fellows, that have a great deal to say in their presbyteries." So Simon (the name is appropriate) sent canvassing letters through the presbyteries of Moray, sent Dalrachanie to ride about in them, and despatched a kind of ecclesiastical fiery cross in favour of Dunbar's candidate, the Rev. John Bower. In the General Assembly, too, Simon used all his influence, which, with members from Badenoch, Strathspey, and the shire of Inverness, was considerable indeed. "I have

some leading men of the Church, that are in the first posts in the nation, who, I think, are the prettiest men in the Church, who are my very good friends." We cannot imagine the Erskines on friendly terms with Lord Lovat. In the Assembly, Sir Robert Gordon canvassed vigorously, addressing every member personally. On the other side, Mrs Dunbar traivailed among the ladies,—the wives of members, it is to be presumed. Sir Robert perpetually entertained the members of the Assembly at dinner and breakfast, while the Dunbar party regaled them with "suppers at taverns, which comes to no small expense." The strife between Sir Robert Gordon and Dunbar was at bottom a private dispute at law, but it was fought out over the people of the kirk of Duffus, the competing ministers being only pawns in the game.

Mr Bower died in 1748. Several candidates appeared. One, a kind of Scottish Mr Collins (in 'Pride and Prejudice'), wrote thus to Mr Dunbar, the patron: "If ye shall judge it proper to bestow any particular friend or relation on me as my wife, I hereby promise not only to keep my affections free, but also, with God's assistance, to accept of her, preferably to any other person whatever, as my future spouse. . . . I beg this may be secreted from the world." This clergyman's affections were very well regulated. He makes no inquiry as to the character of the lady whom his patron is anxious to bestow in matrimony. Brodie of Brodie, representing the famous old Covenanter, writes in support of a candidate of his own name. He could not write in a style more godless. "I hear Mr Bower is past recovery; so, if he dies, I recommend James Brodie to you as a man cut out to your own mind,—a good preacher, and a modest, civil, obliging, obedient fellow, with whom you can be quite easy; nay, you cannot find such a man for your purpose in the island. Nay, further, Spynie and I can become bound he shall demit whenever you are tired of him."<sup>1</sup>

Against patronage thus exercised, with treats to the General Assembly, with recommendations as if of a rat-catcher, with abject pleadings as of the minister who was master of his affections, what decent man could forbear to protest? Against the other side, the side of the Seceders, was their great anachronism, the Covenant, and their meticulous Calvinism does not favourably dispose towards them the modern mind. Again, preachers of their way of thinking would be apt to behave with less common-sense than "obedient fellows" like Mr James Brodie in cases of witchcraft. Even people

like Wodrow were firm about witchcraft, and likely to oppose, as Wodrow's friend, Lord Grange, did oppose, the abolition of the old laws against witchcraft in 1736.

Wodrow, in 1711, tells this anecdote. A minister named Turner, himself Wodrow's authority, was minister of Erskine, in which lived Shaw of Bargarran, his daughter Christian, and a woman named Margaret Lang. Being from home, he went to meditate in a wood, where a presentiment of danger to his family occurred to his mind. Next day he rode home, praying for a child of his, who, as he felt, was dying. The idea presented itself to him, "What if the child be witched? and what if Margaret Lang has witched the child? What if you shall be one person that shall lead Margaret Lang to be burned for a witch?" Arrived at home, he found the child dying, and a year later "he, with Mr Blackwell, led Margaret Lang to the fire," on the charge of bewitching Miss Shaw of Bargarran, a girl of fourteen.

This child, who in later life introduced the thread manufacture into Renfrewshire, suffered in some strange hysterical way, and denounced Margaret Lang, with several other persons. Doubtless she was as honest in so doing as was the Rev. Mr Turner in the case of his infant. There are modern instances enough of persons who, taking it into their heads that they are victims of sorcery, do suffer in the same inexplicable sort as of old, probably by virtue of self-suggestion. The old-fashioned ministers encouraged rather than restrained these delusions: it is certain that the Moderates were of a saner way of thinking. There was a terrible example at Pittenweem in 1704-5. The minister and kirk-session, with the magistrates, addressed the Privy Council to this effect: They have several witches in prison for their conduct to a young blacksmith, Patrick Mortoun, aged sixteen, and very respectable. Beatrix Laing (sorcery was in the name) had asked him to give her some nails. He refused politely: she vowed to be avenged. Next day, passing her door, he saw a bucket with a burning coal placed in water. The motive, he thought, was sympathetic magic to his intention: his life was to wane as the coal was extinguished. He fell into a decline; his body swelled up, before and behind, to the horror of the observers; his limbs became rigid and "could not be bowed or moved by any strength,"—symptoms familiar in such cases. He denounced seven women, including Beatrix Laing.

Four, among them Beatrix, after being kept from sleep by pinch-



ing and pinpricks for many nights, made the orthodox confessions as to their compact with the devil and the rest of it. One of them, Janet Corphar, explained to Lord Primrose, Lord Kellie, and others, that she had been tortured into her confession. The minister ordered her to be placed in a den under the steeple, whence, probably by connivance, she escaped to Leuchars, near St Andrews. The minister of Leuchars, Mr Gordon, apprehended her and sent her back to Pittenweem without notifying the magistrates. It is stated that the rabble asked the Pittenweem preacher, Mr Cowper, "what they should do with her?" He told them "they might do what they pleased with her." What they pleased to do was unworthy of narration. The magistrates, who were assembled, did not interfere. The woman's daughters were not allowed to say farewell to her in her dying agonies. She was left on the street, under a door covered with great stones. "We are persuaded," writes a correspondent in the Dunbar papers, "the Government will examine this affair to the bottom, and lay little stress upon what the magistrates or minister of Pittenweem will say to smoothe over the matter, seeing it is very well known that either of them could have quashed that rabble and prevented that murder, if they had appeared zealous against it. . . . God deliver us from those principles that tend to such practices!"<sup>2</sup>

The "principles" as regards belief in witches were not likely to be found (perhaps better principles were equally lacking) in the "obedient fellows" preferred by patrons, while popular candidates for pulpits were apt to be of popular principles. Thus there were two sides even to the question of patronage, which was left to time and the evolution of ethics and opinion.

The later history of the Erskinian Secession may be briefly sketched. The first protest within the new Church was made as early as 1737 by five elders, who appear to have disliked the method of examining candidates for access to the celebration of the Holy Communion. The five were backed by "the prevailing party" in the old Church, and by the magistrates of Stirling, who appointed the five, exclusive of the other elders, to watch over the plate at the church door in which alms and oblations were deposited. On February 25, 1739, Mr Erskine put in his protest, and even summoned the five "to appear before the Judgement Seat of Christ."<sup>3</sup> He also appealed to such of the congregation as were of his way of thinking,—“such as submit to the laws and ordin-

ances of Christ, . . . to meet and elect church officers." Precedents were found in cases of 1619-1620, but Mr Erskine's biographer thinks that he did somewhat exceed the bounds of strict propriety.<sup>4</sup> In 1740, Mr Erskine being absolutely deposed by the Assembly, the church doors were locked against him; but he suppressed the zeal of his followers who wished to break them open, and preached in the open air. A church was presently built at the expense of the congregation who followed him.

In June 1741 Mr Erskine was in correspondence with Whitefield, the noted Revivalist, just returned from America. He said that "wandering sheep came with their bleatings" to his new Church, and that the Church had reason to invite Whitefield to Scotland, and help "to build up the fallen tabernacle of David in Britain." He was sorry "to see the Wesleyans so far left to themselves." Mr Whitefield, in reply, professed himself "quite neuter" as to Church government, and inclined to preach, but not to "enter into any particular connection." On August 5, 1741, Mr Whitefield met the Associate Presbytery at Dunfermline. Whitefield (August 8, 1741) complained that "the Associate Presbytery here are so confined that they will not so much as hear me, unless I only will join with them." They went about forming a Presbyterial meeting "to discourse and set me right about the Solemn League and Covenant." Whitefield told them that preaching about this historical document "was not my plan." Mr Erskine made excuses for Whitefield, as an Englishman, but another member said that "England had revolted most with respect to Church government." This was true. Ralph Erskine asked him "to preach only for them till he had further light," the reason given being "that they were the Lord's people,"—a rather exclusive position. Whitefield replied that, if so, the devil's people had more need of being preached to, and that, for his part, with leave granted by the Pope, he would gladly preach in St Peter's. Somebody then preached against the Liturgy, the Surplice, the Rose in the Hat, so that, when it came to inviting poor sinners to the Gospel, "his breath was so gone that he could scarce be heard." How characteristic it all is! "There was an open breach," but Whitefield dined with "these otherwise venerable men" and left.<sup>5</sup>

Ralph Erskine, in an undated memorandum, says that Whitefield wanted to begin a conference on Toleration, but Ebenezer introduced the topic of Paul and Barnabas and their ordination of

Elders in cities. Whitefield answered that he meant to go on preaching "without proceeding to any such work" as ordaining elders, and "had no freedom to leave the Church of England." Erskine says nothing about the Solemn League and Covenant, but Whitefield, writing at the moment, can hardly be wrong about the references to that anachronism. As to Ralph Erskine's "We are the Lord's people," though we may trust Whitefield's memory for the phrase, Ralph, in 1740, said in a congregational address, "We are far from thinking that all are Christ's friends that join with us, and that all are His enemies who do not. No, indeed!"<sup>6</sup> Whitefield and the brethren had dined together before parting, and might have drowned the ghost of the Solemn League and Covenant in a Red Sea of "clairet wine," then cheap and good in Scotland. But he spoke unkindly of the brethren as "builders of an unsubstantial Babel."<sup>7</sup>

There was much more of Babel and confusion of tongues in his own proceedings. Hand in hand with "the prevailing party in the Church," he went preaching about, was extremely popular, and was useful to the Established Kirk, which shared in his glories. The minister of Cambuslang, in January 1742, began "revival work," as it is technically styled, with daily addresses to mixed multitudes. People fell into convulsions and saw visions in the contagious excitement. Whitefield returned to Scotland in 1742, took an active part in the preaching, and contributed to the results, which were of the usual abnormal kind. These trances and convulsions of crowds had never been usual in Scotland—at least, we do not hear of them in connection with the great field-meetings of the Cameronians; and the strange case of collective hallucination, men seeing swords of various fashions falling from the skies, witnessed and recorded by Patrick Walker, does not seem to have occurred at a religious assembly. The Associate Presbytery were now left out in the cold: they had no part in the Cambuslang work. Their condition was the more gracious, but it may have been injudicious in them to denounce the work formally (July 15, 1742). This looked like jealousy,—an imputation which Ralph Erskine answered by saying that "Mr Whitefield was cast off by the unanimous consent of the brethren of the Presbytery whenever they found his direct opposition to that cause. And this was done at his first coming to Scotland. . . ." <sup>8</sup> Some brethren, Mr Gib for one, wrote against Whitefield in language which they later regretted.

The awakening of religion as a vital thing, in the heart of a man or of a multitude, must usually be accompanied by some alteration of the normal psychological equilibrium. It has always been thus accompanied, whatever the nature of the religion in each case. The Zulu catechumens of Bishop Callaway, when praying in lonely places, were affected by the same appearances as discomposed St Anthony and other saints of the desert. Each mediæval renewal of religious emotion had its miracles, like the stigmata of St Francis and the levitations of St Colette. Similar phenomena were noted in the early days of Irvingism in the fanatical and excitable west of Scotland. Wales had her share in 1904-1905. The strange performances of the Camisards, the inexplicable feats of the devout at the tomb of the Abbé Paris, are familiarly known; while at the end of the nineteenth century the Red Indian pious, in the Ghost Dance of the Arapahoe, reproduced many of the peculiarities of European exaltation. But in the case of the Arapahoe, the agitating and dominant motive was Hope, the hope of rejoining dead friends beyond the grave. One string on which Whitefield played was Fear. The sympathetic Mr Robe of Kilsyth, a place under the contagion, wrote 'A Faithful Narrative of the Extraordinary Work' (1742), and frankly said, "The bodies of some of the awakened were seized with trembling and fainting; in some of the women there were hysterics, and convulsive motions in others, arising from an apprehension and fear of the wrath of God."<sup>9</sup>

The Suffering Remnant of the anti-Popish, anti-Lutheran, anti-Whitefieldian, anti-Prelatic, anti-Erastian, anti-Sectarian, true Presbyterian Church in Scotland lifted up its voice. Whitefield was "a scandalous idolater, being a member of the idolatrous Church of England. . . . He is a limb of Antichrist, a boar, and a wild beast," and so on. We hear the echoes of that dread horn of Knox, on Cameronian echoes borne. Whitefield suffered the attacks on him unconcernedly. He was strong in the knowledge that he had been brought acquainted with three noblemen and several ladies of quality. A letter from the Marquis of Lothian almost overcame him, and he answered, "My Lord,—I am surprised to find your Lordship so condescending as to write to me. How bright does humility shine in great personages."<sup>10</sup> Whitefield's Scottish ramble closed in November 1742.

The Seceders soon quarrelled among themselves. The Reformed Kirk, as Knox had conceived of it, was indissolubly united with the

reformed State: princes and other magistrates were to preserve its purity, and persecute idolaters,—all this under the direction of the Kirk herself. The Seceders were Covenanters; the State and the king were, and were likely to go on being, uncovenanted. How could a Covenanting Kirk endure an uncovenanted State? Now burgesses took the Burgess Oath, a thing of reformed institution, as may be seen from the Edinburgh form, “I protest before God and your Lordship, that I profess and allow with my heart the true religion which at this present is publicly preached within this realm, and authorised by the laws thereof; I shall abide thereat and defend the same to my life’s end, renouncing the Roman religion called papistry.”

Now the Seceders had often stated publicly that true religion was not publicly preached and authorised in Scotland, much less so, of course, in England, so how could a seceding burgess take the Burgess Oath? thus argued the Rev. Mr Moncrieff. In April 1746 the Synod of the Seceders agreed with Moncrieff that a seceding burgess could not conscientiously take the Burgess Oath. Ebenezer Erskine was of a contrary opinion: he did not want to prevent men from taking the Covenant because they had taken the Burgess Oath, and saw no harm in it. Some other brethren, of course, had already protested against the decision of the Synod, and Mr Erskine adhered to their protest. “Methinks” Seceders “do protest too much,” but apparently business can be carried on in no other way where the vote of a majority is not allowed to decide anything.

The Synod met in Edinburgh on April 7, 1747. About sixty brethren were present. It was proposed to refer the question of debarring burgesses unconvinced of sin, in the oath from the Holy Communion, to the Presbyteries and kirk-sessions. Mr Gib protested against laying the lawful decision before inferior judicatories, though the question perhaps was, Could the Synod lawfully introduce a new ground for excommunication without taking the votes of the Presbyteries? Seeing that opinion ran against him, Mr Moncrieff emitted a protest: the meeting was not lawfully constituted “in this step.” All present who voted, voted against Mr Moncrieff: he and his party, the majority, had debarred themselves from voting at all. Mr Mair then moved that these non-voters *were* the Church, and that the lawful authority of the Associate Synod devolved on them; so we must conclude that the others had lost

the keys of discipline and the other keys. Mr Mair, with twenty-two adherents, then left the place of meeting, and a Fast was appointed, Mr Ebenezer Erskine in the chair. Next day twenty-two of Mr Mair's party voted themselves to be the genuine Associate Synod. In course of time, having the keys of power and discipline, they "handed the Erskines over to Satan," and excommunicated them and their adherents. This was a strong measure, and proves, perhaps, that these people could not have remained in the bosom of any Church where ordinary right reason prevailed.<sup>11</sup> There was a place—a distant place—at which the Erskines drew the line; there was a length to which they could not go, and the little revolution "devoured its children" or cursed them.

These grotesque excommunications of members of the new little Church by other members of the new little Church, these great curses about nothing, were part of "what Scotland owes to John Knox." In May 1559 he, with five or six other men—apostate priests and a tailor and a baker—claimed and exercised the apostolic grace of binding on earth what should be bound in heaven. These insane pretensions, while backed by civil penalties enforced by the State, were an intolerable danger to civilised society. The belief in the possession of "the keys" persisted among the Seceders, and we behold them using the keys against each other. They had become a survival, and their successors and historians lament their perseverance in a claim which, as advanced by Knox, was not less unfounded or less grotesque than when it was acted on by the opponents of the Burgess Oath.

Wherever a Secession church had been "planted," the apple of discord was thrown. "Congregations and sessions were rent asunder; . . . the people, distracted by abstruse discussions concerning the Revolution settlement, Articles of Union, and Acts of Parliament, of which they were wholly ignorant, knew not what side to espouse," writes the historian. The schism must, at least, have caused much earnest historical study; and the people of Scotland, till the diffusion of education in the nineteenth century, were much more familiar with their national history than is now usual in any class of society. Mr M'Kerrow adds that lawsuits about kirk property ensued over the whole country, the judges usually deciding in favour of the majority in each divided congregation. "Unholy passions were called into play," but "the Gospel continued to be purely and faithfully preached" by the ministers

of both factions. The Gospel, however, had no effect in calming the "unholy passions."<sup>12</sup>

The members of the Erskine family (the seceding Erskines) were in opposite camps. Mr Ebenezer's favourite daughter, Allie, had married a minister who took the side opposed to his father-in-law, the Antiburgher side. She asked him, when he returned from a meeting of his party, what his faction had done. "We have excommunicated them," replied this Roman son-in-law. "You have excommunicated my father and my uncle! You are my husband, but never more shall you be minister of mine." The lady, therefore, continued to sit under and imbibed the doctrines of the men whom her husband had handed over to Satan, which the husband took very unconcernedly.<sup>13</sup> Mr Ralph's son, John, was with the gentlemen who had excommunicated his father, and, "with a harshness which was almost savage, John was appointed to conduct the devotions of the Synod."<sup>14</sup> These were the bitter fruits of the old tree of the Covenant.

The Established Church, while the separatists were conducting themselves in the melancholy manner which we have described, "riveted the galling yoke of Patronage more firmly than ever," says the Seceding historian, and this policy surprises him.<sup>15</sup> But it is not surprising. The chosen of the people, we may presume, was usually much more inclined than the chosen of the patron to the deplorable anachronisms about the Covenant, and to the other scruples which led husband and wife, father and son, into hostile camps among the Seceders. Their unchristian excesses could not recommend themselves to the cool heads of the chief men in the General Assembly. They did not want men like Mr John Erskine in their ranks, even if the keenly argumentative Covenanting flocks did want them.

Thus, in 1755, there was a vacancy at Jedburgh. The elders issued a manifesto that they would "stand and fall together in the election of a minister" with the majority of the parish. The candidature of Mr Boston, junior, minister of Oxnam, was organised, and Mr Boston was a chip of the old anti-Abjuration Boston, minister of Ettrick, who had died before the Secession. The living was a Crown living, and the Crown presented a Mr Douglas. The parish resisted, the Presbytery refused to induct Mr Douglas, and Mr Boston, remarking that "several things in the National Church have all along been disagreeable to me," left it and threw

in his lot with what he called "the oppressed heritage of God," while those of his way of thinking were "a small and inconsiderable handful." He therefore adhered to "the ministry which I have received of the Lord Jesus," but shook off his feet the dust of the National Church. He occupied a chapel at Jedburgh, and with two friends in 1761 formed himself and them into quite a fresh Presbytery,—not Burgher, not Antiburgher, not that of the Rev. John Erskine, nor that of the Rev. Ralph and Ebenezer Erskine, but "the Presbytery of the Relief."

Meanwhile "gross and dangerous errors" on doctrinal points broke out in pulpits of the elder Secession, and one sinner, Mr Carmichael, came under the lesser excommunication, and was threatened with the higher excommunication. A Mr Pirie, also censured, passionately appealed "from the procedure of the Synod to the Court of Heaven," for few seem to have understood that, if you belong to an association, you must adhere to its rules. He conceived "a distaste at the Secession"; but he does not seem to have constituted himself, and two or three friends, into a Presbytery. The Synod cautioned its ministers "against an affected pedantry of style and pronunciation, and politeness of expression, in delivering the truths of the Gospel," and "against using technical, philosophical, and learned terms that are not commonly understood." Perhaps young ministers were adopting, or trying to adopt, the English accent, just as David Hume was endeavouring to avoid Scotticisms in his books. The results may have been very odd. We are reminded of Ninian Winzet's complaint against the English of John Knox and his forsaking of his mother tongue. The new English literature from Scottish pens—as of Hume and Dr Robertson the historian—had begun to exist, and the Seceders were opposed to this kind of *belles lettres*.<sup>16</sup> Had the whole Kirk accepted preachers chosen of the people, the revival of literature would have been severely checked, though we are not to put literature in the balance with the Covenant and Calvinistic doctrine.

We now turn to a fresh schism, in which one of the leaders was a distinguished man of letters. In later years Dr M'Crie, the learned author of the 'Life of Knox' and other works, was an Antiburgher minister, and, in his youth, sentiment about national covenanting was changing among the Antiburghers. They thought of "extending the Testimony" and of bringing it up to date, "down to present times." "The obligation of the Covenants, so far as



they were national and civil in their object, was not only unacknowledged, but by necessary consequence denied and impugned."

Such was the New Testimony of the Antiburghers in 1804. The New Testimony did not vindicate "the giving to religious principles the formal sanction of civil authority." Six ministers disliked the New Testimony, among them Dr M'Crie. He had "no New Light sentiment,"—at least his son and biographer could find no traces of "decidedly New Light sentiment" in his papers. The New Testimony became "a term of communion" in May 1804; but Dr M'Crie, with his friends, protested. In 1806 there were only four protesters, and on August 28, 1806, they constituted themselves into another new Presbytery. "The alarming intelligence" reached the Antiburgher Synod, who, "filled with indignation," promptly excommunicated Dr M'Crie, as the Archbishop in the 'Mort Arthur' "did the curse, in the best manner, and the most orguilous," or, perhaps, in the worst manner, "without the formalities of a legal process." In the formal document nothing is said about handing the historian over to Satan. His congregation was about equally divided, and there were legal struggles for the chapel. A civil court decided the question, and Dr M'Crie emitted a protest. The court, however, did not come to a final decision till 1809. A compromise was reached, but Dr M'Crie had to leave the chapel. Dr M'Crie, then, represents the Old Lights, as against the Antiburgher Synod, who were New Lights.<sup>17</sup>

It is interesting to note that an appreciation of mere secular learning and polite literature, greatly discouraged and almost destroyed in Scotland by the Reformation and the succeeding century of war and revolution, was fostered within the bosom of the Established Church from the middle of the eighteenth century onwards, and had crept even into the Old Light community by the time of Dr M'Crie. He was, as it were, the Wodrow of the Secession, a keen antiquarian and a most scholarly investigator of the manuscript sources of history. He even condescended to review novels—at least to review, in the spirit of historical research, Scott's 'Old Mortality.' The critique would make a fairly large volume in itself. It is well to remember that Scott had professedly written, not a history, but a romance. Sir Walter replied, anonymously, with great good-humour; and Dr M'Crie "himself used to mention, to the credit of Sir Walter, that he met him after

'the attack' with as much frankness and cordiality as before." It was not in Scott's nature to behave otherwise.<sup>18</sup>

It is pleasant to meet a good-humoured layman after this long study of clerical excommunications. The historian of Knox and his Reformation, Dr M'Crie, regarded the 'History of Scotland' by Dr Robertson, a leader of the Established Church in the days which followed the Secession, as "the most beautiful piece of history he ever read." Yet the book is an example of that new "polite" style in Scottish literature which the Antiburghers discouraged—at least, in sermons. Dr Robertson did not regard the Reformation and Knox with the affectionate eyes of Dr M'Crie; indeed he is accused of hinting that the Reformation might conceivably be regarded "as the effect of some wild and enthusiastic frenzy in the human mind." That would be a very one-sided and unhistorical view of the case, though wild frenzy too much abounded in 1559-1650. By a curious change in taste, the opinions of Robertson, and of his learned successor and namesake in the nineteenth century, Dr Joseph Robertson, have given place to a kind of Carlylean sentiment as regards the Reformation and Knox, so that to investigate closely the historical documents of the period, and the characters of the actors, is censured as unfeeling, unpatriotic, and almost impious. It is odd that this uninstructed reversion to mere sentiment should be accompanied by a disregard of the old "standards" and dogmas, which would have alarmed and irritated no man so much as Knox himself. Perhaps, in the course of ages, ignorant sentiment may give place to a regard for historical truth.

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#### NOTES TO CHAPTER XIII.

- <sup>1</sup> Dunbar, *Social Life in Former Days*, i. 240-257.
- <sup>2</sup> Dunbar, *Social Life in Former Days*, i. 261-273.
- <sup>3</sup> Fraser, *Ebenezer Erskine*, p. 410.
- <sup>4</sup> Fraser, *Ebenezer Erskine*, p. 413.
- <sup>5</sup> Fraser, *Ralph Erskine*, pp. 329-331.
- <sup>6</sup> *Ralph Erskine*, p. 343.
- <sup>7</sup> *Ebenezer Erskine*, p. 429.
- <sup>8</sup> *Faith No Fancy*, p. 351.

- <sup>9</sup> Tyreman's Whitefield, ii. 7, note 3.
- <sup>10</sup> Tyreman's Whitefield, i. 515.
- <sup>11</sup> M'Kerrow, pp. 208-238.
- <sup>12</sup> M'Kerrow, pp. 237, 238.
- <sup>13</sup> MacEwen, The Erskines, p. 132.
- <sup>14</sup> MacEwen, The Erskines, p. 133.
- <sup>15</sup> M'Kerrow, pp. 278, 279.
- <sup>16</sup> M'Kerrow, pp. 280-292.
- <sup>17</sup> Life of Thomas M'Crie, D.D., by his son, the Rev. Thomas M'Crie, 1840, pp. 40-145.
- <sup>18</sup> Life of Thomas M'Crie, D.D., by his son, the Rev. Thomas M'Crie, 1840, pp. 225, 226.

## CHAPTER XIV.

## THE JACOBITE CHURCHMEN AND STATESMEN.

1704-1735.

IN religious matters the clergy of the suffering Church Episcopal in Scotland were not much more harmonious and peaceful than their wrangling Presbyterian brethren. The last Primate, Archbishop Ross of St Andrews, died in June 1704, and with him passed away the Primacy and the Metropolitan jurisdiction. The remaining bishops and clergy did not attempt to promote a new Primate: it might have been unsafe, and they had a singular respect for their king, though an exile, a Catholic, and a boy of sixteen. Since Father Innes regarded a promise on James's part to protect the Church of England as "sinful," he probably would not have approved of James if he appointed a Primate over the Episcopal Church of Scotland. These illogical loyalists, the Jacobite clergy, had now a very scant supply of bishops to carry on the Episcopal succession, and deemed it the best plan to consecrate bishops without dioceses. The Episcopal order would be kept up, yet the king's privilege of nominating to vacant sees would remain intact. Sage and Fullarton were consecrated in this irregular fashion: the former had been recommended for the Chair of Divinity in St Mary's College, St Andrews, in 1688, but the Revolution came, and in 1696 Sage was obliged to skulk "in the hills of Angus." At the consecration, Bishop Ross of St Andrews takes the title of "vicar general."

After 1716 Rose was the only survivor of the pre-Revolutionary diocesan bishops, and acted practically, though not in name, as Primate. In 1709 the bishops were recruited by the consecration of Falconer and Christie, the proceedings, as before, being

as secret as possible. Sage died in 1711, and Archibald Campbell was consecrated. He was the son of Lord Neil Campbell, and was nephew and companion-in-arms of the Earl of Argyll, executed for rebellion in 1685. His life was spared; he became a Jacobite, was ordained in London, and, after becoming a bishop of the Scottish Church, he remained in England. In London, too, was consecrated (1712) James Gadderar, by the non-juring Hickeys, at one time chaplain to the Lauderdale of the Restoration, and Bishops Falconer and Campbell. Bishop Rose and the other Scottish bishops approved, and the step tended to merge the Scottish with the non-juring English ecclesiastics. The use of the Prayer-Book, all but extinct among the Episcopalians of the Restoration, was now revived, though it seems to have been disliked by the Lowland Episcopalians of the poorer class. In Aberdeen it was brought into the College Chapel, which Government closed. The book employed was the English Liturgy, not that which Laud vainly attempted to thrust on the Kirk; but Laud's book even now continues to trouble the Scottish Episcopalians. The Liturgy was licensed by the Toleration Act of Queen Anne in cases where the Episcopal ministers took the oaths of Abjuration and Allegiance; but these men were in the minority, especially after the death of Queen Anne, who, at least, was a Stuart. In the Rising of 1715 the Episcopal clergy were notoriously, those of Aberdeenshire were publicly, on the side of James.

In May 1716 King George bade the Scottish judges shut up Episcopal chapels in which he was not prayed for; and the peccant clergy were summoned and commanded to register their letters of Orders. Those who complied continued to officiate. In Aberdeenshire several were deposed by their Presbyteries, and their churches were held against them by armed force.<sup>1</sup> In 1719, while the Abjuration Oath was being softened for Presbyterian acceptance, as we have seen, it was enacted that no Episcopal clergyman should officiate before nine or more persons in addition to those of his own household, unless he took the Abjuration Oath and expressly prayed for King George. The penalty was imprisonment for six months and the shutting up of his chapel. The Act appears not to have been strenuously enforced. The acting Primate, Bishop Rose, one of James's agents, died in March 1720, and was buried in that old church where lie the Logans of Restalrig,—a church that the first General Assembly had doomed to destruction as a “monu-

ment of idolatry." Rose had kept peace in his day among his brethren, but now there was no surviving diocesan bishop. No bishop had any acknowledged jurisdiction.

Meanwhile the singular Erastianism of the Jacobites, represented by Trustees, a body of men suggested by Lockhart of Carnwath and accepted by James, came into play. Without consulting the king, but confident of his approval, the clergy selected Fullarton to fill the place of Rose, and the bishops were constituted an Episcopal College. Lockhart, writing on April 25, 1720, laid the facts before James for his sanction. He explained that Mr Archibald Campbell had none of the qualifications needed in a bishop, and by no means all of those desirable in a gentleman; that his consecration had been most imprudent; and that he was now in Edinburgh forming a party and urging "unseasonable doctrines." James should therefore support Fullarton, for whom an income of £100 a-year had been subscribed.<sup>2</sup> The king, in a letter of grateful courtesy to the bishops (July 2, 1720), approved of their promotion of Fullarton, though circumstances "had not permitted certain forms to be observed," but suggested that, in future, the names of proposed bishops ought to be submitted to himself. "We shall, you may be assured, have all possible regard for your opinion in such cases."<sup>3</sup> There was, however, one candidate whom the king named, Freebairn, who was not very acceptable to the suffering Church. Lockhart remonstrated; Freebairn "was not under any bad character," but his learning and good sense were deemed inadequate by the clergy and laity. Lockhart hoped that in future the king would consult the bishops before making any nomination.<sup>4</sup>

Here we have, practically, the question which rent the Kirk—the question of the patron, the presbytery, and the people. Freebairn's son was then at Rome, and persuaded James that the bishops objected to his exercise of patronage, "which the king took very ill." His shred of prerogative seemed to be at stake among his most devoted subjects. The bishops caused Lockhart to explain, showing that there was no need of hurry, and that they had consulted the king's Trustees, Hamilton, Wigtoun, Kincardine, Balmerino, Dun, Maul, and Paterson, who all agreed that haste was prejudicial (March 27, 1722).<sup>5</sup> James replied that two of the three bishops nominated by him had been proposed to him "by friends in your party." The bishops, therefore, consecrated Freebairn, with the Rev. Andrew Cant, whose name is singularly unprelatic.

Bishop Falconer made some objections, being "afraid of the rights of the Church"; but Lockhart soothed him with the letter in which the king had expressed his intention not in future to name any candidate without previously consulting the bishops. The plot of Layer and Atterbury at this date (1722) made communication between James and his faithful ones difficult and dangerous.<sup>6</sup>

Meanwhile the suffering Church was troubled by "Ritualism," a malady most incident to Protestant communions. The English non-jurors, as Lockhart remarks to James (December 7, 1722), had long been at war among themselves "concerning some alterations that some of the number desired in the Liturgy and forms of worship." Both Archibald Campbell and Gadderar, the Scots bishops consecrated in England, were advanced ritualists, as were the Aberdeenshire Episcopal clergy, who had made Campbell their Ordinary. The other bishops resisted this harmonious call: Gadderar acted, for a while, as a kind of suffragan to Campbell, and, in 1725, to Gadderar did Campbell resign, with an irregular reservation in his own favour.<sup>7</sup> All bishops, save Falconer, Gadderar, and Campbell, were opposed to the ritual, the "Usages," which the northern brethren desired to introduce, but, says Lockhart, "the clergy, of all mankind, are most zealous to propagate and advance their own schemes."<sup>8</sup> Long ago Calvin had deemed the schism in the Church of English exiles at Frankfort *valde absurdum*, considering their rueful circumstances. But, from the case of the Seceders, it really seems as if the clergy make war most fiercely on each other in proportion as their numbers are small and their circumstances exiguous.

Lockhart does not even take the trouble to tell James what particular "usages" his heretical subjects were quarrelling about. They were nearly as important as a point of ritual which excited some of the Seceders, and led to the celebrated Smytonite controversy. The Rev. David Smyton of Kilmaurs, of the Antiburgher branch of the Secession Church, "lifted" the sacred elements *before* the consecration prayer. Others did not "lift" them till *after* the consecration prayer. The Synod, being appealed to, exercised unprecedented common-sense, and urged "mutual forbearance" (1782). On May 21, before the session of Kilmaurs, Mr Smyton emitted a protest against "boundless toleration." In September Mr Gib also emitted a protest on the other side. Mr Smyton finally "renounced the authority of the Synod," and the Synod

did its best to persuade the laity that there ought to be such a thing as "a forbearing of one another in love" in disputable matters of no importance.<sup>9</sup>

But a forbearing of one another in love has always been an unpalatable doctrine, and has seemed infinitely less essential to the Christian life than matters like the Usages, the Mixing of Water with the Wine, the Commemoration of the Faithful Departed, the use of the Chrism both in Baptism and Consecration, and similar matters, which now convulsed the Episcopal clergy and congregations. The Usages may have had some support in Laud's amateur Prayer-Book of 1637, but were more confirmed by the example of the advanced ritualistic party among the English Non-jurors led by Collier. Bishop Rose had to them recommended forbearance, but the spirit of Archbishop Leighton is never a practical spirit: men, being reasonable, must and will find a quarrel in a straw. Bishop Falconer found the Usages "apostolical" and "primitive" and "desirable."<sup>10</sup> Lockhart told James that the bishops who, against the majority, favoured the Usages were schismatic, and were injuring the Cause. He attended a meeting of the College of Bishops, who ran at him with the Fathers, just as Whitefield was confronted with the Solemn League and Covenant. Lockhart said that "it was none of his province to judge of such points,"—that he came there to enjoin unity and harmony in the name of the king. "What reck these brawlers of the name of king?" However, they were quieted for the moment, Lockhart trying to convince them that one or two bishops ought to go with the decision of the College of Bishops. But holy men, as we have seen in so many instances, do not yield to majorities in the Church: theirs is another warrant (December 7, 1722).

Bishop Gadderar went on with the Usages as he pleased in Aberdeenshire; chrisms were more to him than the Rightful Cause, or the king, or the College of Bishops. They were delaying to suspend Gadderar, and hoped that a letter from James might do good: the situation was delicate. Presbyterians might urge that the Episcopalians were rushing to Rome by way of the Usages, and it was not easy for James to forbid them to approach his own Church, not to mention the flagrant "Erastianism" of such a command. Presbyterians would say, "You are only not Papists because you are Erastians," and, again, the Pope might take it ill. As Gadderar's claim to the Bishopric of



Aberdeen was of the least regular, the College of Bishops thought of citing him, and, as he would decline to appear, of suspending him.<sup>11</sup> Falconer, in a cryptic way, supported Gadderar. The king answered the request for his intervention in the only possible way. He advised forbearance in love (August 20, 1723). But where was the use of that, asked Lockhart, "seeing both the contending parties pretended they were in the right, and did desire to promote peace and unity, provided their opponents would knock under?"<sup>12</sup> Lockhart had purposely omitted the nature of the details in ritual, lest James should sympathise with the Gadderarenes, which it is not probable that he would have done. On March 18, 1724, James accepted the list of four new bishops sent to him by the College of Bishops, adjuring them to delay the consecration as long as they pleased, "as I am most tender of anything that might in the least disturb your peace, or give our adversaries any handle to exercise new cruelty towards you."<sup>13</sup>

On July 4, 1724, a compromise was made. Gadderar consented not to "mix publicly," and not to refuse the unmixed cup. Laud's Liturgy was permitted by the Primus, and Gadderar promised to introduce no more unaccustomed ancient usages. Gadderar was authorised to act Episcopally as long as he did not claim to do so on Campbell's authority, and the other bishops were not to be understood as approving of "the Mixture." It is to be feared that these men were less earnest than the Seceders, since a noble opportunity for protests and excommunications and schisms was neglected by them. The trouble about patronage, however, remained alive, and the clergy, with many of the gentry of Angus, a shire always Episcopal and Jacobite, opposed the appointment of Dr Norrie as their bishop, preferring Dr Rattray. With Panmure, a leading Jacobite, espousing the cause of Rattray, while Strathmore and Gray were for Norrie, the split among the Jacobites was as manifest as in any rural parish of the Kirk. Rattray of Craighall was a man of family and property, but was strong for Gadderar and his ritual, and was regarded, therefore, by the bishops in general as dangerous to the peace of the Church and of the Cause.

After Gadderar's compromise with the bishops about "mixing," Lockhart had been sanguine enough to hope that the bishops "would have lived like brethren not only of the Church, but of affliction."<sup>14</sup> But when Bishop Fullarton took the side of what

we may style the party of the popular "call" and the right of the majority of Presbyters in Angus, the fire broke out again. Lockhart was present at the discussion with the College of Bishops as to the claims of the ritualistic Rattray and the anti-ritualistic Norrie, and asked "in whom they thought the power of electing a bishop was lodged?" This was a terrible question to throw into a clerical assembly. Lockhart, of course, cared only for the unity of the Cause, but Panmure blazed up and talked about the Primitive Church. The Dean and Chapter, he said, had the right to elect, but, in the absence of Deans and Chapters, they must look to the example of the Primitive Church, which required the concurrence of the majority of the clergy and the approbation of the people. Gadderar, Fullarton, and Rattray argued on the same side. Lockhart said that this plan was an excellent plan; that he revered the ancient Fathers, but did not think them infallible; and that the daily example of discords caused by popular calls among the Presbyterians ought to be a warning.

By law the king could nominate the bishop by a *congé d'élire* to the Chapter, "who, again, were obliged to elect the very person the king named." In this case the objections to Norrie were frivolous. Norrie ought to be appointed, and there an end to it; and the bishops, except the recalcitrant three, agreed. Here Lockhart committed James against the "Usages," which, as he thought, had a look of Popery, and afforded a handle to the Presbyterians. Norrie was appointed, though Fullarton, as Primus, refused to sign; while "the Presbyterians laughed and rejoiced at these divisions," which were no longer their own exclusive property.<sup>15</sup> Lockhart, therefore, by request of the Trustees of James, wrote to him (December 8, 1724), saying that "the utmost height of party rage" had been attained. The Trustees asked James to write to the College of Bishops to settle no prelate in a diocese till the name had been submitted to himself, with a report on the sentiments of the district. James was mainly occupied, as we shall see later, with appointing Hay as his secretary, and was obliged to announce that he could no longer trust Mar, whose honesty lay under suspicion, nor any who dealt with him. Whether these steps were justified or not we shall later try to discover; but they rent the party politically, no less than the usages, and the question of patronage divided it ecclesiastically.<sup>16</sup>

Two of James's Trustees, Lord Dun and Sir John Erskine, sided with Mar as a kinsman, and the task of Lockhart was difficult or

impossible, Mar persuading his friends that he was the victim of false charges by the exiled Atterbury. On March 21, 1725, James wrote to the bishops in the terms suggested by his Trustees,<sup>17</sup> and the question was to provide a successor to Fullarton, now old and infirm, as Bishop of Edinburgh and Primate. Rattray was proposed on one hand, Gillan, a friend of Lockhart, on the other,<sup>18</sup> as successor to Bishop Irvine (December 1725). Lockhart asked James to appoint Gillan to be a bishop, with the assent of the Trustees and several of the bishops, and, personally, thought Gillan the best man for the Primacy, as the bishops were either "hot-headed" or old and infirm. Ecclesiastical strife in Angus was being quieted by Strathmore (April 30, 1726). James, by this advice, wrote to the bishops (May 1, 1726), advising that Duncan or Cant should reside in Edinburgh to do Fullarton's duty.<sup>19</sup> He desired them to consecrate Gillan, and reiterated that they should appoint no bishop to a district without consulting him through his Trustees (July 20, 1726).<sup>20</sup>

Hence came trouble. The suffering Church was divided into the party of Ritualists and friends of popular election of bishops (right of Presbyters with consent of the populace to elect their bishops) on one hand; and of anti-Ritualists, adhering to the king's legal right to send a *congé d'élire*, on the other hand. The lay Trustees of James sided with the latter party. Mar's faction were with the Ritualists,—his kinsfolk and others who could not believe that he had sold Atterbury to the English Government in 1722, and who merely wanted to disturb all James's measures, while Hay, now Jacobite Earl of Inverness, held, as secretary, the post in which Mar had so much distinguished himself. The College of Bishops was mainly anti-ritualistic, and Bishop Miller desired them to imitate the Presbyterian method of censures against Gadderar and Rattray. This Miller, a violent person, wished to succeed Fullarton, and therefore, when Gillan was spoken of as Fullarton's successor, he suddenly felt pricked in conscience as one who, by accepting royal patronage, had betrayed the rights of the Church. For more reputable reasons Bishop Robert Keith was opposed, and helped to organise an agitation against Gillan. A Remonstrance was written on the good old lines of ancient injuries to the power and rights of the Church. Now was the time to regain them, now that King James's "back was at the wa"! They also accused James of breaking promise when he nominated

Gillan (as a bishop not to a district), which he had done by the advice of his lay Trustees. Bishop Duncan severely rebuked the authors of this chivalrous Remonstrance when they showed it to him. If they presented it to the College, he said that he would throw it into the fire, "that it might not in after times appear in judgement against them." The "*furiosi*" indignantly asked, How would James behave if on the throne, when, as an exile, he had sent a *congé d'élire* for Gillan, which Lockhart was to present? Lockhart declares that a Mr Middleton and "his gang," of the Ritualistic party, betrayed to the British Government his channel of correspondence with James. If so, we may admire the frenzy of religious passion.

Lockhart remonstrated with Keith. The conduct of himself and his party was as ungenerous as treasonable. "None would dare own their measures, were the king on the throne. They injured the king much in saying that he had broke his promise, or that Gillan was only recommended by me." He assured Keith that James had no design of making Gillan Bishop of Edinburgh, "except with the previous advice and approbation of the College and presbyters of that diocese." To a proposal by Keith that the whole affair should be referred to Lord Erskine (a Marite) and Mr James Graham, Lockhart indignantly replied that the king had not fallen so low as to strike a bargain "with a parcel of little factious priests in the diocese of Edinburgh, *who, as they were serving the Covenanted cause*, should change their black gowns into brown cloaks, and I did not doubt they'd be received into the godly party, unless ecclesiastic had the same fate with State traitors, in being despised by those they served."<sup>21</sup> Lockhart was very well able to find expression for his sentiments. Gillan's consecration was put off lest the Episcopalian friends of spiritual independence should accuse the College of Bishops to the Government. But two other bishops were secretly consecrated, while the "holy tribe," as Lockhart calls them, displayed passionate extremities of rage.

The old storm of Church and State has seldom vexed a smaller area. The instant result was that Lockhart's mode of communicating with James was discovered, and, in February 1727, letters to him from Rome were seized at Leith. In May the Episcopal clergy of Edinburgh elected the worthy Miller as their diocesan, being backed by Gadderar and the Ritualistic party. Corsar, a

Jacobite agent, was arrested, apparently by Islay's orders, that Lockhart might be warned of his own peril,—so Islay himself informed Lockhart. On Friday, March 17, 1727, Lockhart, having arranged for a ship to meet him on the English north-east coast, left Carnwath in disguise, stayed at Stobo on Tweed, wandered by moorland paths across the Border, reached an honest gentleman's house near Durham, and, setting sail on April 8, arrived at Dort on April 15. Meanwhile a party of the diocese of Edinburgh owned Miller, another faction stood by Freebairn, and both parties in the Church took to consecrating bishops. Miller died in a few months; but the feud survived him, rending the Church Episcopal and Jacobite even as the Church Presbyterian was rent, and yet more bitterly, for the Usages caused far more bitterness than the Smytonite controversy.

Here we may leave the ecclesiastical distresses of the Jacobite party and investigate its secular fortunes, and those of Scotland, after 1720. The machinations of the Jacobites in 1722 were directed towards England, not Scotland, and affected Scotland only in one respect. The conduct of Mar in 1722 caused him to be suspected of the basest villainy: the suspicion, for long scorned by James, made Mar impossible as his Minister so far as the English Jacobites were concerned, and finally compelled the king to appoint new Ministers, Murray and Hay (Jacobite Earls of Dunbar and Inverness). The whole influence of Mar, and of those who believed in his innocence, was directed, or at least was believed to be directed, to the discrediting and ruining of Murray and Hay. The queen, Clementina, was of Mar's party, and conceived, for various feminine reasons which she would never state definitely, a violent hatred of Lord and Lady Inverness. She was backed by the Roman clergy, for the detested Ministers were Protestants; her conduct and her wrongs were buzzed abroad through Europe, and as she was a pretty and charming though apparently hysterical woman, even in Scotland the party sided with her against her husband. Thus from 1722 onwards the Jacobites in England and Scotland were broken, soured, irritable, and helpless.

In Paris, early in 1720, Stair had quarrelled with Law of Lauriston, when in his glory as promoter of the Mississippi scheme. Law, as Craggs wrote to Stair (April 14, 1720), was "in possession of all the money in France," and could put great pressure on England.<sup>22</sup> By May Stair's recall was decided: he was to be suc-

ceeded by Sir Robert Sutton as ambassador to France. It was, therefore, now with Sutton, not Stair, that Mar had to do. He continued to reside near Paris, and protested to Sutton that he was not concerned in Jacobite politics (July 28, 1720).<sup>23</sup> "I know my duty better than not rigorously to observe the engagements I gave upon my being allowed to come into France. Sutton, on July 31, told Craggs that he did not believe in Mar's assurances, and asked how he was to behave to the Earl (Jacobite "Duke"). On October 30, 1720, Sutton writes to Craggs: "I am very certainly assured that Mar complains that the promises which he pretends to have been made him relating to a pension (which I suppose to be the allowance granted by his Majesty to his Lady) are not performed, and declares that in such case he shall look upon himself as disengaged from the parole he has given. I have no orders concerning him." These complaints and threats by Mar are later mentioned.

By February 3, 1721, Mar seems to have succeeded in getting the British Government to allow him his much-desired pension. On that date he wrote to James in Rome, announcing his acceptance of the English offers. He received £3500 a-year, and he states the conditions as merely his ceasing to occupy himself with James's affairs: he had long pleaded fatigue, bad health, and the necessity of seeking a more northern climate than that of Rome.<sup>24</sup> James's reply, writes Dr Glover, the editor of Atterbury's part in the Stuart MSS., "is indeed remarkable as exhibiting the kindness of James's disposition, and perhaps more so for the blind confidence he still reposed in Mar, whom he assures at the conclusion that "nothing can alter my sentiments towards you, and that my confidence in your doing your best on all occasions to serve me is entire."<sup>25</sup>

James, in fact, was attached to Mar, and saw in him a man who had lost all for the Cause. He rejoiced in his recovering his fortune, as he rejoiced when Sir James Erskine left his service, receiving a pardon, and returning to Scotland and to his silver mine. It did not occur to James that, in return for £3500 a-year, the English Government expected from Mar distinguished services, as they announced in 1719, when Mar went to Geneva, that they did. The confidence may have been blind, but it was the blindness of a generous nature which thought no evil. Meanwhile Murray, who since Mar left James had been doing his duty, left him in 1721, and went to France, where he had a bitter quarrel

with Campbell of Glendaruel. Campbell, "a great friend and creature of Mar," got up an address from the Clans to James against Murray, who was accused of superseding Mar, which was the cause of Murray's dismissal from James's Court (Crawford to Carteret, January 21, 1722).<sup>26</sup> As Mar, on receipt of his pension, was bound to cease to work for James, Mar's jealousy of Murray is not very intelligible. The hatred, however, lasted, and broke up the Jacobite party.

Meanwhile, the extraordinary thing is that Mar remains in Paris, and, in 1722, takes an active part in Jacobite affairs; while one of his letters sent by the common post, contrary to express and distinct orders, is the source from which the guilt of conspiracy was fixed on Bishop Atterbury. It is true that in the Report of the Lord's Committee on Atterbury's case the pension is said to have been stopped. But, even if it were, that did not divert suspicion from Mar. People argued, "He has arranged to have his letter, fixing guilt on Atterbury, intercepted, just that he may win back his pension." Even so, and despite the outcries of Atterbury and the English Jacobites, two years passed before James, without any *fracas*, quietly dropped Mar. Then broke out all the evil passions of the party, carrying with them Queen Clementina.

The year 1722 saw a long train of gunpowder explode, without harming any one except the Jacobites who laid it. They had a little squadron of three vessels, commanded by Nicholas Wogan, Morgan, and Galway, with another Wogan. These ships, one of which was to have conveyed Charles XII. to Scotland, while another was to have conveyed Ormonde in 1719, cruised about the Mediterranean, "seeking for a mischief" in the Scots phrase. In June 1721 Morgan wrote to Nicholas Wogan that a mischief had been found: Sir Harry Goring, a rich baronet of Sussex, and Dillon in Paris, had a piece of business in hand. It was an original scheme for using a reputable set of smugglers named "The Waltham Blacks." Atterbury had recommended Goring; and Atterbury's secretary, the Rev. George Kelly, a non-juring clergyman, six feet high, with bright blue eyes, was deep in all these schemes of "the young merchants," as Atterbury calls the Wogans, Morgan, and Christopher Layer, a desperately adventurous barrister. This Mr Layer visited James secretly, at Rome, by a private door and back-stair. He brought a list of loyal Norfolk gentlemen, was introduced to Queen Clementina, and obtained the royal pair as sponsors to

his child in baptism. Lord North, a distinguished British General in Marlborough's wars, with the Duchess of Ormonde, acted as proxy sponsors, and Layer, pursuing his nursery intrigues, knitted a cabal with Mrs Hughes, the Welsh nurse of poor little Prince Charles Edward. Layer became acquainted with Lord Orrery and Lord North, two, with Atterbury and Arran, of James's English Trustees. Atterbury distrusted and tried to shake off "the young merchants," but, great and small, they were all in the network of the shifting and kaleidoscopic Jacobite plot, mainly directed by Parson Kelly, for the Bishop was in the worst of health. The Goring smugglers were a "hellish crew," wrote honest Captain Morgan. Ormonde and Dillon were prevented from bringing a considerable mixed invading force, and, early in 1722, the plan was for Ormonde to cause King George's troops to be false to their salt, and thus to do the business with no foreign assistance. Prince Charles, aged two, was to head the Scots!

The plot was revealed, probably by the Abbé Dubois, and news was sent from Paris on April 29, 1722. On May 19 Mr Kelly was arrested in his rooms in London. For some reason, a Colonel in King George's Guards was with him, but took no part in the affair. Mr Kelly drew his sword, kept the point facing the messengers, who dared not pass the door, and, with his left hand, burned all his papers in the flame of a candle. One man tried to enter. Kelly lunged at him, and the messenger, as he said, "parried the thrust with the door." But what caused the arrest of Kelly, soon followed by that of Layer, in whose possession was found a sketch for a plot to seize the Tower, the Bank, and the king, and raise the mob? The plot was egregiously absurd, and hinged on the collection of 200 men who should enter the Tower as if relieving guard, and take possession of it. But Lord North's name was implicated, as General, in this crazy design, and a force was camped on Hyde Park to repress an insurrection represented by Layer and by a beery ex-sergeant, Matthew Plunket, whom Layer "encouraged" by occasional gifts of half-a-crown or five shillings.

The arrest of Kelly and of Atterbury was led up to in the following way: the affair is very ramified, and requires close attention. On January 3, 1722, James replied to a memorial received from England. After "unanimous and mature deliberation," his English friends saw the necessity of procuring a sum of money, which, with what he himself could supply, James deemed adequate. He would,



in answer to their request, send commissions for North, Lansdowne, Strafford, Arran, brother of Ormonde, and blanks for Colonels, and he wrote to Ormonde, Lansdowne, Dillon, and Mar, who thus must have been intriguing for him in 1721, the year in which he obtained his pension from King George.<sup>27</sup> By March 16, 1722, Mar wrote to James saying that the English Jacobites were unsatisfactory in their replies, and, as to money, did not even promise any. The Five Trustees (in Lockhart's phrase) in England were quarrelling among themselves. Atterbury would, Mar was sure, object to Dr Freind's part in managing the scheme (March 23). But the circumstances might unite Atterbury and Oxford, who, in Mar's opinion, ought to be at the head of the party in England. As if they had not enough of Oxford in 1714! The "young merchants," the Wogans and the rest, were of undoubted folly, and Atterbury and Oxford were to manage all.

Atterbury, on April 20 (O.S.), wrote to James, Mar, and Dillon, and certainly the letters to Mar and Dillon reached their destinations, and Mar replied to Atterbury.<sup>28</sup> Atterbury had said that it was imperatively necessary to send no letters through the post, especially since the death of Lord Sunderland. This was in the letter to Dillon, with whom Mar was working. To Mar, Atterbury signed himself "T. Illington," to Dillon he signed "T. Jones." Before Atterbury's letters of April 20, O.S., reached their destinations, they had been intercepted and copied for the English Government. They were in cypher, and they were decyphered. Now Dr Glover, editor of the correspondence, argues that either the decypherers of the English Government were "extremely clever," or that the cypher was betrayed—by Mar. He holds to the second opinion, for there are a few variations in the decyphering from the rendering which the key to the cypher would have given, "and these variations are, seemingly, employed with no other view than to keep up the delusion of their having been decyphered without any extraneous assistance." The errors are mere "blinds," and nobody who was clever enough to decypher the rest without a blunder could have been puzzled in the few cases where, for example, "openly" is rendered "out of hand," or an easy word is left a blank.<sup>29</sup>

As to the decyphering, the Lords of the Committee of investigation examined the decypherers, who maintained that their work was honest and unassisted, and that they had previously decyphered

letters in a manner proved correct when the Government, later, procured a copy of the Jacobite key. They explained the method of George Kelly's cypher, which was of a naked simplicity. "The further the initial letter of any word is removed from the letter A, the higher the number is: thus "Xerxes" would begin "24." They had decyphered the papers when far remote from each other, and their interpretations had been identical,—even when they harmoniously failed in the same simple cases,—so it appears.<sup>30</sup> However the letters were decyphered (and there appears to be no valid evidence that the key was betrayed), the letters were not sufficient to convict Atterbury of being T. Illington or T. Jones. They were not written in his hand. But on May 11/22 Mar, signing "Io. Motfield," wrote to Atterbury. He began by acknowledging Atterbury's letter of April 20, O.S. He condoled with him on the loss of his wife (which Atterbury had not mentioned; Mar heard of it from George Kelly), he regretted Atterbury's own "distemper."

These facts proved that T. Illington was a gentleman in bad health, who had just lost his wife. Atterbury, after the facts came out at his trial (for of course Mar's letter to him had been intercepted), interpreted Mar's conduct thus: Mar, in 1724, put into Atterbury's hands a number of letters. Among them, Atterbury declares, were letters to Mar from Carteret. Thence it appeared that "when Mr Churchill was here" (in Paris), "May 1722, to urge him to discover what he knew of the plot on the account of '*the favours conferred on him by King George for some time past*'" (those are the words of the letters written to him by Lord Carteret in his own name, and those of Lord Townshend and Mr Walpole), it appears, I say, from the very letters he imparted to me, that he had several private meetings with Churchill by himself," of which Atterbury gives proof from the letters. These letters certainly proved deliberately secret meetings between Mar and Churchill.

Further, on the same evidence, Churchill was sent to Mar as soon as Atterbury's letters of April 20 had been decyphered in London. Reaching Paris on May 10, he told Mar (as Mar himself had owned) that the letters had been intercepted. After that, Mar and Churchill had many secret conferences, and Mar wrote (May 11/22) the letter to Atterbury which "owns the receipt of

mine, and describes me by my function [Mar had only said, 'You know such things'—religious duties—'much better than I'], the late death of my wife, and a fit of the gout ['distemper' in Mar], from which I was just recovering,—characters that agreed to no other person in the kingdom but myself." Moreover, there was no "colour of business" in Mar's letter. Mar therefore wrote it merely to identify Atterbury, and sent it, which Atterbury had forbidden, by the common post. So Atterbury wrote to James (July 31, 1724). Mar might have replied, "I wrote on May 11/22 in the mere goodness of my heart, and sent the letter by the common post, because it had 'no colour of business.' I do not see that when I said you knew better about religious things than I, I pointed you out as Bishop of Rochester. Many people in England are more versed in religion than I, many of them may have just lost their wives, many may also have a 'distemper' of one kind or another, and many distempered, bereaved, religious people may have written cyphered letters on April 20, O.S."

Unluckily for this defence, which does not improve as it advances, the Lord's Committee, in Atterbury's case, did not take the same view of it, but cited Mar's letter as evidence to prove Atterbury's identity, to prove that he was the conspirator Illington. They said that the religious compliment "seems to point out the character and function of the person addressed," while the Bishop's illness and bereavement coincided.<sup>81</sup> There was plenty of other circumstantial evidence against Atterbury, especially the mention of his lame dog, Harlequin, a present from Mar. Atterbury was most deservedly exiled, and George Kelly lay for many years in the Tower. Thence he escaped in circumstances of pleasing good taste, not breaking his parole, under which he was allowed to take drives for his health, and from 1745 to his death, apparently, he was closely attached to Prince Charles. He is not the dissipated Father Kelly, with whom he is often confused.

The reader has now the opportunity of forming his own opinion as to whether Mar sold Atterbury, or whether, in his writing and posting his letter of May 11/22, 1722, he only displayed the same fatuous heedlessness as he showed in giving to Atterbury, among a mass of Jacobite manuscripts, the letter of Carteret to himself and his notes to Churchill. In either case, after Atterbury's letter of July 31, 1724, to James, the king could not but

drop his connection with Mar. If not a traitor, he was inconceivably indiscreet and unsafe.<sup>32</sup> \*

In other respects, between 1722 and 1724, Mar absolutely demonstrated that he was either a traitor or incompetent. In 1723, before James had to drop his relations with Mar, that intriguer, in James's own words, "had been, unknown to me, negotiating, with the late Duke of Orleans, a Scheme utterly destructive to our native country. I should think" (James wrote in 1725) "I were not a little failing to our country and to myself did I ever trust or employ anybody who had a share in so base a thing."<sup>33</sup>

Mar's scheme, unknown to James, was drawn up, done into French, and presented through Dillon to the Duke of Orleans. The paper was then conveyed by Lord Southesk, who did not know its contents, to James at Rome. The king was so affected by the plan of Mar's Memorial that he thought it wiser and better never even to acknowledge its receipt, so that there should be no evidence that he had so much as listened to "so base a thing." Had it come out that the plan had been considered by James, he would have been utterly ruined in the esteem of his English friends. Mar's enemies believed that he drew up his Memorial for this very purpose, by way of serving the English Government. This appears far less probable than that he was a foolish and desperate schemer; but it is certain that the author of the proposed plan, the person who brought it into politics by presenting it, without James's knowledge, to the Duke of Orleans, whence it was more likely than not to reach the English Government, could not be retained in office by any prince possessed of reason. With that extraordinary turn for misunderstanding and misrepresenting James, which is part of his misfortunes, Lord Stanhope says, "So far was Mar from recovering James's favour, that this Prince, like all weak men, ran into the opposite extreme, and looked with coldness and distrust on many of his most faithful followers, on account of their personal intimacy with Mar, even where that intimacy had been formed by his own direction, or resulted from his own partiality."<sup>34</sup>

\* I could not give a verdict of Guilty against Mar. The circumstances were so suspicious as to make it impossible for James to employ Mar, but it does not appear that Mar was rewarded by the British Government, nor is it certain that Dillon told him of Atterbury's prohibition to send letters by the common post.

Very slowly, very reluctantly, James's eyes had been opened to the character of Mar, whom the Master of Sinclair had appreciated pretty correctly. He took an English pension; James permitted it and congratulated him. His astounding folly, if not his perfidy, ruined Atterbury, and made all English Jacobites detest Mar. James did not cease to trust till Atterbury, in exile, laid the exact circumstances before him; and then came Mar's scheme, revealed to Orleans before James heard of it, and in itself an ideal example of reckless incompetence. Later, Mar's business was, or was thought to be, to excite faction,—to set Queen Clementina against her husband, to irritate the clans, and to traduce the servants, Hay and Murray, whom James now had about him. James's weakness would have lain in not warning his friends against Mar.

The Memorial of Mar, shown to the Duke of Orleans at the end of September 1723 and then forwarded to James at Rome, exists in an abstract by the honest James Edgar, the king's private secretary.<sup>35</sup> The French text, in full, is published by the Hon. Stuart Erskine, and is even more idiotic than Edgar's abstract enables us to understand.<sup>36</sup>

Mar begins by saying that England not unreasonably boasts that she holds the balance of power. They have "greatly diminished the extent of the French Empire" in Marlborough's wars. In a war with Germans anxious to recover Alsace, King George would take part against France. Place James on the English throne, and French interests will be his interests. But, says Mar, it will be objected, Parliament will force him by its capricious humours to side against France. Parliament holds Scotland and Ireland in subjection, and the English people hate France with an ancient and inveterate hatred. A standing army in England might prove a remedy, but the people would not endure it. The remedy is to restore the liberty of Scotland and Ireland: they, united, will support James against England (of course to the advantage of France). The king will be his own master, "and more than ever obliged to preserve an inviolable union with France." Scotland and Ireland will be attached to the French king as the guardian of their freedom, "and thus these kingdoms will be more useful to him than if one of them was his very own."

(Presbyterian Scotland was not likely to accept abject dependence on idolatrous France: if Mar really believed that, his incapacity was abject.)

With an English king in the position suggested, "France will be for ever free from fear of her old enemies and rivals, the English." To produce these happy results, so welcome to James's English adherents, (1) France must lend James troops and ships for an invasion, James to pay them for eight days after the landing of the forces in Great Britain, reimbursing all expenses later. (2) By treaty, *to be made before the French leave Great Britain*, James must restore Ireland and Scotland to "their ancient liberty." (3) James must provide France with 5000 Scots troops and 5000 or 10,000 Irish, to be sent back when James demands their services at home. (4) The treaty shall be ratified by the Parliaments of the three kingdoms before the French invading army returns home. (This is Mar's conception of "a Free Parliament.")

In all this "there is no prejudice to the true liberties or ancient laws of the English people." Little vessels and fishers' boats will carry across the invading army and stores in one night, so that the English fleet, if aware of the design, will be unable to prevent the landing! Even in England the people only wait for a foreign force to rise. Scotland, to a man, is for King James: in three weeks he will be king, in three more Scotland will send an army of 20,000 men into England, where the people are so anxious to be up and doing. In Ireland James's friends, if armed, will not only prevent the English troops from passing into Great Britain, but will send forces to Scotland (why?) and to England. To accomplish these glorious ends, a French army of 6000 men and 20,000 muskets will suffice for England; 2000 men and 15,000 muskets for Scotland (which, to a man, is for James); 4000 men and 15,000 muskets for Ireland. Less will do, if the demand seem too great. Probably such an insane paper of State was never drafted, not to speak of the patriotic design to break the power and ruin the liberties of Britain. Not an English Jacobite but would have fought to the death against this policy.

Mr Stuart Erskine has written concerning this Memorial of Mar's, "There is absolutely no evidence to show that he [James] did not endorse it." In the nature of things there can be "absolutely no evidence to show that" the Pope or the Archbishop of Canterbury "did not endorse it." There *is* evidence that James never acknowledged the receipt of the paper. Again, it is argued that a previous proposal of Mar's, "approved by the Prince," "to all practical intents and purposes was precisely the

same thing, . . . though" Mar's *new* Memorial "no doubt exceeded in some measure the principle laid down in" Mar's previous proposals to James of 1721.<sup>37</sup> All that James accepted of Mar's previous suggestions which corresponded to the insensate ideas of the Memorial was to keep a regular army of 2000 men in Scotland, "model the Highlanders into regiments to the number of 15,000 or 16,000 men," and "make an agreement with the king of France for his entertaining a certain number of Scots troops in his service, which I am persuaded Parliament will approve of."<sup>38</sup> On comparing these statements of James (February 5, 1722) with the French document, we see that Mar's earlier proposals are not "the same thing" as his later Memorial, do not approach being "the same thing," and that James does not even accept in full Mar's earlier proposal as to Scots in French service.<sup>39</sup>

Mar's earlier proposals, of the close of 1721, were concerned solely with Scotland, not with England and Ireland, and did not recommend James's abject subservience to France; nor is a word said about legislation by the English Parliament, the Scots, and the Irish, under the guns of a French invading force. It is admitted by Mar's defender that James "never expressed his approval" of the Memorial "in writing,"<sup>40</sup> and, as this is so, we need not seek "evidence to show that he did not endorse it."

It is hardly worth while to spend time over such a defence of the indefensible, in which the printed Stuart Papers on the matter are not once the subject of reference; and there is no allusion to Mar's pension from England, or even to that letter of his to Atterbury which was cited at Atterbury's trial. That Mar sold the cypher, and deliberately betrayed Atterbury, we have no proof. That his careless folly injured Atterbury, that his Memorial was a burlesque monument of incapacity for statesmanship, and so abject that, if known, it must have left James without a friend in England, is certain. Mar says that Atterbury, later, had the Memorial printed at London, in French and English, to discredit its author. This was in 1728.<sup>41</sup> Mr Stuart Erskine says that the Bishop's publication (of 1728) caused Mar's dismissal from office, which occurred in 1724.<sup>42</sup> The statement lacks probability. Meanwhile it is proclaimed as a proof of James's weakness and frivolity that, in the gentlest manner possible, and with manifest pain, he ceased to trust, and superseded, the proposer of a shameless, slavish, and utterly impossible transaction as set forth in the Memorial.

The things which History permits herself to say about James are of an inexplicable absurdity. "He was as arbitrary and exacting as the strongest-handed and most self-willed of reigning despots could be."<sup>43</sup> In fact, James endured rebukes of the most unvarnished plainness from Lockhart and from Mar with the courteous self-restraint of a perfect gentleman. One of Mar's performances, after he had ventured his worthy Memorial, was to stir the clans to hatred of James by averring that the king neglected the exiled chiefs. Atterbury consulted persons who knew the Highlands, and wrote, "I do not find that there is any real foundation for the earnest and even rude representations Mar has made on that head. If there be, he first raised the resentments before he argued from them. . . ." <sup>44</sup> Mar had written to James, asking, "Why are you taking, as it were, pains to disoblige and lose the inclinations of those gentlemen who merit so well at your hands? . . . Your being in present want and not in cash will not excuse you with them nor with the world, I fear, when the thing comes to be known," with much more in the same style.<sup>45</sup> The fierce despot replied, "I take as kindly as you mean it" (rather a neat retort) "what you represent to me in relation to the Clans. You are witness yourself how sensible I have been all along of their condition, and that I have neglected nothing in my power towards their relief. I hope a new Pope, whoever he may be, will enable me to provide for it, but that shall not hinder my continuing proper measures elsewhere for the same end. . . . As I have ever supplied them as I could, so the first money I can get shall certainly be employed upon them; but as it is, I have neither money nor credit."<sup>46</sup>

James was dependent on the Pope: England had never paid, nor ever did pay, his mother's dowry money. The Pope of the moment, as Field-Marshal Keith (James Keith) saw and said, was the reverse of generous. James could not give what he had not got, and throughout his life had an unroyal horror of debt. He did send money to Tullibardine, who returned it. James wrote, "I am far from disapproving these sentiments which engaged you to return hither the small supply I lately sent you; but as I am sensible how much you must want it, I have added another bill of the same value to it, which I send you both together, and which I hope you will not refuse from my own hand. . . ." In these circumstances we may imagine how much James, to quote an historian, "enjoyed the spiritual crown of martyrdom,—a martyrdom



sweetened by indolence and luxurious enjoyment.”<sup>47</sup> As for indolence, a mere glance at the masses of the Stuart Papers, written in his own hand or to his dictation, and very carefully composed, disproves the charge. No crowned king, perhaps, did more business, though all the business was futile. He corresponded with agents in many foreign Courts; with Atterbury, Lockhart; with countless jealous intriguers, trying to pacify their quarrels, which were increasing; and at this moment he was labouring to reconcile the Duke of Gordon to the Macphersons, who accused him of oppression and eviction, while some of them tried, not quite successfully, to murder the Duke’s factor, the hardy Gordon of Glenbucket. “This unlucky accident,” as Cluny wrote to Marischal, “brought the Duke of Gordon into our country, with a body of a thousand men, foot and horse.”

“For he was resolved  
To extirpate the vipers,”—

“to extirpate us and the whole name of Macpherson out of the country,” writes Cluny. Marischal and Lochiel, from Paris, therefore begged James to induce Glenbucket, while he punished the guilty if he could, not to extirpate the clan (Paris, August 7, 1724). James, therefore, wrote to Lochiel, enclosing letters for Glenbucket and the Duke of Gordon, and so pacified a dangerous clan feud with which King George could not successfully have meddled.<sup>48</sup>

Meanwhile one thing was certain,—whatsoever Minister James chose in place of Mar, indeed whoever he employed, would be subjected to every kind of suspicion, hatred, and cabal. Mar was said to intrigue against these servants with all his might. Mar’s friends in Scotland would misrepresent them; James’s friends in England and Scotland would regard them with jealousy; and the whole storm, blown up from so many quarters, fell on Murray and Hay. The Jacobites were, in the proverbial phrase, “a very fair people,—they never spoke well of each other.” The meanest intrigues devastated the little exiled Court: they spread upwards from the nursery, and Prince Charles’s nurse, Mrs Sheldon; while Clementina found feminine causes of quarrel everywhere and nowhere, being *désœuvrée* and *ennuyée*, and would sulk for weeks and months. Naturally the world sided with the lady, and the usual scandals were invented that attend domestic quarrels. The troubles appear to

have begun in the gloom and disappointment which followed the failure of Alberoni's Spanish attempt. In 1722 money was the great thing wanted for Atterbury's plan: the English would not find money, and the Pope, Innocent XIII., contented himself with giving to Clementina the Golden Rose. James offered to pledge the Queen's jewels, the famous Sobieski rubies, but the Pope did not like the security: the rubies were perhaps entailed on Prince Charles, who, in 1745, wished to raise a loan on them for the Scottish campaign. James was reduced to a deeper melancholy than ever, and poor Clementina, like the old Scottish lady, may have asked, "How can I be weel when I'm no' divertit?"<sup>49</sup> "For the love of God, Monsignore," writes Hay to Cardinal Gualterio, "think of something to amuse the king, for without that I foresee great anxieties." James was kind enough. During the fatal illness of Clementina's mother, in July 1722, one of Prince Sobieski's household wrote to one of Clementina's, and James sent the letter at once to Gualterio, to have the Polish translated, that he might himself break any bad news gently to his wife. He was kind, but he was not amusing.<sup>50</sup>

Clementina thought she could divert herself if she were allowed to know the many futile secrets of the Jacobite schemes. But James, remembering his mother, was unable to trust a young lady with dangerous secrets,—they would be all over Rome, as they used to be known, Bolingbroke said, to every Irish lieutenant in Paris. Thus Clementina had a grievance; moreover she had probably imbibed from Charles Wogan that Catholic hero's dislike of the Protestant Murray, who had been sent, in place of Wogan, to Prince Sobieski. The queen was very Catholic, and hated all the Protestants about James for religious reasons. James, by policy and character, was tolerant, more so than was agreeable to the Pope, who took the queen's part in every difference. A lady, Mrs Sheldon, was engaged to succeed, or be superior over, Prince Charles's Welsh nurse, Mrs Hughes, the fellow-conspirator of Lacy. Trouble arose in the nursery. As early as February 20, 1722, Hay wrote to Mar that the king "is resolved to meddle no more in these matters,"—quarrels of a mother and nurses. Hay himself "has a notion of the impossibility of women's ever agreeing together."<sup>51</sup>

In January 1723 James began to look for a learned man to be about the presence of the little prince, who was already a

lively, restless, headstrong child. "I will be very dutiful to mamma and not jump too near her," the prince writes in his first letter to his father: the nerves of his mother could not endure his jumping. Michael Ramsay,—the Chevalier Ramsay,—like James a friend of Fénelon, was selected as tutor; but Ramsay was the man who translated "that base thing," Mar's proposal to hand England over to France, for the perusal of the Regent d'Orleans. Ramsay was beguiled by Mar, as was General Dillon, who, though always honest, naturally espoused Mar's party. Ramsay arrived in Rome in February 1724, remaining till about the time when Atterbury persuaded James that Mar was either treacherous or inconceivably foolish and incompetent. At this time Hay writes, "You may easily imagine what amusement the Prince gives to his father and mother, and indeed they have little other diversion." Their gloomy palace was not the place of indolence and luxurious enjoyment that historians have created out of their own fancy. Ramsay was dealing, or was believed to be dealing, with Mar and France. In the autumn of 1724 he insisted on returning to Paris, to shield his friends against some calumny. Those about James, in company with Atterbury, were then against Mar, and Hay writes that Ramsay is "a creature of the Duke of Mar,"—that is, was a *protégé* of Mar,—hears him being reviled, and believes in his innocence. "Two glasses of wine unhinges him,—he is not capable of sincerity. . . . He was *called* here for one purpose, and *sent* here for another"—namely, to defend Mar's interests.

As Ramsay, a Catholic, departed, James chose Murray, a Protestant, to be with the prince, conjoined with Sir Thomas Sheridan, who was later one of the Seven Men of Moidart, at the opening of the campaign of 1745. With a Protestant's appointment to be about her son (1725), the wrath of Clementina grew darker and deeper. There are also traces in the Stuart MSS. of some embroglios, probably political, in which Atterbury and the queen were involved: she seems to have interfered politically, perhaps in Mar's interest. Murray writes to Cardinal Gualterio, "Something fresh has happened which causes great difficulties between two persons infinitely esteemed by your Eminence. I think it serviceable to both to warn you and to implore you in God's name to treat what the younger of the pair has done gently, and as an error of youth." He asks Gualterio to "speak to the queen about a fault caused by

want of experience." "You know how I am interested in their union and happiness. Tear up this note after reading it."<sup>52</sup>

Manifestly Clementina had done something indiscreet. But Murray's letter is all that it should be, and by no means justifies the reports of his "insolences" to the queen, which reached all Europe and perturbed Lockhart in Scotland. When Murray was appointed as governor to the prince, Mrs Sheldon was the person aggrieved. She inspired Clementina with her own emotions, she was the constant cause of quarrels, and, when James dismissed Mrs Sheldon, matters came to a head. Clementina had suffered much before the birth of her second child, Henry, Duke of York, in 1725. Her health was bad; she thought that her religion was outraged. Mrs Sheldon, a partisan of Mar, and she nursed each the other's wrath: these were *domestica facta*, not wholly unknown in private families. But the results were, as usual, an increase of James's ill-fame, though, except for his natural melancholy, he was perfectly innocent in the whole concern. If his son was to be king of a Protestant people, they must be conciliated, and the prince must be made familiar with their ideas, not taught to regard them as damnable heretics.

Clementina now added a new grievance to her list. She was, or persuaded herself that she was, jealous of Lady Inverness (Mrs Hay), with whom, hitherto, she had apparently been on the best terms. The charge against James's morals would have been nothing out of the way, considering royal ethics in general, and those of European Courts at that period in particular. But James's character in such matters was quite stainless. Long afterwards an adventurer claimed to be his illegitimate son. Cardinal York (1782) inquired into the matter, through Lord Caryll, who reported that "he never met with any, either friends or enemies, who ever laid such a thing to the charge of his Majesty."<sup>53</sup> Dr Glover, who had carefully read all James's correspondence, still unpublished, in the Stuart Papers, says what the writer's own knowledge of them corroborates, that James displayed throughout the whole of this painful transaction a kindness of feeling and a desire of forgetting the strange conduct of Clementina that does him infinite honour.<sup>54</sup>

Early in November 1725 Clementina retired with her grievances and Lady Southesk to a convent. The step was damning to James's character, and has ever since darkened his memory. "So

firm a hold," says Glover, "have these scandalous fabrications [about Lady Inverness] taken upon the minds of men, that we find them commonly accepted as acknowledged truths, or stated as undisputed facts of grave history." The Papal Court, for religious reasons, adopted the scandals, and James regarded Cardinal Alberoni as the chief agent in disseminating them, while the moving cause, he believed, was Mar's intrigues for the ruin of Hay (Inverness).

The letters of Canon Stratford to Edward Harley, second Earl of Oxford, give the form in which the scandals reached England.<sup>55</sup> He says that Murray had "affronted" Clementina in 1721, when he retired from Rome, and that Murray's return as the prince's tutor was one cause of offence. Both Murray and Hay were recommended, the Canon notes with glee, by Atterbury, who, he says, used to "bully our poor brethren," the Canons of Christchurch.<sup>56</sup> "A great many stories go about here, as that he [James] caned her" (Clementina). "This is a ripe precious fruit of Atterbury's Ministry." Lockhart says that Mar's partisans circulated the story of James's amour with Lady Inverness, and that it was generally believed.<sup>57</sup> It ought to

"Have made the laughter of an afternoon,  
That Vivien should attempt the blameless King."

*En revanche*, Lady Mary Wortley Montagu collected at Rome, and sent flying to London, the story that the Pope was the fortunate lover of Clementina! Lockhart also heard that Mrs Sheldon "had gained an absolute ascendancy over the queen, and, being entirely at Mar's devotion, was his spy, and by his instigation blew the coal and incensed her Majesty against Lord Inverness, and kept the whole family in hot water." This was James's own belief at the time. After Clementina's death (1735) he turned the affair over in his patient reasonable mind, and wrote that he did not think Mrs Sheldon "failed in anything essential." She had not been treacherous, only a jealous nurse. "There is a great reality of forgiveness in me towards Mrs Sheldon," who had been one of the causes of almost or quite the greatest of his misfortunes. He now believed in "the uprightness of the queen's intentions, and the wickedness of Alberoni's conduct."<sup>58</sup>

James, perhaps unwisely, circulated a Memoir about the queen's retreat among his party. He had hoped that his wife's resentment against his Ministers "would pass with a little time and patience on

his part." He had tried to encourage her to divert herself and go into society. But she let him know that, if he did not discharge Inverness, she would go into a convent, "still without bringing any reason for it,"—exactly like Lady Byron, and other estimable ladies. From "a person of great worth and consideration" (obviously Cardinal Gualterio), to whom Dunbar (Murray) had written, James learned that the tutorship of Murray, a Protestant, was another intolerable grievance. Inverness and Murray both wished to resign, but, in the circumstances, James could not accept their resignations. His letter, *à ma chère Clementine* (November 11, 1725), is all that an affectionate husband could be expected to write. He reminds her that he has patiently endured her "bouderies" for two years. Doubtless she would have been much more forgiving if she could only have made him lose his temper. "You have always had my love *sans partage ou rivalle*." He reminded his wife that, as Inverness was displeasing to her, he had years ago removed him from all charge over the household. He pointed out that she had not mentioned a single instance in which Inverness or Lady Inverness had given her cause for complaint. She was mistaken, he assured her, in thinking it *bassesse* (her own phrase) to behave with ordinary civility to persons with whom she was brought into contact. All this was in reply to a lost letter of Clementina's, and James examines in detail each point of her case, ending by the wish that she had consulted her father before taking a step so pernicious to her husband's interests as retreat to a convent.<sup>59</sup>

The Pope asked James to take Mrs Sheldon back, and declared that he could not approve of Murray's attendance on the child prince. James replied that he had no occasion for the pontifical advice in the affairs of his private family—though he knew that the Pope could cut off his supplies. People about the Pope, probably Alberoni, were anxious to put a stop to the use of the English service in James's chapel, and James was so harassed that he wished himself out of the Papal States (January 19, 1726).<sup>60</sup> Lockhart, in veiled language, counselled James to give in all along the line, and dismiss every one to whom Clementina showed an objection. He and Hamilton, Eglintoun, Kincardine, and the other Scots leaders, might also write a letter to Clementina imploring her to be reconciled.<sup>61</sup> He also told Hay that the public voice laid most of the blame on him, and mentioned a false

report that the loyal Allan Cameron, who had been in the Highlands, acted there in the interests of Mar. At this time a letter of Clementina to one of her sisters was published. Hay and his wife had reduced Clementina "to a cruel situation," she said. They had "neither religion [they certainly had not her religion], honour, nor conscience"; but what they had done to Clementina, or how their wickedness was displayed, remained a mystery as deep as ever, supposing the letter to be genuine.<sup>62</sup>

Meanwhile, as we have seen, the Episcopal clergy were at feud among themselves. The party, in short, was a mere thing of rags and tatters. Clementina refused to listen to a proposal that Ormonde should be the prince's governor (what a task for Ormonde!), and that Lady Inverness should leave the household during the queen's displeasure. She would not hear Cardinal Gualterio, and to the Princess Piombino she replied that she had a headache. She had another headache when James made proposals for reconciliation in a letter; later she replied "in Cardinal Alberoni's style," objecting to all Protestants, and to Hay "as faithless to God, and therefore incapable of being faithful to his master." "I would not purchase even my restoration at the price of being her slave," James wrote to Lockhart.<sup>63</sup> He had again vainly adjured her to tell him what her genuine cause of anger was,—not improbably it was some hysterical delusion: hysteria, that masterless and mysterious fiend, is the best explanation of her conduct. But Lockhart told James that it was vain to attempt to shake the public belief that Clementina had been ill-treated. The Queen of Spain, "the Termagant of Spain," took up Clementina's cause with fury. Inverness (Hay) himself lost heart, and implored James to yield rather than perpetuate the domestic feud; but James first retired to Bologna, deploring to Lockhart that reason had no influence with his wife. In the end of March 1727 James and Hay said farewell to each other. A wilful woman can usually have her way, and Clementina, having ruined her husband's character, broken up his party, and won universal sympathy for her unknown sorrows, had *her* way.

In 1727, as we saw, Lockhart's correspondence with Rome was intercepted, and he fled to the Continent. He and his friends were vexed by James's appointment of Sir John Graham to succeed Hay: Graham was a creature of Hay's, they said. Still Clementina had not, as yet, become jealous of Graham's wife, if a wife he had. Lockhart himself now accepted the stories of the insolence of the Hays

as the cause of Clementina's retreat to the convent, though no evidence as to details has been found. Lockhart admits that people who were constantly with James "could observe nothing in him tending that way" (the way of an amour with his secretary's wife), "and did verily believe there was nothing of that in the matter."<sup>64</sup> Of Hay, Lockhart gives the worst account, "as cunning, false, avaricious, cultivated by no sort of literature"; but Hay's letters are as well written as those of any gentleman, and he certainly had no wish to supersede Mar, which was the real cause of the attacks on him. Dunbar's (Murray's) ability is admitted, but his "insolence" is denounced; again, we cannot find it in his correspondence. Unluckily he was met with greater insolence by Prince Charles, whom he quite failed to keep in order. In truth, the jealousies of the Jacobites among themselves were the source of their sorrows. Their king must have some secretary, but every secretary in turn was envied and detested. Lockhart, after calling Graham "a creature of Hay's," inadvertently remarks that he was "a young gentleman of good parts, and descended from an eminently loyal family";<sup>65</sup> yet his appointment was bitterly resented as soon as it was announced. "A mean rattle-headed person" of the name of Hamilton was given a post of confidence in England, to Lockhart's disgust. The death of George I. was followed by a sudden journey of James's to Lorraine, just when Clementina was about to join him at Bologna. James thought there were chances of foreign aid and of a Highland rising; disappointed again, he went to Avignon, whence the French Court procured his removal, as his presence there was offensive to Britain.

On October 7, 1727, Lockhart informed James that all his ciphers were in the hands of the British Ministry. "These ciphers came from the fountainhead abroad," "from one that knew how to be master of them."<sup>66</sup> James believed, for reasons which he gave, that Lockhart's informant was in error, as none of his letters had contained the matter which, according to Lockhart's informant, they did contain. The source of the information, which reached Lockhart at second-hand, was obviously Argyll, who had a great private liking for the laird of Carnwath.

Meanwhile Clementina, still jealous of Hay, declined to go to Avignon. James attributed her refusal to Alberoni, and desired Lockhart to let this be understood in Scotland. Lockhart replied by a letter, scolding James for favouritism ever since 1716, and



defended Clementina with vigour : apparently he was inexperienced in dealing with hysterical women. James, who was leaving Avignon to join Clementina, took no notice of Lockhart's reproaches : indeed he had left Avignon before the long letter could reach him. Lockhart was now persuaded that the ciphers had been sold, because, though he had heard that some ingenious and laborious persons could decipher, "yet I question if the Divell himself can know what person is realie meant by a fictitious name."<sup>67</sup> In fact, there are few things more easy to discover : the context of the letters always gives an easy clue. Lockhart finally says that he was told Hay was the paid spy of the English Government, "tho' I am far from asserting it as a truth to be depended upon." Indeed Jacobite ciphers were always indolent, inexpensive puzzles, and the only reason for supposing that the decipherers did not unriddle the ciphers in Mar's case is their stumbling over easy words. But something in the handwriting may have caused these errors. On the whole, Lockhart seems to have leaned to the belief in Hay's perfidy ; and he ends his Memoirs in a tone of the deepest gloom. For years the Jacobite party was "out of the play."

The political faction fights of Scotland during this period were of moment, no doubt, to the persons concerned, but are of little interest to us. Had Argyll been won over by the Jacobite party it would have been an ill day perhaps for himself, but certainly for the House of Hanover. His ambition, however, and his sense of his own importance as a great prince, a great warrior, and an eloquent debater, found safer outlets. He had broken from George I., or been discarded by him through the intrigues of Cadogan and the *Squadrone*, after 1715. He had joined the party of the Prince of Wales, and by him had been deserted. In 1719 he had his revenge. The prince had declared war against his father's Minister, Lord Sunderland, who felt safe, even if George I. should die, in the support of his friends in the House of Lords. But the prince on his accession might fill the House of Peers with new created Lords in his own interest, as was done in Queen Anne's reign (1713), and so Sunderland favoured a Bill to restrain the sovereign from resorting to this expedient. The Bill was thrown out by the Commons, to the surprise and disappointment of the Ministry. The Tories said that it was an essential alteration of the constitution, and would place too much

power in the hands of the House of Lords as then existing. The sixteen elected representative Scots peers were to be raised to twenty-five sitting by hereditary right, and the sovereign, except in his own family, was not to be allowed to create more than six new peers. The sixteen Scottish lords then representing their country were all eager supporters of the Bill,—Argyll because it was levelled at the Prince of Wales, the rest because they would all be of the new hereditary twenty-five. They would be depriving their electors, the other Scots peers, of their chances, rights, and privileges, and would be violating the terms of the Treaty of Union; but for these circumstances they cared not at all. It is true that the twenty-five, once secure of their seats, would not be the puppets of the Court that they usually were, for the government of Scotland in the interests of the English party in power had not ceased with the Union. The Jacobites tried to stir up the Scots peers to a generous and patriotic indignation, but found most of them meanly indifferent. The Jacobite Scots lords, however, caught fire, and sent up an address against the Bill.

Annandale now died, and another representative peer had to be elected. The Tories and other patriots desired to choose the Earl of Aberdeen. Argyll was of opinion that, apart from the Court influence behind his old enemies of the *Squadron*, they had not great weight in Scotland. This seemed the moment to try a fall with them, and see whether he or they had most to say in Scotland. The Ministry, in a sporting spirit, promised to stand aside and let Argyll and the *Squadron* show which was the better man. Argyll thought of the Duke of Douglas or the Earl of Morton as a candidate. To this pitch, as a counter in a contest of faction, had the great historic House of Douglas fallen, that once had been the not unequal rivals of the Crown. But Argyll found that the *Squadron*, rather than be defeated by him in this petty and inglorious war, would back the Jacobite candidate, Aberdeen. His course, therefore, was to set the Jacobites at odds among themselves. Lockhart described the situation to James (June 15, 1721): Argyll had selected the Earl of Eglintoun, "a very honest man" (that is, a good Jacobite), and so divided the Tories. However, they and the *Squadron* carried Aberdeen, and Argyll sent a friend to Lockhart to ask why his party had sided with the *Squadron*. Lockhart said that Aberdeen

was perhaps the fittest man in Scotland for the place,—“one of great capacity and knowledge, particularly in the laws and constitution of the kingdom.” But now Argyll was ready to offer terms for the Tory (practically Jacobite) alliance against the detested *Squadron*. He would lend them his influence, and elections would protect those who “were persecuted for the king’s sake,” and would oppose the Peerage Bill. Lockhart hoped to make more use of Argyll,—a hope always deceitful. Argyll “sighted” the Jacobites, “and even agreed with the *Squadron* in a list of peers to be chosen”; while several Jacobite peers would not “qualify,” and so be able to vote. Among these honest “Non-jurants” were Strathmore, Strathallan, Rollo, Wemyss, and the good Lord Pitsligo, who, in old age, joined the Prince in the ’Forty-five. Lockhart, a personal friend of Argyll, found him still very angry over Aberdeen’s election with his party. He was now of Walpole’s party, who, in 1721, began his long tenure of power. Lockhart pointed out to him that he would never be trusted by Walpole, who hated the idea of a rival; but circumstances brought about the fall of Roxburghe, to Argyll’s gratification. Roxburghe, the head of the *Squadron*, “went out on malt.”

At the Union, Scotland was to be exempt from the Malt Tax till the end of the war then raging. After the Peace of Utrecht the attempt to impose the tax was met by the proposal to repeal the Union, as has been shown, and Scotland remained free from the impost. At the end of 1724 the Commons passed a resolution not to impose the Malt Tax, but to levy in Scotland, not in England, an additional sixpence on every barrel of ale, and to remove the bounty or “præmiums” hitherto granted on exported grain. “As this was regarded as a plain breach of the Union, in so far as it expressly stipulated that there shall be an equality of taxes and præmiums on trade, every Scotsman was highly enraged at it.”<sup>68</sup> Yet Scotland did not repine at the inequality of taxes which confined the Malt Tax to England, which seems inconsistent, as its extension to Scotland, after the end of the war, was “expressly stipulated” in the Treaty of Union. It was feared that, in the absence of the bounty on exported corn, grain would “become a mere drug,” and all the evils attendant on cheap food would assail the unhappy population. It is remarkable that, in a country where the soil was still so innocent of drainage that rough hills had to be ploughed, as

relatively dry compared with the levels, there was any grain to export.

The Jacobites found that they need not be prominent in fanning the general indignation. Lockhart, however, and Sir John Dalrymple drew up letters to the Member for Mid-Lothian expressing their sentiments. If he was not heard, the Member was to protest against the violation of the Union and leave the House. The forms of the House, however, it was said, admitted no such protest. The sixpence was a violation of the Seventh Article of the Treaty of Union, and the withdrawal of the bounty violated the Sixth Article. Even the Legislature, the authors argued, could not alter the terms of the Union, though it is to be presumed that the Legislature could repeal it altogether, as Jacobites and many of the preachers of all sects desired. All this was expressed in an address to the House of Commons. To their Member the Heritors of Mid-Lothian said that they would prefer the Malt Tax (which was in accordance with the Union) to the new and revolutionary measures.

The remonstrances startled even the Ministry, for they came in clouds, accompanied by private letters. The Scottish members, however, were "a parcel of people of low fortunes that could not subsist without their board wages" (ten guineas weekly during Session), or were "mere tools and dependents." Fearful of losing their seats and board wages, they humbly applied to the Ministry, who dropped their proposals, and by a compromise with the Scots members put a tax of threepence a bushel on Malt. This was but half the English tax, and involved no breach of the terms of Union, except that the taxation remained unequal. To pay the board wages of the Scots members was a burden on Government. If any one was to pay them, the duty clearly lay with the Scots, whom they represented. The Government was suspected of a design to abolish the Highland dress and the Gaelic language; and General Wade visited the Highlands, preparing to plan his system of military roads. These were made, but Walpole never thoroughly secured the Highlands by sufficient forts and garrisons: the neglect led to portentous results. There was, however, after the passing of the Malt Tax Bill, a proposal for disarming the Highlands,—a thing not easy to do.

"There's something hid in Hieland brae,  
The wind's no' blawn my sword away,"

says the song.

The new Bill came before Parliament in the spring of 1725. Several English members opposed certain clauses, and that which aimed at abolishing the Highland dress was dropped, to be revived after Culloden. No Scots member opposed, and the Bill was introduced by Duncan Forbes of Culloden and supported by Argyll. As Lockhart observes, the more quiet the Highlands were, the less did Government need the repressive services which the House of Argyll had always rendered, receiving rewards that no other family enjoyed. King George had a right to exempt whomso he pleased from the law, and would be apt to exempt the Campbells. The truth is, says Lockhart, that the Duke only looked to the present moment, but, had he looked further, he must have seen that the existence of armed Celts, alien in language to their peaceful fellow-subjects, did not make for peace and security. The cattle-raiders of the clans had too much the best of the bargain, politics apart. Wade was made Commander-in-Chief in Scotland, with power to build forts where he pleased. Ships of war were put at his orders, and troops were sent from England to encamp at Inverness.

This was about June 1725, when the Malt Tax caused great agitations in the Lowlands. The tax was to be enforced on June 23. Delegates from the towns had conferred with the Edinburgh brewers. It was resolved, says Lockhart, to enter accounts of the malt in stock, so evading the heavy penalty on refusing accounts, but not to pay the duty. If they were sued by the Commissioners of Excise, the brewers were to leave off brewing, so that Government would lose more in excise than they would gain by the Malt Tax. On June 23 the Excise officers deemed it discreet to retire from most of the towns in the western shires,—always the most turbulent, whether true religion or the pockets of the lieges appeared to be in peril. Theorists may attribute the excitability of the west to the Cymric element in the population, but such opinions are, perhaps, fantastic.

The city of Glasgow was especially indignant. Their Member, Campbell of Shawfield, was believed to have encouraged Government in imposing a tax oppressive to the trade in tobacco: for Glasgow by this time was dealing in American and West Indian tobaccos and sugars, which greatly contributed to "the comforts of the Saut Market." Campbell's windows had been broken in December, though, according to Wodrow, he spoke against the Malt Tax in the House of Commons.<sup>69</sup> On June 21 Shawfield warned,

or was said to have warned, Wade of the need of military protection. From Edinburgh Wade had sent a detachment of foot (June 24), but as the mob had locked the guard-house, they were billeted in the town. The mob, denouncing the absent Shawfield as the introducer of the soldiers, destroyed his house, and had he himself been in town "they would certainly have dewitted him" (torn him to pieces), says Lockhart. Many strangers and thieves, says Wodrow, were present to attend the Glasgow Fair, and, as usual, there were hosts of women and boys. The Provost dared not read the Riot Act: the soldiers were abed all about the town, and the mob had its way.<sup>70</sup> Next day a relatively small mob threw stones at the soldiers, "none of them hurt to speak of." Their officer, without reading any proclamation or dispersing the rioters "with the bayonet and the butt," gave orders to fire. Three or four persons fell; the mob, incensed, broke into the Tolbooth prison, seized arms, and rang the bells. The Provost ordered the soldiers to retreat, which they did, firing as they went, and taking refuge in Dumbarton Castle. Later, Duncan Forbes (Lord Advocate) and Wade arrived with troops enough, seized the magistrates of Glasgow, as conniving at the riot, and conveyed them to Edinburgh. The Lords of Session released them on bail, which Lockhart says they had previously offered. The people of Glasgow found that their zeal in raising forces in 1715 was but scurvily rewarded, and the opponents of the Malt Tax were the more angry and resolute.

The Lord Advocate, Forbes of Culloden, justified his action in a memoir written in his own hand. The Provost was guilty, first, of not placing the troops in possession of the guard-house on the night of their arrival, in sending them to scattered billets, in not even trying to read the Riot Act to the mob, and in refusing the assistance of the troops when offered. Probably fear was his true motive, though that was no excuse. Some of the bailies had probably absented themselves deliberately from the town, having foreknowledge of the events. Bailie Mitchell, himself a maltster, sneaked away by boat without offering any advice or assistance, "a gross malversation in office." The Dean of Guild had shuffled, and insisted that the troops should be armed not with swords but with sticks, and he made no effort to disturb the sackers of Shawfield's house. The Deacon Convener disappeared when the mob gathered about the guard-room. Two other bailies drew up and circulated a false popular account of the affair, and all connived at

the escape of the chief rioters when the later military reinforcements were arriving. They made no secret inquiries, and only delivered a list of four women and three men, who had no fixed abode, or none in Glasgow.<sup>71</sup>

The magistrates, on the other hand, represented that neither as Advocate nor as Justice of the Peace of Lanarkshire had Forbes any authority to arrest them and hand them over to the military power. As for the charge of "favouring and encouraging" the mob, "in some sense persons might 'favour and encourage' yet be guilty of no crime." It was no crime to run away in fear. They petitioned the king in the same sense.<sup>72</sup> Sir Robert Walpole thanked and applauded Forbes for his zeal and pains; and he certainly acted with great energy, whether he or the magistrates were right in their reading of the law.<sup>73</sup> It was argued, on the other hand, that the seizure and imprisonment of the Glasgow magistrates was an arbitrary and unconstitutional action, done for reasons of political partisanship. The magistrates, at the last municipal election, had supplanted "Shawfield's set," and the late Provost, Aird, had been "under pay" from Government. The riot was made an opportunity for getting rid of a more independent magistracy.<sup>74</sup>

According to Lockhart, the President of the Court of Session was eager for the enforcement of the Malt Tax—his private object being to oblige the Ministry and obtain a retiring pension of £1000 a-year, while Lord Grange, Mar's brother, would succeed to his Presidentship, and his own second son would succeed to Lord Grange. He therefore persuaded a majority of the Judges to issue an Act of Sederunt commanding brewers and vendors of ale in Edinburgh to raise the price of their liquor. The brewers would thus, by the higher price, be recouped for what they spent on the Malt Tax, of which the burden would fall on the consumers. The Lords of Session had an old right to regulate the prices of food and liquor in Edinburgh, for the purpose of preventing these commodities from being too dear. The proposed Act, however, had precisely the opposite effect.

The brewers saw the trap: while they were to be benefited for the moment, the Malt Tax would be riveted on and would ruin the country,—surely an exaggerated view of an impost expressly stipulated in the Treaty of Union. The brewers continued to sell at the accustomed price, and, when convened by the Lord Advocate, they declared that they would go on brewing while their stock

of malt held out, but would go to prison rather than pay the Malt Tax. Their turn-out of beer and ale was now very low, and there was a corresponding fall in the excise due to Government and to the burgh. This vexed both Culloden and the Edinburgh magistrates, and the Court of Session, moved by the President, passed an Act of Sederunt declaring it contrary to the public welfare and illegal for the brewers to cease brewing. They must go on as before July 29 till November 1, and then give fifteen days' notice of any intention to desist. They must bind themselves to do all this under a penalty of £100 in each case. This the brewers declared to be a grievance under the Claim of Right. The Judges ordered their protest to be burned by the hangman, and called them to the bar, where they proclaimed themselves recalcitrant, and were threatened, in that case, with imprisonment from August 10 till November.

In London the Ministry considered the matter, and sent down Argyll's brother, the Earl of Islay, who was wounded at Sheriffmuir, a man of resolute character. The brewers were then summoned before the Justices of Peace and ordered to pay the Malt Tax. Many of the Justices were Government officials, including the Lords of Session; others were officers in the army; and they were supported by Carpenter's Dragoons, who patrolled the streets. On August 25 the Justices condemned the brewers to pay double duties. A few brewers, moved by a prayer-meeting and, it was said, by "a purse of gold," now broke away from the combination on Islay's engaging that payment should be suspended till the meeting of Parliament. The concert being thus broken, the brewers both in and out of prison yielded. Lockhart heard that, if they had remained resolute and thus ruined the Excise, Islay had orders to supersede the Malt Tax. The brewers had little support from a thirsty people, or from men of position who could not but observe that the tax was entirely legal.

The anxious Wodrow had seen that "the heavy grudge" against the tax, with the expected opposition of the clans to disarmament,—especially of Seaforth, an exile on bad terms with James,—would work in the Jacobite interest. "These are bold adventures on Scotland by the chief Minister," Walpole. Culloden, when in Glasgow, was accused of talking during sermon time, and of bantering Major Gardiner, the eminent devotee, famous for the singular circumstance of his conversion, for his mismanagement of his cavalry



before Prestonpans, and for the gallantry of his death on that field.<sup>75</sup> It was on the Malt question that Roxburghe, the old head of the *Squadron*, lost his Secretaryship for Scotland:<sup>76</sup> Islay and Culloden, under Walpole, came in, and practically governed the country.

A friend of Wodrow, recently returned from the Continent, had found the Jacobite exiles in Paris and Holland "very poor and heartless." Lord Sinclair was anxious to repent, "and in Lord George Murray, they say, a very happy change is of late wrought." Skulking in the hills after Glenshiel, he was reduced, in lack of secular literature, to read the Bible. "He is highly commended not only for a serious convert from Jacobitism, but for a good Christian, and a youth of excellent parts, hopes, and expectations."<sup>77</sup> Lord George may have been a very good Christian, but in 1745 he proved, as General under, or rather over, Prince Charles, that he was no sound convert from Jacobitism. But it was true that the heart of Jacobitism was broken by hope deferred, by poverty, by the scandal which Clementina had caused, by internecine jealousies, and by the power of Walpole combined with Argyll. Till Walpole began to lose his grip of power, till Prince Charles came to man's estate, Jacobitism was dormant. The main current of Scottish history ran in the old religious channel, and the leaven of the Covenant produced the Secessions which have been described. Lockhart, an exile, fell in a duel. Jacobitism reposed in the hearts of the clans, and of Episcopal Lowland lairds, till its hour came for one last gallant enterprise.

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#### NOTES TO CHAPTER XIV.

<sup>1</sup> Cf. Allardyce, *Historical Papers of the Jacobite Period*, i. 62-123, New Spalding Club, for some curious details from the Presbytery Books of Alford.

<sup>2</sup> Lockhart, ii. 36-38; Grub, iii. 383, 384.

<sup>3</sup> Lockhart, ii. 41.

<sup>4</sup> Lockhart, ii. 49.

<sup>5</sup> Lockhart, ii. 76-78.

<sup>6</sup> Lockhart, ii. 93, 94.

<sup>7</sup> Grub, iii. 386, 387.

<sup>8</sup> Lockhart, ii. 95.

- <sup>9</sup> M'Kerrow, pp. 326-331.
- <sup>10</sup> Grub, iii. 388, 389.
- <sup>11</sup> Lockhart, ii. 101, 102.
- <sup>12</sup> Lockhart, ii. 112.
- <sup>13</sup> Lockhart, ii. 117.
- <sup>14</sup> Lockhart, ii. 124.
- <sup>15</sup> Lockhart, ii. 124-128.
- <sup>16</sup> Lockhart, ii. 131.
- <sup>17</sup> Lockhart, ii. 152.
- <sup>18</sup> Lockhart, ii. 232.
- <sup>19</sup> Lockhart, ii. 289.
- <sup>20</sup> Lockhart, ii. 310, 311.
- <sup>21</sup> Lockhart, ii. 322-329.
- <sup>22</sup> Stair Annals, ii. 148, 149.
- <sup>23</sup> State Papers, Foreign, France, vol. 168.
- <sup>24</sup> Glover, Stuart Papers, Appendix, pp. 67, 68.
- <sup>25</sup> Glover, Stuart Papers, Appendix, p. 71.
- <sup>26</sup> State Papers, Foreign, France, vol. 168.
- <sup>27</sup> Glover, Stuart Papers, Appendix, pp. 3, 4.
- <sup>28</sup> For Atterbury's letters of April 20, O.S., see Stuart Papers, Appendix, pp. 11-14.
- <sup>29</sup> For Atterbury's letters of April 20, O.S., see Stuart Papers, Appendix, pp. 16, 17.
- <sup>30</sup> State Trials, xvi. 444, 445.
- <sup>31</sup> State Trials, xvi. 377, 378.
- <sup>32</sup> The Hon. Stuart Erskine, in his Introduction to 'The Earl of Mar's Legacy,' writes: "What real grounds Atterbury had for believing that Mar had betrayed him to the Government it is impossible to say, nor is he able to divulge them in his private correspondence, which has been printed." Mr Stuart Erskine does not make any reference to his letters on the subject in Dr Glover's volume of Stuart Papers. Lord Mar's Legacy, Scottish History Society.
- <sup>33</sup> Glover, Stuart Papers, Appendix, pp. 74, 75.
- <sup>34</sup> Mahon, ii. 88.
- <sup>35</sup> Glover, Stuart Papers, Appendix, pp. 88-92.
- <sup>36</sup> Lord Mar's Legacy, pp. 228-235.
- <sup>37</sup> Lord Mar's Legacy, *ut supra*, p. 153.
- <sup>38</sup> Lord Mar's Legacy, *ut supra*, p. 210.
- <sup>39</sup> Lord Mar's Legacy, p. 200. Article 29. James's reply, *ibid.*, p. 210.
- <sup>40</sup> Lord Mar's Legacy, p. 152.
- <sup>41</sup> Lord Mar's Legacy, p. 235.
- <sup>42</sup> Lord Mar's Legacy, p. 154.
- <sup>43</sup> Hill Burton, viii. 344.
- <sup>44</sup> Glover, Stuart Papers, p. 101.
- <sup>45</sup> Glover, Stuart Papers, Appendix, p. 64.
- <sup>46</sup> Glover, Stuart Papers, Appendix, pp. 64, 65.
- <sup>47</sup> Hill Burton, viii. 344.
- <sup>48</sup> Glover, Stuart Papers, Appendix, pp. 100-105.
- <sup>49</sup> Letters of Inverness in Gualterio MSS. Cf. "Queen Clementina," by Miss Alice Shield, 'Dublin Review,' cxxii. 304.
- <sup>50</sup> Cf. "Queen Clementina," by Miss Alice Shield, 'Dublin Review,' cxxii. 305.
- <sup>51</sup> Stuart MSS., Windsor.

- <sup>52</sup> Gualterio MSS., Add. MSS., B. M., 31. 263. No date.  
<sup>53</sup> 'Dublin Review,' *ut supra*, pp. 309, 310. I have read Caryll's letter in MS.  
<sup>54</sup> Glover, Stuart Papers, p. 314.  
<sup>55</sup> Duke of Portland's Papers, vii. 407, 408; Historical Manuscripts Commission.  
<sup>56</sup> Duke of Portland's Papers, vii. 63; Historical Manuscripts Commission.  
<sup>57</sup> Lockhart, ii. 220.  
<sup>58</sup> Stuart MSS., Windsor, April 1735.  
<sup>59</sup> Stuart MSS., Windsor; Lockhart, ii. 246-250.  
<sup>60</sup> Lockhart, ii. 257.  
<sup>61</sup> Lockhart, ii. 257-259.  
<sup>62</sup> Lockhart, ii. 265, 266.  
<sup>63</sup> Lockhart, ii. 274, 275.  
<sup>64</sup> Lockhart, ii. 340.  
<sup>65</sup> Lockhart, ii. 343.  
<sup>66</sup> Lockhart, ii. 373, 374.  
<sup>67</sup> Lockhart, ii. 400.  
<sup>68</sup> Lockhart, ii. 134.  
<sup>69</sup> Wodrow, Analecta, iii. 211; Lockhart, ii. 162.  
<sup>70</sup> Wodrow, Analecta, iii. 212.  
<sup>71</sup> Culloden Papers, pp. 86-88.  
<sup>72</sup> Culloden Papers, pp. 88-91.  
<sup>73</sup> Culloden Papers, p. 96.  
<sup>74</sup> Lockhart, ii. 164; Wodrow, Analecta, iii. 218.  
<sup>75</sup> Wodrow, Analecta, iii. 216-226.  
<sup>76</sup> Wodrow, Analecta, iii. 226.  
<sup>77</sup> Wodrow, Analecta, iii. 232.

## CHAPTER XV.

## LIFE IN THE HIGHLANDS.

1715-1745.

THE history of Scotland till the Reformation is the history of the struggle for independence as against England. Throughout, Scotland is the ally of France, and England finds intermittent allies among the Celtic clans. After the Restoration, the struggle—Jacobite, Tory, and Presbyterian—is against union with England, but the Presbyterians prefer the Union to a Catholic king. In this strife the clans are the allies of France; the Lowlands, though reluctantly, lean on prelatical England. History, therefore, turns to the North, to the Celts, and their essentially unchanged society of chief and clan. The Highlanders were presently to deal the last blow in the long battle, true to the lost Cause, to the Royal race which of old they had resisted in the interest of what had been, and continued to be, their own cause, their old Celtic ideas, customary laws, and conditions of non-industrial life. We have accounts of the state of the Highlands, in the period at which we have arrived, from General Wade, from Lovat, and from an English resident in Inverness, author of 'Letters from a Gentleman in the North of Scotland.' From internal evidence he wrote in 1736-1737.<sup>1</sup> Wade's commission to examine and report on the state of the Highlands was given in July 1724. He was to see how far the facts tallied with a report from Lovat.<sup>2</sup>

Lovat remarked on the peculiarities of the Highlanders, their lack of commodities,—their wealth was solely in cattle,—their speech, their dress, their illiterate ignorance (which he encouraged by suppressing schools in his bounds). He spoke of their clanship (the one honest thing of which, in fact, he heartily approved) as

“affectation.” Examples of this affectation were the loyalty of the Frasers to himself when proscribed, and of clan Maclean to their dispossessed and long-exiled chief, Sir John Maclean, who led 400 of the clan at Sheriffmuir against their actual landlord, Argyll. Law is practically powerless; clan feuds still rage. The clans are partly Whiggish; but the chiefs on the Whig side in 1715 “have felt the displeasure of those in power in Scotland,”—the *Squadron*, Lovat means. The great evil is “the continual robberies and depredations in the Highlands and the country adjacent.” The thieves cannot be pursued and brought to justice. Addiction to robbery of cattle encourages the general wearing of arms. Extreme severities, the old law of Fire and Sword, only provoked anger and resistance. Owners of cattle to protect themselves paid “Black Meall,” which was levied “much in the same manner as the land tax now is.” So far the best remedy has been the raising of Independent Companies of Highlanders, officered by well-affected gentlemen. Of these companies the author of ‘Letters from the North’ expresses extreme suspicion: they will one day serve a cause which is not that of Hanover. Meanwhile the Companies, from their local knowledge, and, doubtless, from their clan animosities, were useful in tracking and recovering stolen cattle.

After 1715 an attempt was made to disarm the country, but only the clans loyal to England were disarmed: the others handed in useless old weapons. The Independent Companies were “broken” in 1717, and Lovat lost his own—a great grievance. Black-mail is now more than ever extorted, even in the lowlands of the shire of Ross. Regular troops from the various forts, easily distinguished by their uniform, were of no use against the robbers. The sheriffs have often been ignorant, and men of no social position, or disaffected. Two were out in 1715, and now, *proh pudor!* exercise authority over the loyal Lord Lovat. There is hardly any regular commission of Justices of the Peace. Such are the observations of Lovat, tending to not much, except to the restoration of his Independent Company, and to a Lord-Lieutenancy for himself.

Wade represents the fencible men of the Highlands and Isles at about 22,000, half Whig, half Jacobite. Their virtues are servile devotion to their chiefs and loyalty to their clans. They regard the Lowlands as of right their own, and their depredations as recovery of their own. Their arms and tactics are familiar, and

their use of the Fiery Cross. The worst robbers are the Camerons (reclaimed by the gentle Lochiel), the Mackenzies, the Keppoch Macdonalds, the Breadalbane Campbells, and the Macgregors. So weak is the law that, in four years, only one person has been hanged at Inverness,—a circumstance shocking in a Christian country. *Tascal* money used to be paid to traitors among the robbers, but all Clan Cameron swore on a dirk not to take *tascal* money. One man suspected of it was hanged outside his own door by his own people in 1723. Some 6000 muskets, brought to Glenshiel in 1719, are still ready for active service. The Independent Companies were serviceable, as Lovat says; but some of their commanders, Wade hears, kept their companies at half strength and pocketed the pay of the other half,—an unworthy proceeding. Wade thinks little of the forts, which are insufficiently manned. What Lovat says about the sheriffs is true. Seaforth's rents are regularly levied, and sent to him in France. Wade proposes the reconstitution of Independent Companies under the governors of the forts, who ought to reside at their stations; the erection of barracks at Inverness; the placing of a ship in Loch Ness; the quartering of cavalry between Perth and Inverness, with Quarter Sessions held at Fort William, Killyhaimen, and Ruthven in Badenoch. The heritors, not the injured prosecutors, ought to pay for the maintenance of prisoners in gaol.

In the Whig clans Argyll could raise 4000 men, Lovat 800, Forbes of Culloden 200,—in all, with Mackays and Monros, 8000. The Atholl men, dubious, are 2000; the Breadalbane men, 1000. Sir James Macdonald of Sleat could find 1000, and Macleod as many: they stayed at home, or took the English side in 1745. Glengarry had 800, the Moidart men (Clanranald) were as many; Lochiel had 800. The Macleans are not mentioned: about 250 of them fought like Spartans at Culloden. Setting aside the Atholl men—very reluctant warriors in 1745—and the Breadalbane men, the forces of the clans are almost equally divided. The Grants were inclined to neutrality. We find that the Earl of Sutherland is the pluralist at whom Lovat hints, being Lord-Lieutenant of eight counties, including the shire of Inverness. He had, as events proved, but a small following.

In January 1725-26 Wade reported on his efforts in the Highlands. As commanded, he had marched troops to Brahan Castle and disarmed Seaforth's clan with ease, for Seaforth, after the

collection of his rents for him was stopped, was impecunious, angry with James, himself in poverty, and addressing that prince in a tone to which, as James mildly remarked, he was well accustomed in his situation. Seaforth was now anxious to be pardoned by George and to return home. Henceforth the Mackenzies were lost to the Cause as a clan: in 1715 the waverings of Seaforth had done harm to the Cause, while involving himself and his name in distress. These circumstances caused the clan to be predatory, as Wade reported. On Seaforth's reconciliation to Government they became the victims rather than the agents of cattle-raiding.

In other respects Wade had acted on orders given in compliance with his own suggestions, behaving "mildly and moderately." His report on the Malt Riots at Glasgow represents, of course, the military, as Wodrow's and Lockhart's accounts represent the popular, view. Bushell, the captain of the hundred men who fired on the mob, appears as "a careful and diligent officer." The mob was got together by women, or by men in women's clothes, beating drums, and crying, "Drive the dogs out of the town! We will cut them to pieces!" Many soldiers were hurt, and bayonets and locks of muskets broken by the stones thrown. Their powder, or part of it, had been seized, and was distributed to the second mob which collected after the firing. The mob lost ten men killed, seventeen wounded; six soldiers were missing and hurt: their linen, shoes, and hose were taken. Wade kept down the other large towns by sending troops to them. The released Glasgow magistrates were welcomed by "great numbers of the Kirk, riding on each side their coach."

The Lowland turmoils did not affect the clans: the Mackenzies asked leave to surrender their arms, "as they had always been reputed the bravest" of the clans (what did the others say to this?), to English veterans, not to the newly raised Independent Companies. At Brahan several clans mustered and laid down swords and muskets. At Fort William, Glengarry's, Clanranald's and Glencoe's men, with the Camerons and Appin Stewarts, submitted. The Macphersons and Gordons came in at Ruthven of Badenoch. The Companies were drilled with the Regulars and sent to their stations: Lovat's Company ranged from Skye to Inverness. The Atholl and Breadalbane clans followed suit. Yet but 2685 examples of various weapons were given up. Black-mail was no longer paid, and robberies were few. In fact, our

information shows that, save for the Macgregors, some Rannoch people, and Barisdale's men, honesty became the rule among the clans. Many rebels of long standing accepted pardons, and the roads were begun which have made General Wade famous. By a curious point of honour the soldiers blasted or removed huge boulders, instead of avoiding them. Under one great rock was found a prehistoric interment. The Highlanders removed the remains, buried them, and fired over them a salute of honour—whence got they the muskets? The author of 'Letters from the North' tells this anecdote: he erroneously supposed the interment to be Roman. It is hardly necessary to say that some of the chiefs who now came in were out with their clans twenty years later; or, if they stayed at home, their clans followed their kinsmen. As for arms, when they lacked them they took them from the English veterans. There was, however, much appearance of peace in the Highlands, though Lovat had other ideas working in his busy brain.

For the social state of the North we turn to the well-known 'Letters from the North,' edited by Jamieson, the ballad collector. His notes do their best to expose the errors of an English observer, but the copy which lies before the writer is covered with furious marginalia by some excitable patriot of the nineteenth century. The author of the 'Letters' is a reasonable Englishman enough, dwelling in a country of manners interesting to him from their strangeness. On many points even the least educated patriot must confess his fairness. The Highlanders, he says, are not indolent, but anxious for employment, and honest and energetic when employed. He hates Lovat, and warns his correspondent that "as our letters are carried to Edinburgh the hill-way, by a foot-post, there is one who makes no scruple to intrude, by means of his emissaries, . . . so jealous and inquisitive is guilt."<sup>3</sup> The gaol of Inverness, he says, is very open to the exits of clansmen: the greatest part of the prisoners make their escape. Not so the prisoners of "a neighbouring chief," whom he crimps for the colonial labour market. They *may* be thieves, or merely "troublesome fellows," who are got rid of at a profit. Lovat is aimed at throughout. He keeps his clansmen poor, and discourages them from putting their sons to learn trades.

The author has much to say about the prevalence of a cutaneous disease, which, quite certainly, was very common. The state



of a Highland hut in winter, the paths blocked with snow, the inmates blackening in the peat smoke, recalls accounts of Eskimo life. In winter, as of old, the salt meat prepared at Martinmas lasts for six months; and this is general, we are told, in Scotland. Game, however, is so plentiful as to make sport uninteresting, and there is abundance of salmon and of trout. The people will not taste either eels or pike: both remain almost taboo in Scotland. The mutton was excellent, the fowls so ill-fed as to be of no value. "Roots and greens" were to be had "in abundance and in great perfection." Strange to say, the townsfolk neither shot nor fished, but spent their time in a wretched coffee-house playing backgammon for half-pence. It is needless to dwell on our author's description of the dirt of both Highlands and Lowlands. By an exception the linen, home-made, was very good and clean, even in bad inns. Bordeaux wines were cheap and excellent: port could not be obtained, but this amateur disliked port. He did not care for the Presbyterian sermons,—all about grace, freewill, and predestination. "They might as well talk Hebrew to the common people, and I think to anybody else." In the Lowlands nobody knew more about predestination and freewill than the common people: generation after generation had been made familiar with these topics, so much more edifying than cold moral discourses about their duties. A well-dressed woman in church was in danger, we are told, of ministerial rebuke. "The minister looks upon a well-dressed woman as an object unfit to be seen in the time of divine service, especially if she be handsome." "Their prayers are more like narrations to the Almighty than petitions for what they want, and the *sough*, as it is called (the whine), is unmanly, and much beneath the dignity of their subject."

"Behold," said one preacher, "the particular wisdom of our institution in ordaining the Sabbath to be kept on the first day of the week, for, if it were any other day, it would be a *broken week*." Over a dram or glass of ale they said a long grace, even as when Sir James Turner, in 1666, entertained the ministers among his Covenanting captors that he might hear this performance. "Sabbath observance" was much what it still is in remote parts of the Highlands. The Episcopalians, if not in Government employment, were all Jacobites, and their ministers were all Non-jurors, save in an Aberdeen chapel, where the people deliberately took snuff, or otherwise showed lack of reverence,

when King George was prayed for. Episcopal ladies went to their chapels with a pleasant aspect, in Edinburgh, "through an accumulation of the worst kind of filth," and came out with cheerful countenances: the Presbyterians "look as if they had just before been convicted and sentenced by their gloomy teachers."

Wages, at harvest, were paid in kind, or if in money, amounted to twopence or threepence daily, and food. Wheat was scarcely grown in Ross: the oat-cakes were much better than the black bread of the labourers in parts of England. But there was scarcity, and even dearth, of oatmeal in Inverness if ships were retarded on their way thither.

As to the west coast, a familiar anecdote is told of how the Glegarry gentry assaulted the manager of an English foundry, and how professional jealousy induced a Highlander to try to murder an English smith. In 1728 Mr Rawlinson, from Invergarry, informs Forbes, Lord Advocate, that two of his men have been murdered by a villain, who is detained in barracks, as from Inverness gaol he would probably escape, as usual. This Rawlinson is said, on evidence published sixty years after date, to have introduced the philabeg, or short separate kilt, in place of the portion of the plaid that used to form the skirt over the thighs.<sup>4</sup> The story is disputed by some archæologists, on the testimony of old representations in works of art.

The roads, "before they were made," were dangerous bridle-paths, and a bridge over a roaring torrent might consist of two felled fir-trees. People rode little, except on the tiny native garrons or Celtic ponies, which were sure-footed. They ran wild on the hills till of considerable age, when they were hunted and secured. The Highlanders held that they descended from horses of Spanish importation; but the Celtic pony has a much longer pedigree, and strikingly resembles horses etched on bone by the palæolithic artists of the reindeer period in France.

Agriculture was peculiar and distressful, for the people were living in what may be called the Wooden Age. In the 'Iliad' we learn that there were iron smiths attached to remote farms, and that the Achæans could work their own agricultural implements in iron without going to the distant town.<sup>5</sup> Some gentlemen in the Highlands had their own smith and stithy, but, as a rule, "almost all their implements of husbandry, which in other countries are made of iron, or partly of that metal, are in some parts of the

Highlands entirely made of wood, such as the spade, ploughshare, harrows, harness, and bolts; and even locks for doors are made of wood.”<sup>6</sup> “The soil of the corn-lands is, in some places, so shallow, with rocky ground beneath it, that a plough is of no manner of use.” In deeper soil they ploughed with four ponies abreast; the driver walked backwards, in front of the ponies, steering them, so that the share might avoid sunken rocks. In winter, when oatmeal began to fail, they bled their cattle, boiling the blood, or making it, with a little meal, into cakes. “I do not remember to have seen the least spot that would bear corn uncultivated, not even upon the sides of the hills, where it could be no otherwise broke up than with a spade.” Manure was extremely scarce, and hay almost unknown. In the straths, agricultural conditions must have been much better, but the author is speaking of nooks in the mountains. The work in harvest was mainly done by women: a woman and a girl would labour for a fortnight at a single field. If this be true,—and one suspects exaggeration,—the Highlanders could more easily leave their harvesting, as they did, “to follow Prince Charlie.” The prejudice of *gentrice* (gentle blood) was opposed to industry among the men. For mills they mainly used the ancient hand-querns, two circular stones. Lochiel attempted to introduce water-mills in Lochaber, but the distances were too long for the carriage of corn to the mills, and little advantage was taken of them. In summer the cattle were driven to high grazing spots, where the people lived in sheilings, “much worse huts than those they leave below.” The cottages, at best, were much like those which were still to be seen in Ardnamurchan lately; more like large birds’ nests than places of human habitation,—the fire in the middle of the room, the chimney a hole in the roof. The ruins of Rob Roy’s cottage in Glen Shira prove that it was not much more palatial. An extract from a rent roll shows a cotter paying, in English money, 5s. 10 $\frac{1}{8}$ d., three pounds of butter, a little oatmeal, and three-sixteenths of a sheep.<sup>7</sup> The landlord had hypothec on the corn of the year, and might seize it for arrears of rent: rent was remitted about one year out of five.

Poor as they were, the families contended for the fosterage of sons of chiefs: the ancient Celtic laws of fosterage are given in the Irish ‘Senchus Mor.’ The custom of thus bringing up children apart from their families is not Celtic only, it even occurs in Melanesia; but it lingered very late in the Highlands, the relations

of foster kin being very close and valuable to both parties. In such poor conditions were reared the hardy men who broke the British ranks at Prestonpans and Falkirk, and who, if not exhausted by hunger and toil and distracted by clan jealousies, might have done the same at Culloden. It seems strange if, with game, trout, and salmon abundant, many of the peasant population did not live better than we gather from these accounts. The letting of land by the chiefs seems still to have been arranged much on the ancient lines of the Geil Finne. Sir Walter Scott possessed a manuscript of the Gartmore family, or had a transcript thereof, which Jamieson published with 'Letters from the North,' acknowledging his obligation to Scott. Every reader sees that Bailie Nicol Jarvie's account of the economics of the Highlands in 'Rob Roy' is a humorous paraphrase of this manuscript. The author says that lands are set on a "short tack," or at pleasure, to the near kin of the chief. "They, their children, and grandchildren, possess at an easy rent till a nearer descendant be again preferred to it. As the propinquity removes, they become less considered, till at last they degenerate to be of the common people. . . ." Lovat was fond of recognising and proclaiming his kinship even with the humblest,—one source of his power among his clan.

The "good men," or tacksmen, kept on their holdings large numbers of cotters, each with a hut, grass for a cow or two, and as much rough land, mainly unarable, as will sow about a boll of oats, under spade tillage. Sometimes, on the old "steel bow" principle, the tacksmen stocked the land with cattle, for which a very high rent was paid to him. Thus the chiefs "affect state," the tacksmen "acquire a habit of chicanery," and "the common people are abandoned to all licentiousness,"—a Lowland view not otherwise confirmed, as far as "licentiousness" is concerned: probably indifference to the law of *meum* and *tuum* in cattle is intended.<sup>8</sup> As to personal property, the Highlanders were notably honest, and travellers were infinitely safer than in the neighbourhood of London. As for *creaghs* (cattle raids), the Lowlanders of the Border had lately been in no case to throw the first stone at the Highlanders.

"If every man had his ain cow,  
A right poor clan your ain would be,"

says the old taunt against the House of Buccleuch. To the prevailing poverty and "congested" condition of holdings, each over-

populated, the Gartmore author attributes the cattle-raiding, while absolute dependence on the chiefs encourages feuds and Jacobitism. "Every place is full of idle people, accustomed to arms, and lazy in everything but rapines and depredations."<sup>9</sup> There was no other outlet for energy. Towns could not exist for lack of supplies in the absence of means of transport, and manufactures were impossible. Whisky shops were common: any one who chose could keep a still, and men led idle lives, drinking and swaggering. The Gartmore author is writing so late as 1747, and complains that the old Scottish kingdom could not, and Government since the Union did not, reduce the Highlands to the norm of European society. The risings of 1715 and 1719 left germs of unsettled and lawless life, cultivated by Rob Roy, whose career is too familiar to need description, while the proceedings of Macdonnell of Barisdale belong to a period just before 1745.

This author, on a rough calculation, reckons the fighting men of the Highlands, from the ages of eighteen to fifty-six, at 57,500. This is more than double, is nearly triple, the estimate of Wade twenty years earlier. All the agriculture and fishery can be done by half the actual population. Half of the people are unemployed, "living an idle sauntering life among their relations," or upon black-mail. In cattle-raiding, or recovering raided cattle, they acquire a guerilla education—speed, cunning, skill in ambush and surprise—which makes them dangerous to regular troops. The whole loss from robbery, black-mail, recovery, and understocking may be £37,000 yearly. The Independent Companies cost little less than the land tax, and the captains of companies are apt to be a kind of Jonathan Wilds. Half the men steal, that the other half may be employed in recovery. "Whoever considers the shameful way these watches were managed, particularly by Barisdale, and the Macgregors in the west ends of Perth and Stirling shires, will easily see into the spirit, nature, and consequences of them." The poverty and filth of the huts is eminently prejudicial to dairy work, and the author of 'Letters' enlightens us as to the colour and quality of the butter.

Young Highlanders, with commissions in French and other foreign armies, return home every year or two and recruit for France or Spain. The country thus becomes rich in trained soldiers, and the Norman masters of ships know the West Highland coast "fully as well as any British sailor." The Non-juring and Catholic

clergy keep up the Jacobite spirit, and everything in the conditions of life sustains it. The Presbyterian clergy are negligent in their duty, and are subdued by their surroundings. Such are the sentiments of a writer who, probably, lived on Graham property near the active Macgregors. It appears that the policy of Wade had been remissly executed, and 1745 found Government in little better case, as against a Highland rising, than in 1715.

Life in the Highlands for the clansmen in general would seem not worth living, if we judged by the reports of that observant "pock pudding," the author of the 'Letters.' But at least it was a life of nature, spent mainly in the open air, and in a country to the beauty whereof the inhabitants were keenly sensitive. Like most dwellers in mountainous countries, they are devoted to their homes. "Do not be thinking of us too much," said a poor Highland woman lately to her son, who was going to live in a town, "or I will be seeing you in the gloaming." The poetry of the Gaelic makers in the eighteenth and nineteenth centuries is as rich in the love of nature as the Finnish 'Kalewala.' A people capable of this great and ennobling pleasure is not necessarily unhappy because it is poor.

In the generation following the 'Forty-five, a Lowlander on the fringes of the Highlands, Mr Ramsay of Ochertyre in Stirlingshire, left a valuable account of Highland as well as of Lowland life in the eighteenth century.<sup>10</sup> He remarked on the indifference of the chiefs to their clan bards: of old they had held a place as honoured as that of Demodocus at the Court of Phæacia in the 'Odyssey.' The duties of bard and harper had long been separated, but both poets and harpers had begun to die out before the Revolution of 1688. "Nothing damps the poetic fire more than the coldness of the great;" without an Alcinous there is no Demodocus. The popular poetry and music flourished after the poetry of the little Courts decayed. The piper had still his plot of land, and sometimes even a salary. There is much legend concerning the hereditary piper of the Macleods, the second-sighted M'Rimin (or M'Rimmon), who, as Theophilus Insulanus (a Macleod) tells us, foresaw his own fall in the Rout of Moy (1746),—

"The rest shall come back, but M'Rimin shall never,"—

and was also noted as marked for death by another second-sighted

man. He, or one of his family, composed a song which, it seems, is not forgotten in the Highlands—

“Oh for three hands!—  
One for the claymore and two for the pipes.”

The words were quoted to the writer by a Highlander in Mull, *à propos* of the legend of the piper lost in Mackinnon's cave, assailed, it seems, by the unknown dwellers in that place. Ramsay points out that the kindness between chiefs and vassals, though maintained by Lovat for interested purposes, greatly profited the commoners. “They formed themselves on the model of their superiors, and endeavoured to adopt their manners and sentiments. And hence that class of men in the Highlands have always been more courteous and intelligent, more gallant in their manners, and more scrupulous about personal honour, than persons of that humble station in other countries.”

As to “personal honour,” there is nothing to choose among honest men; but Lowlanders familiar with the Highlands know that there can nowhere be found more intelligent and well-read companions, or more interesting narrators of legend, than among the Highlanders. Ramsay also praises their antique hospitality,—a virtue not confined, in Scotland, to the north of the Highland line. More remarkable, in the eighteenth century, was “their kindness to mariners shipwrecked on their coast.” They were no wreckers, in an age of wreckers, but, if a vessel was seen in distress, sent out boats for her rescue, and did their best, unlike the eastern people, “to secure the cargo for the owners.” The unfortunate sufferers are afterwards billeted, according to their rank, on the neighbouring families till they are in a condition to proceed homewards. It is unnecessary to quote Martin with regard to a fact universally known. In this respect the Highlands were by many years ahead of the civilisation of many parts of southern Scotland and England, where a wreck was accounted fair prize, and even the lives of the shipwrecked, if we may believe a St Andrews legend of the eighteenth century, were in danger.

There was a popular culture, which modern education destroys without providing a humanising substitute. “The whole family, seated by a cheerful fire, contrived to pass the long winter nights with pleasure,”—of which the author of the ‘Letters’ had no suspicion,—“without the aid of books, . . . telling tales of other

times. . . . The old men communicated with the utmost care their histories and traditions to the rising generation, as they had received them from their fathers, and nothing could exceed the avidity with which young people sucked in and retained this interesting information." From the abundance of historical and fairy legend still to be gleaned in the Highlands, it is plain that this excellent custom has not wholly ceased. In Glencoe the historic events, from the clan battle over the cheese to the Massacre, and the story of James Stewart, Allan Breck, and the murder of Glenure, are still known and narrated with minute fidelity. The poetic tales are not forgotten. "The women were passionately fond of them, regarding the martial virtues as essential in a son or a lover. . . . These precepts and examples, which are set before them in the engaging dress of poetry, aided by congenial music, teach them that generous contempt of danger, and even of death, to which the common people of commercial countries seldom attain till they have been thoroughly disciplined and familiarised to war." In fact, of course, the highest courage is daily shown, among the perils of civil life, by "common people of commercial countries,"—miners, policemen, railwaymen, and generally. But on the sudden appearance of war the Highlanders were at once equal, or even superior, to trained veterans, which was due to the nature of their unbookish but valuable education.

Ramsay also admired the Gaelic *sgealachda*, or romantic *Märchen* in prose. "One cannot forbear a wish that some of the best and most striking ones were collected and faithfully translated before they be irrecoverably lost." Fortunately the tales have been collected and translated, by the exertions of Campbell of Islay ('Popular Tales from the West Highlands'), and, later, of Lord Archibald Campbell and several of the clergy in the Highlands. Another trait of popular culture was the singing of *luinneags*, or songs of labour, during harvest, while making homespun cloth, and on other occasions. The author of the 'Letters' alludes briefly to these chants: in Finland they make a considerable part of the so-called "national Epic." The practice of singing *luinneags*, each woman contributing her stave to the poem, is not extinct in the remoter Hebridean islands, such as Eriskay. Perhaps the second-sight did not add to the cheerfulness of life, but it contributed to the topics of interest. As Ramsay remarks, it is not peculiar to the North, but it still is more frequently observed on by High-



landers than Lowlanders. People believed in it "from the striking conformity betwixt the presage and its accomplishment, a species of evidence that is almost irresistible." Ramsay gives some examples among educated and well-born percipients, adding, inconsistently, "it is certain that hardly any are said to possess this faculty but the illiterate, the ignorant, and the superstitious." This was not then, and is not now, the truth of the matter. Ramsay somewhat blames the clergy for not having preached down second-sight. Mrs Grant of Laggan mentions a minister who tried to do so, but abstained after a vision of his own, and more than one excellent minister of to-day has the same reason for not thundering against the belief.

It was, perhaps, a mark of illiteracy that the old tombstones, even of chiefs, often bore no inscription. A potter's daughter in Athens, of the seventh century before Christ, has her written epitaph on her *stèle*; not so the Gaelic warriors. "An epitaph could have contributed little to fame, since the persons in whose esteem the dead man wished to live could seldom read." In Ramsay's own time the Highlanders were usually content with plain uninscribed gravestones by force of habit, "but wherever Lowland manners preponderate, inscriptions are adopted." Inscriptions, in fact, testify not merely to the existence of writing, but of the general diffusion of the power of reading. The right estimate of Highland happiness is to be derived, not from the conditions of life as judged by ourselves, but from the way in which the people viewed these conditions. The imprisoned Lady Grange found St Kilda "a vile, poor, nasty isle," very naturally. But the natives, in their feast at the end of the fishing season, used to sing, as they danced a reel, "What more would we have! There is store of *cuddies* and *sayth*, of *perich* and *alachan*, laid up for us in Tigh-a-bharra."

The remote and inaccessible nature of the Highlands, where the law had never run, rendered possible the famous tragedy of Lady Grange. The Highland chiefs, in ancient days, had their own modes of disembarassing themselves of inconvenient wives, as in the case of the Campbell wife of Maclean, who was exposed on the Lady Rock in the Sound of Mull. The success of that experiment did not invite a repetition thereof, as the lady escaped, and her husband was slain in Edinburgh by one of her near kinsmen. But Robertson of Struan, the eccentric Jacobite fighter and versifier, had nothing to fear from any one when, in

the eighteenth century, he relieved himself from the society of his own sister.

As Ramsay tells the story, the estate of Struan was conveyed, after 1715, "to his sister, Mrs Margaret, for behoof of him and his creditors. . . ." He was pardoned in 1725, and "upon his return to Rannoch he took the estate entirely into his own management, turning his sister out of possession, and treating her in a manner no less unnatural than illegal." In a footnote is added: "He first imprisoned her on a small island at the head of Loch Rannoch, on which there was no house; then he sent her to the Western isles, where she died in misery. His companions said in his defence that she was both an imperious and a wretched woman, but that surely did not mend matters. . . . She was the daughter of General Baillie, of whom it is alleged that, to secure the succession, she had an active hand in starving her own brother." Perhaps Struan was resolved that she should not starve him. The anecdote is confused: Struan was her brother, and certainly was not starved to death.<sup>11</sup> The lady's case is a kind of rehearsal preparatory to the tragedy of Lady Grange, in which Lowlands and Highlands combined to work iniquity.

The story of Lady Grange reveals a much more extraordinary state of society than can be gathered from the brief sketch given by Mr Hill Burton in his 'History of Scotland.'<sup>12</sup> We find ourselves among people apparently reckless of social order, or subdued by dread of persons of importance and influence. The wife of Mar's brother, James Erskine, bearing as a Lord of Session the title of Lord Grange, was Rachel Chiesley, daughter of that ruffianly Chiesley of Dalry who murdered the Lord President, Sir George Lockhart of Carnwath, in 1689. Lady Grange says herself, "He loved me two years ere he got me, and we lived twenty-five years together: few or none I thought so happy."<sup>13</sup> The pair had eight children. Lady Grange admits that "there is no person but has a fault; but ought he not to forgive me?" As her "only crime is loving her husband too much," it seems that, in her opinion, her fault was jealousy. Lord Grange, in that case, could not possibly agree with his wife in thinking that "few or none were so happy" as he and she. Probably he was miserable when in her company, and as frequently absent from her as possible: he often visited London.

We have a most curious account of Grange's household from

Dr Carlyle, minister of Inveresk. At the time when the trouble came to a head Carlyle was a little boy of ten, very familiar with the young Erskines, Lord Grange being the patron who brought his father from Annandale to be minister at Prestonpans. Carlyle heard then, or probably later, that in London Grange had a mistress, Fanny Lindsay, who kept a coffee-house in the Hay-market. Lady Grange found this out, and was the more outrageous. Grange did his best to soothe her,—“gave her the whole management of his affairs.” He was a versatile person, devoted to gardening, and he constructed labyrinths and groves which people came from Edinburgh to admire. He often visited Carlyle’s father, staying late in the night, “settling the high points of Calvinism, for their creed was that of Geneva,” and of the Kirk. They prayed alternately for several hours before supper, “and did not part without wine,”—a good deal too much was drunk, as Mrs Carlyle suspected. But her son thought that Grange was chiefly anxious to avoid his wife. In their house, when Carlyle, as a child, played with their children, they always set a sentinel at the door of their room, “lest my lady should come suddenly upon us, which was needless, as I observed to them, for her clamour was sufficiently loud as she came through the rooms and passages.” Carlyle describes her as “gorgeously dressed; her face was like the moon, and patched all over, not for ornament, but for use. For these eighty years I have seen nothing like her but General Dickson of Kilbacho,” a grog-faced veteran. She reminded Carlyle as a child of the Great Scarlet Lady of Babylon, “with whom all well-educated children were acquainted.”

Such was Lady Grange, a terror and a termagant, soon to be parted from her gorgeous raiment. Grange himself would desert the manse for half a year at a time, absenting himself entirely from church, and, as was believed, enjoying himself in a profane manner. Carlyle thought that he was really as sincere in religion as in debauchery, having seen him “drowned in tears during the whole of a sacramental Sunday.” He had also, later (1741), heard Grange and Lovat dispute as to which should say grace at a tavern dinner, Grange “very observant of Lovat, and doing everything to please him,” as indeed Lovat had greatly obliged him in a very intimate matter. They ended by dancing a reel with the daughter of the house, a girl of easy virtue, but conveniently handsome. Lovat’s young son, a boy, was present at this orgy,

which ended in a pavilion of Grange's, where he was supposed to entertain ladies less awful than his wife. Here he kept his books on dæmonology and witchcraft. The night ended "with a new deluge of excellent claret."<sup>14</sup>

As we now understand the charming ways of Lord and Lady Grange, it is not so strange that he endeavoured to get rid of the lady as that he was permitted with complete impunity to take the steps he did, though the facts were publicly known, and, if we believe Lady Grange, with the connivance of the leading Jacobite chiefs of the clans. How far we are to believe her is another question, but she certainly makes her narrative as substantial as possible. That Lady Grange really made herself intolerable there can be no doubt. Eight years after Lord Grange removed her to a very considerable distance, St Kilda,—

"Set far amid the melancholy main,"—

he reminded Mr Hope of Rankeilour of her behaviour when a separation had been arranged by friends of both parties. "She often attacked my house, and from the streets and among the footmen and chairmen of visitors cried and raged against me and mine, and watched for me in the streets, and chased me from place to place in the most indecent and shameless manner, and threatened to attack me on the Bench," causing him great anxiety for the peace of the honourable Court of Session.<sup>15</sup> This must have been true, nor did Hope contradict it.

The unhappy relations between husband and wife were generally known as early as July 1730. Wodrow then confided to his notebook that "things have been very dark" in the family of his great and devout friend since Lady Grange took up a jealousy of him, and "had spies upon him in England when last there about his son's process of murder." As the grandson of a murderer, young Mr Erskine may have followed in the ancestral path: they were a remarkable family. Lady Grange in her jealousy intercepted her lord's letters, "and would have palmed treason upon them." The story was that she took them, with a Jacobitical interpretation of the texts, to the Lord Justice-Clerk. There was "no shadow for the inference"; but as Grange's letters were to Lord Dun, and as Lord Dun was intimate with Lockhart of Carnwath, perhaps there may have been ground for suspicion. In June, Wodrow heard, Grange could no more suffer his wife's temper and habit

of drinking. She left his house, and he did not recall her, "since sometimes she attempted to murder him, and was innumerable ways uneasy." Lady Grange knew that her husband accused her of trying to kill him, and warmly denied the fact. Lady Grange now "gave in a Bill to the Lords," stating her case and demanding maintenance. She got a hundred a-year, and promised to live separately. Wodrow hoped that the stories told against Lord Grange were calumnies: he was, indeed, a very good man, and a great opponent of ecclesiastical patronage, wishing to "lodge all in the hands of the Christian people and communicants."<sup>16</sup>

We now give Lady Grange's own narrative. Writing to the Solicitor-General, Charles Erskine of Tinwald, from her captivity at St Kilda in 1738, she does not so much ask for legal redress of her intolerable wrongs as for peace to be made between herself and her husband. "I pray God to incline your hearts to intercede for me; none on earth has so much power with Lord Grange as Lord Dun and you have. If you both favour me, I hope it will do. . . . You may remember the Princess Sobieski [Clementina] went to a monastery. You heard the reason, no doubt [whatever that reason may have been!], and yet the Pope and other friends made peace for her."

If Lord Grange will not listen to friends, "then let me have the benefit of the law." The law was quite powerless to restore to liberty the wife of a man in Grange's position.

The lady tells her story. She lodged with a woman named Margaret Maclean, in Edinburgh: she would have been more safe with a Lowland landlady. About eleven o'clock on January 22, 1732, Margaret opened the door to some servants of Lovat's and his cousin, Roderick Macleod, W.S. Conceive a Writer to the Signet being engaged in deeds so nefarious! The gang seized Lady Grange. She imprudently told Macleod that she knew them. In the struggle they knocked out some of her teeth, bound her, fastened a cloth over her face, and carried her downstairs, no man making them afraid, though all the dwellers on the "common stair" must have heard the uproar. In the street they had a sedan chair, in which sat Foster of Carsebonny. He seized and held the lady, who had been gagged. They carried her to one of the "ports" or gates of the town, to a place where six or seven horses waited for them. It was moonlight. She saw and recognised a Fraser, a page of Lovat's, with others of his

retainers. She was placed on horseback, bound to Foster, and taken to Polmaise, the house of a Mr Stewart, to whom Foster was factor. Here she was kept in "a low room." She knew the people who had charge of her, a farmer named Andrew Leishman and his family. Through the sons and daughter she tried to get messages conveyed to the ministers of Stirling, "but all in vain."

After seven months of durance, Peter and James Fraser pulled her out of bed and set her on a horse behind Foster, Andrew Leishman accompanying them towards the north. The guide was a retainer of Sir Alexander Macdonald of Sleat. Later this man married Lady Macdonald's personal attendant. All the most loyal Jacobite clans appear to have had members engaged in or cognisant of the abduction. Grange had probably persuaded them that his wife was threatening to disclose Jacobite secrets. Foster left Lady Grange at a place which she does not name, and Macleod, with Lovat's men, conveyed her to the seaboard of Glengarry's country. Some of the Macdonnells of Scotus or Scothouse (the name is variously spelled), cadets of Glengarry, came to see Lady Grange, for whom a sloop lay at Lochhourn. Thence she was borne to the little isle of Hesker, belonging to Sir Alexander Macdonald. The tenant pitied her, and might have helped her to escape: in some strange way she had money with her. Mr Macleod, W.S., however, bade the tenant go to Clanranald's house, and told him that Lady Grange was to be taken out of his custody. On June 14 two Macleods arrived at Hesker in a galley, seized and maltreated the captive, and carried her off to "the vile, nasty, stinking, poor isle of St Kilda," whereof one of these two Macleods, John, was steward. Here a missionary of a religious society heard, and wrote down, Lady Grange's story, but we know not whether that version reached Erskine of Tinwald. Two years after her letter was written he had done nothing traceable for her rescue and protection.

There are other texts of Lady Grange's letter. One was communicated by Sir George Stewart Mackenzie of Coull, as David Laing supposed, to 'The Edinburgh Magazine.'<sup>17</sup> The correspondent describes himself as "a member of a numerous Highland clan, not ashamed to avow, while I lament, the savage state in which the Highlands were suffered to remain. . . ." The Lowlanders in this case were the causes of the barbarity. In this text Lady Grange says that she was kidnapped two days before that which she had fixed on for her journey to London. The details do not differ

much from what is told in her shorter letter, already cited, but she accused Lovat of meeting Foster at his house near Stirling to concert measures for her treatment. In St Kilda she owed her life to the kindness of a minister, "for there were no provisions sent me but two pecks of flour, and what the place can afford." The minister wrote out her story, but dared not carry it to Edinburgh, and wished to procure and burn the narrative from which we quote. At the close of it are jotted down notes,—for example, that Lovat said she was going to kill her husband. "Sir Alexander Macdonald, at any time he wrote about me, the name he gave me was the Carop" (*sic*). In 1817, a woman who, as a little girl, had waited on Lady Grange in St Kilda, was still alive in North Uist.

Now it was perfectly well known in Edinburgh, from the first, that Lady Grange was alive, and in obscure confinement. She had been on the point of going to London when she was seized, and probably her intended journey was the reason for her seizure. Grange did not want her presence in town, whether she was likely to tell true or false stories about Jacobite intrigues or not. From the number and importance of the Macleods, Stewarts, Frasers, Macdonnells, and Macdonalds concerned (if she tell the truth) in her sufferings, it would seem that Grange must have given them the alarm. They could not have aided in and connived at her abduction and captivity merely to pleasure Grange in a domestic quarrel. She could not have been kept so long in St Kilda without the knowledge of Macleod, nor in Hesker without the connivance of Sir Alexander Macdonald. Before her capture, in January 1732, Lady Grange had given Mr Hope of Rankeilour a factory (something in the nature of a power of attorney), which, says Hope (December 13, 1740), "I told her I would never use till I heard she was at a distance from her husband, so as she could not disturb him."<sup>18</sup> Now, before September 16, 1732, Hope was making Lovat uncomfortable about his alleged share in the abduction. It is clear that Hope's inquiries caused Lovat to remove Lady Grange from Polmaise and send her to Hesker in September 1732. In that month Lovat wrote from Beaufort to a cousin in Edinburgh, inveighing against "that insolent fellow, Mr Hope of Rankeilour," and threatening to ruin him by an action of *scandalum magnatum*. He denied that he knew where Lady Grange then was, adding that he would not be ashamed if he *had* put "that damned woman" out of the way.<sup>19</sup>

Lady Grange's letters from St Kilda of January 20, 1738, did not, "by unknown hands," reach Hope and the Lord Advocate till December 1740. Hope (December 13, 1740) wrote to the Advocate, "I think I can't in duty stand [withstand] this call, but must follow out a course so as to restore her to a seeming liberty and a comfortable life." He expresses warm indignation, but supposes that Lord Grange does not know the facts.<sup>20</sup> We know not that the Lord Advocate took any steps, but on January 6, 1741, Hope wrote to Lord Grange, then in London. Grange replied in a very long letter, hinting at the penalties of defamation of character and at sinister motives on Hope's side. He recounted his wrongs, professed his disbelief in the stories, his confidence in the guardians of Lady Grange, his intention to make inquiries and to consult her friends. Hope answered that he had no sinister motives, that he had even prevented Lady Grange's letters from being published. The threats of Grange he did not value, nor would he again address Lord Grange. The efforts of Hope were probably the cause of Lady Grange's removal to Assynt, in Sutherland, and, later, to Skye, where she died in 1745. Her husband survived till 1754, and was darkly engaged in Jacobite intrigues before 1745. No man was punished for the series of cruel wrongs; the law did not interfere; everywhere, though the story was well known, was a shameful timidity and reserve, a conspiracy of silence broken only by Mr Hope.

A similar tale reaches us only in a legendary shape, "the highest art of cruelty and villainy of the Laird of Glengarry to his Lady that ever I almost heard," so Wodrow writes.<sup>21</sup> What really occurred—if anything unusual occurred—is unknown. It was not easy to learn what was happening in the Highlands. Wodrow's tale is that Glengarry wedded a Miss Mackenzie, granddaughter of an earl, but daughter of a rich goldsmith in Edinburgh. She was looked down on as a tradesman's daughter. Attempts were made, in a ruffianly manner, to trump up a false charge of adultery against her, and to poison her. Finally she was sent to "a barren rock in the sea," with cruel attendants. Here she refused food and died. About this Wodrow heard "in general a most fearful outcry." He enters this anecdote in 1727. Ten years later, writing from Inverness, the author of 'Letters from a Gentleman in the North of Scotland' gives the same story about "a certain chieftain," unnamed. He does not pretend to know, "it is uncertain," whether husband or wife was to blame. "A rough old



Highlander" of about sixty was "imprisoned at one of the barracks while I was there [1727] for accepting favours from the lady. She was to be sent to Edinburgh to answer the accusation, and while she was preparing to go, and the messenger waited without doors to conduct her thither—*she died.*"<sup>22</sup>

If the author were really at Inverness in 1727, and if the story as told by Wodrow were true, the author must surely have heard the real facts. Wodrow's tale, on the other hand, reads as if it were contaminated with the old story of the Lady's Rock in the Sound of Mull. In both Wodrow's and the other version the wife of the chief is despised as the daughter of a tradesman; in both a charge is brought against her virtue (a manufactured charge, in Wodrow's version); in both she dies. But the introduction into Wodrow's variant of the banishment to a desert island probably proves no more than the difficulty of obtaining information as to what occurred behind the veil of the mountain mists.

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#### NOTES TO CHAPTER XV.

- <sup>1</sup> Fifth edition, Jamieson, 1818.
- <sup>2</sup> Letters from a Gentleman in the North of Scotland, ii. 254-267.
- <sup>3</sup> Letters from a Gentleman in the North of Scotland, i. 9, 10.
- <sup>4</sup> Culloden Papers, p. 103, quoting letter from Evan Baillie of Aberiachan, 'Edinburgh Magazine,' 1785.
- <sup>5</sup> Iliad, xxiii. 826-835.
- <sup>6</sup> Letters from a Gentleman in the North of Scotland, ii. 41.
- <sup>7</sup> Letters from a Gentleman in the North of Scotland, ii. 56.
- <sup>8</sup> Letters from a Gentleman in the North of Scotland, ii. 342.
- <sup>9</sup> Letters from a Gentleman in the North of Scotland, ii. 344.
- <sup>10</sup> Scotland and Scotsmen: 1888.
- <sup>11</sup> Ramsay, Scotland and Scotsmen, i. 32.
- <sup>12</sup> Hill Burton, viii. 393-395.
- <sup>13</sup> Lady Grange's Letter of St Kilda, January 20, 1738. Proc. Soc. Scot. Ant., xi. 602.
- <sup>14</sup> Carlyle's Autobiography, chaps. i., ii.: 1860.
- <sup>15</sup> Miscellany of the Spalding Club, iii. 59.
- <sup>16</sup> Wodrow, Analecta, iv. 165, 166, 254.
- <sup>17</sup> The Edinburgh Magazine, 1817, i. 333-339.
- <sup>18</sup> Proc. Soc. Scot. Ant., xi. 605.
- <sup>19</sup> Proc. Soc. Scot. Ant., xi. 599, 600.
- <sup>20</sup> Proc. Soc. Scot. Ant., xi. 605.
- <sup>21</sup> Wodrow, Analecta, iii. 426, 427.
- <sup>22</sup> Letters from a Gentleman in the North of Scotland, ii. 116, 117.

## CHAPTER XVI.

## LIFE IN THE LOWLANDS.

1700-1745.

HAD Ramsay of Ochtertyre been born twenty or thirty years earlier than he was, his account of the Highlanders might have been less sympathetic. In his own day the Highland regiments were winning renown under the British standard. Thirty years earlier their fathers may have been ill neighbours to Ochtertyre, and Ramsay might have written in the spirit of the Gartmore author. His district, though not Highland, was not Lowland in the same sense as the Lothians, which had always been more fertile and better cultivated. His region was a middle point between the country of the clans and the more prosperous southern territory. The farmers of the better class had probably occupied the ground since the old days of the favoured "kindly tenants." The ancient grievance of agriculturists, as we have more than once had occasion to notice, was that they held not by leases, but at pleasure, and might be turned out by a freak of the laird's. Mary of Guise lamented their precarious condition, and a letter of Mary Stuart begs a laird not to turn a poor woman out of "her kindly room."

Such lack of tenure must always have been pernicious to agriculture. In central Scotland many great families "laid it down as a rule never to change tenants that behaved well; neither were the rents raised, they being satisfied with grassums, or fines, which, Lord Stair observes, was always a mark of kindness." Lowland tenants, from whom no military service was to be expected, shared in this favourable system. The tenants acquired "tacks," or leases, after the Reformation, when "their hardships made them solicitous to have legal security."<sup>1</sup> Probably they suffered by the change

from Catholic and clerical to lay and Presbyterian superiors. The leases were usually for nineteen years. The old system of *Steel Bow*, or "taking stock,"—the landlord providing horses, cows, sheep, and implements, which the tenant had to restore at the end of his tack,—appears to have gone out, by the middle of the eighteenth century, in the Lowlands. The land had been let in "run rig,"—"the several tenants had ridge about of every field," one farmer having one ridge in several fields. Between the ridges were great "baulks," untilled, covered with stones, broom, and gorse.<sup>2</sup> This was a truly wasteful system, and caused much bickering among the tenants, being a survival of village communities. The common field and run-rig system appears to have prevailed in the distant days of Homer.

The lands were ranked as "infield," near the farmer's house, and "outfield." The infield received all available manure and was carefully tilled, the outfield was dealt with "in a very slovenly manner." Sometimes the cattle were folded in the outfield in summer: sometimes sandy outfields were laid under water in winter. On outfields beside the great peat-mosses, then undrained, the peat refuse was burned in July, and the following crop of oats was usually good. The people began yearly to reclaim a strip of moss, converting it into arable land. The system of rotation of crops was bad, much land was always fallow; cattle in winter were weakened by hunger, for lack of hay and other foods; and the use of lime as manure was discovered late, though it was ardently adopted when it was discovered. The quality of grain in use, early in the century, was bad. "*White* oats" were confined to the best of the infields, for the rest the black or the grey oats sufficed. In place of barley, "bear" was commonly sown, and was made into bad bread. Beans came in late, and peas, out of which a sour heavy bread was made till recent times, were not in favour. The little wheat raised was "of a red-bearded kind," which had been cultivated since the days of the Royal Bruces: it was hardy, and needed little manure, while the flour was bought by the people of the larger towns.

The ploughs and harrows were little better than those of the Highlands, rather resembling the plough described by Virgil in the 'Georgics,'—an implement not yet extinct in Italy. They were home-made by the tenants; the timber was brought down by Highlanders, at Martinmas, to the Doune fair, and sold for a shil-

ling or eighteenpence. Everything was clumsy and cumbrous and cheap, the object of the tenants being frugality rather than profit.

The farm horses were not much better than the Highland ponies—"small and weak." The difficulties of conveyance, on primitive roads, was a prime cause of inefficiency. Corn was "led" from the fields to the barn in sledges. These were slowly superseded by *tumblers*, carts with wheels, made, in prehistoric fashion, with wheels of solid wood, not rimmed with iron. This Age of Wood was probably much behind that of the Celtic charioteers who fought against Agricola. Most commodities, even coals, were carried in sacks or packs, slung over the backs of horses. The tenants' cottages were hovels built of turf, "fail," or "divots," but, if well thatched, were more warm and dry than cottages of stone, or "clay biggins." Stable doors were made of wattle, as in the days of St Columba and his missionaries. The cattle wandered, from harvest-time to May, over the unenclosed outfields, trespassing where they pleased. The clothes of men were mainly home-made, "few of the topping tenants having either boots or saddles. . . ." Their food was bear-meal porridge: oatmeal porridge was a luxury. When Ramsay wrote, wheaten bread was more common than oatcakes had been in his father's day. "Water kail" made without any meat was a standing dish. The table of Laird Milnwood in 'Old Mortality' was luxurious compared with that of the Stirlingshire farmer. It was most unusual to kill a cow to be salted at Martinmas; but, as time went on, most tenants salted a cow or two. Onions, imported from Flanders, were eaten raw as "kitchen" to the bread. The Highlanders were better supplied, according to the song—

There's naught in the Highlands but syboes and leeks,  
And bare-leggit lads gaun wanting the breeks,—  
Wanting the breeks, and without hose and shoon;  
But we'll a' get the breeks when King Jamie comes hame."

Whisky seems to have been absent, and very little ale was brewed: here again the Highlanders, as far as whisky went, had the superiority. "They were in general well pleased with their lot. Whatever might be their grievances, the meanness of their food and raiment seldom gave them a moment's disquietude." They were a Spartan people. To judge by all accounts, and by such proverbs as "the clartier the cosier," they were the reverse of a clean people. But on this topic it is needless to enlarge, and evidence for the

fact is superabundant. Such diseases as prosper through dirt appear to have been as common in the Lowlands as in the Highlands.

Granting the defects of the system, it was that which long experience pointed out as the best under their conditions: it is not easy to figure a scheme by which the same quantity of grain could be raised for the same money. These farmers, though apparently on the border of starvation, were moneyed men. "It is astonishing what sums of money the tenants of the last age had out at interest with the gentlemen of the country." They never spent anything, obviously; all was home-made, except two or three cloth great-coats bought in the course of a lifetime. Two generations earlier than Ramsay's day the merits of liming the land had been discovered: one man limed one ridge in a field of many ridges, and the landlord "offered to take the crop of that single ridge as payment of his rent." If rents were not raised, and if the farmer limed all his ridges, it is easy to see how he became opulent. When "run rig" was abolished, and each man had his separate farm to himself, much waste was avoided: the outfield system ceased; beans, barley, and oats were the crops. About 1735 these improvements, with a rise, but not an exorbitant rise, in rents, were made at Ochertyre. Wages, partly in money, partly in clothes, were extremely low: there was a Union among the hinds to raise them, but their demands were moderate indeed.

Enclosures for the benefit of cattle intended for the English market were, when first made, a bitter grievance. In Galloway, about 1724, there was a rising against enclosures: the rights and wrongs of the matter are not easy to disentangle. As Wodrow heard at first (May 1724), Galloway, Nithsdale, and the shire of Dumfries were perambulated by five or six hundred "Levellers" or "Dyke-breakers," armed. "It is certain," he says, "that great depopulations have been made in the South, and multitudes of families turned out of their 'tacks' and sent awandering." In some parishes, he adds, only five or six families of cultivators were left.<sup>3</sup> But, in June, a friend who had been in Galloway gave a different colour to the business. The agriculture in Galloway, he said, was indolent and wasteful; "they generally ran out the land prodigiously, . . . their arable ground is turned to nothing by being ploughed two years, and left lee [fallow] only one," while tenants were in arrears of from three to six years with their rents.

The landowners were thus induced to make enclosures: tenants were refusing either to pay or to go. Two had held a meeting, and made up an alliance, with a "band," in the old fashion. They collected "crows," or "pinches" such as quarrymen use, and threw down the loose stone walls, refusing to accept any terms from the landlords. They seized and slaughtered cattle, under the pretence that they were of Irish importation, and three ministers were said to be their instigators. A Major du Carry, commanding four troops of horse, was averse to harsh measures against the Levellers, who issued their manifestoes in the old fashion, and made some riots, with the women, as at Glasgow during the Malt riots, at the front. The women of Galloway had been prominent in the tumults of the seventeenth century, and their presence, of course, was embarrassing to the military, and was intended so to be. In the winter months the agitation increased, and a minister's yard dyke, or garden wall, was overthrown because he made his beadle take down a manifesto from his kirk door.<sup>4</sup> By June 1725 "the soldiers have calmed them," writes Wodrow, and Lord Stair had a plan for establishing manufactories, which led to little good. The true cause of the explosion was great poverty, and great ignorance of agriculture.

At this date, 1724, potatoes and turnips were being experimentally introduced by Cockburn of Ormiston, but so long as turnips were sown broadcast they naturally did not flourish. Such as came to perfection were regarded as curious relishes rather than as food for cattle. Potatoes, though already not unfamiliar in gardens, were looked on with suspicion in South Uist, where Clanranald introduced them before 1745.<sup>5</sup> It was not till after the Rising that the landlords who practised English methods of husbandry began to make converts among their tenantry, who had previously looked with amusement and distrust at the agricultural freaks of the gentry. Lads who had been in the service of improving lairds, and who understood the new ploughs and new methods, now more sensibly adapted to Scottish conditions, took service with the farmers. It was no longer thought a sacrilegious usurpation of the function of Providence to employ fanners in mills. The Anti-burgher preachers were accused of "testifying against fanners, as a creating of wind and distrusting of Providence. . . . But this scrupulosity being contrary to self-interest, made little impression on their followers."<sup>6</sup>

Considering the value which Scotland has always set on educa-

tion, and remembering the schools which existed before the Reformation, and the admirable dispositions planned in the Book of Discipline, it is disappointing to find that, even in the Lowlands, education was starved in the early eighteenth century. In almost any age, and in almost any circumstances, persons with a love of learning and of study will find means to educate themselves. The majority may remain as ignorant as it likes to be,—and ignorance must have been general when the precentor had to read aloud, not always correctly, each pair of verses in a psalm before the congregation could venture on singing it, a method still extant in living memory,—but the right people, the people who would learn and were meant by nature to learn, did learn in Scotland. As men were strong and, save for the agues caused by undrained lands and for the maladies of dirt, were healthy, despite their poor fare, so they acquired Latin, and a love of Latin literature, despite the poverty-stricken estate of schools and schoolmasters. There might be twelve parishes in the Presbytery of Ayr without schools as late as 1735, but, thanks to some poor student in his vacations, or in some other casual manner, people like Burns and his brothers later did wonderfully manage to become educated.

Reports of 1696 to a Parliamentary Commission speak of Kilmaurs and Dreghorn without schoolmaster's salary, or house, or school, and of Dunlop with only "a poor man that teaches to read and write"; of Ardrossan, with no supply for the teacher, beyond a salary of three bolls of meal, "given by my Lord Montgomery at pleasure"; while six bolls of meal at Fenwick rewarded "a poor honest man who taught reading and writing." Taking the boll at ten shillings sterling, we shall probably estimate it too high. We even learn that "no schoolmaster in the Presbytery teaches Latin"; yet we may be sure that, by hook or by crook, Latin, then necessary for a minister, was learned in the Presbytery of Ayr by ambitious youths.<sup>7</sup> It seems probable that the ministers, who assiduously endeavoured to extract funds for education from the hard-fisted heritors and people, must themselves have instructed boys of lively parts. Students on holiday and "sticket ministers" gained a few shillings by teaching in kirks or barns, and religious education, by way of catechising, had always been liberally given by the ministers. The peasants whom Bishop Burnet found so full of Biblical texts, and so eager in controversy, cannot have relied merely on memory, but must have read their Bibles. The large numbers of religious

diaries kept by men and women in humble life attest the wide diffusion of writing. People of great natural intelligence, with keen theological and political interests, can acquire knowledge where the iron-witted remain wholly untaught.

The law required the heritors to provide a school-house in each parish, but when the kirks were so ill-equipped, and when the manse was often so small and dark, money for school-houses could not be extracted from heritors, often poor struggling gentlefolks, living on rents paid in kind. The Kirk-Session always did its best: the case of Cramond (1717) shows how bad that best may be. Poverty extended to the article of straw. The thatch of the roof of the school-house was rotten; the Kirk-Session ordered each pupil to bring some straw to repair the thatch, but only straw enough to cover half of the building could be obtained. As for fuel, each scholar brought his own peat, trudging with it barefoot through wet and dry; carrying rushes and straw too, for covering of the floor on which he was to crouch over his books.<sup>8</sup> In some rural parishes the teacher, like the tailor, went from house to house, boarded with the cottar, and giving instruction in any empty outhouse.

His legal salary was not over ten pounds annually, eked out by a casual half-guinea from a generous town council, and by such fees of a shilling a quarter from each child as he could extract. Socrates might have been amused by the festival of Fastern's-E'en, when the young sportsmen brought each his fighting-cock, paying to the schoolmaster an entry of a shilling, and using the schoolroom as a cockpit. The bodies of the combatants that fell were the dominie's perquisite, and he and his family could enjoy cocky-lecky for a brief season. The "fugy cocks," the cowards, were fastened up as cockshots: the gentlemen patrons were admitted free to the recreation, though at such a time, if ever, the heritors might have displayed their liberality. At Dumfries (1725) it was "the under-teacher" who kept the door and received the shillings: there were two dominies.<sup>9</sup> At St Andrews, in 1755, the two teachers of the grammar-school shared the "cock money" equally. In 1768 the Kirk-Session of Kinghorn, moved by the schoolmaster, observed that cock-fighting was a cruel sport, and approved of the proposal to put it down; but in many places it lasted till the end of the century. The strange thing is that the Kirk awoke so tardily to the evils of what was not only cruel, but amusing.



The very name of Fastern's-E'en was "a rag of Rome," of Shrove Tuesday, as was the name of Candlemas, February 2, a great day for the dominie. Each child presented a gift to the master as he sat at his desk, with the tawse in abeyance. The gifts ranged, according to the wealth and goodwill of the parents, from sixpence to half-a-guinea, and, as they were announced, were greeted with more or less applause; the dominie leading the cheers with *vivat, floreat bis*, and so on, the highest givers being saluted as "king" or "queen," and carried, on cross-hands, "the king's chair," along the streets in triumph. In 1643 John Keith, brother of the Earl Marischal, was king, and was accompanied by a procession of candle-bearers, manifestly a popish survival, to the horror of the commissary clerk, who beheld and recorded the event. The children marched round the Cross, or what was left of it, and this in 1643. Even in the nineteenth century the "king" of Lanark school had his procession of palm-bearers on Palm Sunday, so inveterate were the popular reminiscences of the ancient faith.<sup>10</sup> On the first Mondays of May, June, and July, holidays were given, and shillings were paid in commutation of an older contribution of bent-grass or rushes to strew the floor of the school.

The dominie was the "handy man" of a parish, precentor if he had the gift of song, and clerk to the Kirk-Session. As the grades of gifts prove, the boys were of various ranks, and met on the most democratic footing of equality, though a few sons of noblemen went to Eton, and, as Lovat's letters show, there was a school of gentility at Dalkeith. His two sons "should stay at Dalkeith till they were masters of their Latin," thence they were to go for two or three years to the University of Edinburgh, and then were to learn "the civil laws, and the other parts of learning that they would be capable of" in Holland. As the Master of Lovat was "so tender" that his father dared not send him to the South, one of the Dalkeith ushers was engaged to be his tutor in the North. Thus Lovat (1737) defended himself against "the aspersion" that he meant to educate his boys in France.<sup>11</sup> Lovat's friend, the famous Duncan Forbes of Culloden, spent his own school days at Inverness before going to Edinburgh University. Dalkeith had long been a successful seminary, for there the celebrated Jacobite wit and physician, Pitcairn, began his Latin studies, as a boy, before 1668, when he entered Edinburgh University.

Pitcairn was the patron of a scholar whose career is instructive as

regards the educational profession in Scotland during the earlier part of the eighteenth century. Thomas Ruddiman was born in October 1674, one of several sons of the farmer of Raggel, on the shore of the Moray Firth. It was a loyal part of Scotland, and the tears which his father shed on hearing of the death of Charles II. were never forgotten by the boy, who throughout life was, in all senses, "of the honest party." At the parish school, near his father's cottage, he studied Simpson's Latin Grammar, which he was born to supersede by 'Ruddiman's Rudiments' (1714), a book still in use as late as 1860. Ovid was his first favourite among the Roman poets, "with his moral examples, and with his useful lessons of life," says his biographer. At the age of sixteen the young scholar determined, in Scots phrase, "to fend for himself." He had heard with eagerness that "the munificence of the North had established, in the universities of Scotland, various foundations which are there called *Bursaries*, and which, as they amount to nine, or twelve, or fifteen pounds a-year, enable the students, during four terms, to acquire a competent knowledge of Greek, of physics, and of metaphysics."

Ambitious of the competent knowledge thus to be won, young Ruddiman secretly stole off on his march to Aberdeen, rich in a guinea presented to him by his sister Agnes. He was met, stripped, and robbed by gipsies, and it was a deplorable but resolute boy who entered Aberdeen. However, he was easily first in the examination, which was limited to an essay in Latin. He studied under the philosophic Professor William Black, who "was accurately informed as to the theory of pumps and the uses of the barometer. He was sufficiently acquainted with the solar system, though he had little mathematical science. He had studied, indeed, Des Cartes; he had heard of Locke, yet he knew nothing of Newton."

To the theory of the common pump and the uses of the barometer, young Ruddiman preferred the classical languages and literature. Among his contemporaries at college was Lovat, then a wild boy enough, and "Dunlop, the well-known watchmaker, who, being an honest man, rose to be a more useful," though less conspicuous, "citizen." After taking his Master's degree (1694) Ruddiman acted as private tutor in the family of Mr Young of Auldbar, great-grandson of Sir Peter Young, the tutor of James VI. At the age of twenty-one he became schoolmaster of Laurencekirk in the Mearns, a village which had not yet acquired the honours of a burgh

of barony. This seemed unambitious, for his highest salary, if the heritors could be brought to pay it, would amount to no more than two hundred merks, as settled by a statute of 1633. He was paid chiefly in grain, and his grain he sold at a high price to his uncle,—for these were the famous years of dearth of King William, when many died of hunger. The salary of the headmaster of Edinburgh High School, in 1709, was fixed at £16, 13s. 4d. sterling. How many bolls of grain made up Ruddiman's salary we know not,—probably not many more than six, oats then, on an average, bringing ten shillings the boll.

Happily for Ruddiman, in 1699 Dr Pitcairn happened to pass a night at the inn of Laurencekirk, and, desiring a companion to dine with him, was introduced to the schoolmaster. Both were Jacobites, both were lovers of the Latin Muse, and Pitcairn invited Ruddiman to Edinburgh. Here he worked, in an unofficial way, at the Advocates' Library, founded, mainly by Sir George Mackenzie, "bluidy Mackenzie," about 1682. In 1702 Ruddiman became assistant librarian. His salary was a hundred pounds Scots, or £8, 6s. 8d. in sterling money. This was indeed promotion, and the salary was increased by perquisites and fees, and payment for copying manuscripts, chronicles, and chartularies. He also took private pupils, and Dr Pitcairn gave him two guineas,—a great sum to a needy scholar. His note-book shows that the weekly expenses of his family amounted to three pounds Scots. In 1710 Ruddiman calculated that his worldly means amounted to less than £300 Scots; and the expenses of his wife's funeral, in the same year, were £305 Scots,—a characteristic disproportion. By this time the Faculty of Advocates, hearing that Ruddiman was invited to be schoolmaster at Dundee, raised his salary to £30 sterling (£363, 6s. 8d. Scots). His wife's funeral had cost him more than a year's salary on the former scale. Mr Grey Graham remarks that "the cost of a funeral was sometimes equal to a year's rental"; and, in 1704, the funeral of Lord Whitelaw, a judge, cost £423 sterling, equivalent nearly to two years' salary.<sup>12</sup> There is something barbaric in these disproportionate funereal expenses.

Ruddiman's editorial industries contributed to his modest wealth, and his Latin Grammar passed through three editions in six years, through fifteen editions during his life. We hear with a sensible interest that he kept his copyright. His later works do not at present concern us, but Ruddiman's example shows the highest

mark to which scholarship, in his day, could carry a layman who depended on his learning for his livelihood. When David Hume succeeded Ruddiman as Librarian to the Advocates, his salary was but forty pounds a-year.<sup>13</sup>

The poverty which oppressed the burghs and their schools was due, says their historian, to "the old dilapidations of the common good, and the wholesale alienations which gradually diminished the original endowments of several burghs, until at last there was only left a wreck hardly sufficient for paying the salaries even of the common officers." Efforts were then made to raise the funds by "stents" or assessments. These were unpopular. In 1707 the school of Linlithgow, Ninian Winzet's old school, was shut up, 400 merks to the schoolmaster being "a heavy burden to the town." But what caused "the dilapidations of the common good"? One cause was certainly the wasteful conviviality of the town councils. Mr Grant, however, declares that he has hardly met with an instance in which the municipal authorities repudiated the payment of the schoolmaster's salary, and insists that they discharged their task "with marvellous uprightness and regularity."<sup>14</sup> They were "patriotic, generous, liberal," and thoughtful: still, we regret the "dilapidations."

As for the studies, Latin was the chief of them, and in not a few schools Greek was also taught, or supposed to be taught, in the grammar-schools, though down to the time of Sir Walter Scott, and the foundation of the Edinburgh Academy, Greek, on the whole, was confessedly neglected in Scotland, and the junior Greek class at the universities was occupied with rudimentary work. The custom was that the master carried his pupils through from the elements of Latin to the highest class, and each boy, however backward, went up with his form every year—a scheme of which the disadvantages are too obvious. A good elementary teacher might be no scholar, and a boy of stupid nature or of indolence wandered into yearly thickening darkness. This practice of yearly promotion did not prevail universally during the relatively learned years of the late sixteenth century—indeed, it has never been universal in Scotland, though very common. The grammar books before that of Ruddiman, who gave an English translation, were written in the language which the pupil was expected to learn—in Latin. Plays were acted by the boys. In 1734 they of Dalkeith acted "Julius Cæsar," "with a judgement and address inimitable at their

years," says 'The Caledonian Mercury,' a newspaper managed by Ruddiman. In the same year the Perth grammar-school boys acted Addison's "Cato," though none of them had ever entered a theatre. The Kirk-Session of Perth, however, denounced this profane exercise, also the play of "George Barnewell," and a sermon was preached against "converting the school into a playhouse, whereby youth are diverted from their studies and employed in the buffooneries of the stage,"—as if "Cato" were a farce.<sup>15</sup> "Stage plays" were censured, among other "provocations to uncleanness." Addison is not, however, a provocative dramatist.

The "world's wolver," of the year of the Spanish Armada, made it impossible for James VI., as he confessed, to give his undivided mind to the needs and grievances of the University of St Andrews. Some sixty years of the seventeenth century had been what his Majesty called "a world's wolver": the universities had suffered thereby in many ways, especially since the rival religious parties, as they alternately triumphed, turned out such professors and regents as adhered to the defeated faction. In 1696 a University Commission visited St Andrews, and their report of their proposals, with the answers made by the authorities of St Leonard's and St Salvator's Colleges, discloses the conditions of education. The University clung to the system of "regenting," by which a regent carried his whole class for four years through the whole domain of academic knowledge, from the elements to "the Physics general and special." Nobody was less of a specialist than the regent himself, who thus in a small way "took all knowledge to be his province." The Commissioners, with Crawford and Ruthven at their head, were anxious to break up a system which seemed to expect to find in every regent an Admirable Crichton. "It is the opinion of the Committee that the Professor of the Greek tongue be fixed to the class, there being far fewer eminent in that skill than in Philosophy, and that nothing be taught in that year but Greek." It is, indeed, unseemly that "many an old philosophy" which once "on Argive heights divinely sung" should be learned and taught by persons not versed in the Argive, or Attic, original treatises. Despite the enterprise of Andrew Melville, and other scholars of the sixteenth century, Scotland had never a sufficient share of Greek, though Puffendorff and Morhofius (1680-1725) were able to speak highly of Scottish Latinists. Sir Alexander

Grant justly remarked that "it was one of the points of similarity between the Scots and the French that neither of the two nations ever took very kindly to Greek. Whether this was due to external causes, or was connected in some way with other national characteristics, it would be hard to say. But it seems a fact that while German and English scholars have inclined to Hellenism, French and Scottish scholars have, till lately, confined themselves to Latinity."<sup>16</sup>

Probably the Scots, more familiar with France than with England, Germany, or Italy, merely followed the French example, while the French themselves have ever been chiefly addicted to a language so closely connected with their own as the Latin. It would be easy to name respected Scottish Latinists in the eighteenth century, but not till the nineteenth did the country produce Greek scholars so eminent as Professor Lewis Campbell or the late Provost of Oriel, Mr Monro. Even now the Greek professors in our universities are usually Englishmen, or Scots who have been distinguished at the English universities. Again, the Scottish universities hampered their pupils by discouraging, in a purely tradesmanlike spirit, the teaching of Greek at the burgh schools. Greek they regarded as their monopoly, and many boys arriving at college had to begin by learning the Greek alphabet,—a waste of the time of the regents, but the source of an addition, as they thought, to their fees. The schoolmasters evaded the laws prohibiting them from teaching Greek; and such boys as did learn Greek at school were apt to absent themselves from the Greek class at college, where "the Professors, owing to the low state of proficiency in their pupils, were not free to start above the level of school teaching, and had to act the part of tutors instead of that of Professors."<sup>17</sup>

The replies of the St Andrews colleges to the proposals of the Commissioners of 1696 show that they were anxious to cleave, as they did for long, to the old system of "regenting." They would not leave Greek to a specialist in that speech. "The Greek is here taught by the Professors of Philosophy, *mutuis vicibus*, and we think it needless to alter that constitution, all our masters being sufficiently skilled in that tongue." Again, there was "no settled provision for our present Professors," who appear to have lived on the fees paid by their classes. "The first year being never numerous, the Masters' greatest encouragement is their expectation of better classes in the subsequent years, and therefore it cannot be

supposed that any of the present Professors will fix himself to the Greek [the work of the first year], or that any other person of merit will be got to such a mean post" as the teaching of the language of Homer and Plato. The St Leonard's regents averred that any one of them could, at least, teach more Greek than any boy could learn in one year. If more were desired, a Greek chair with a fit occupant should be founded. Meanwhile they desired "that all teaching of Greek in Grammar-Schools be strictly prohibited, because there are a number of silly men who, having hardly a smatter of Greek themselves, do take upon them to teach others, to the great disadvantage of many good spirits."<sup>18</sup> In these circumstances it would be curious if Scotland had produced eminent Hellenists in the eighteenth century. On the other hand, we find men of the sword and of affairs—like Claverhouse, Lovat, and the Master of Sinclair—quoting Latin authors, even authors now little read, and quoting them with unaffected pleasure. In the remote isles Dr Johnson, later, met ministers who were excellent Latinists, and the minister was often the local archæologist. When many men were so learned, in spite of difficulties which to us seem insuperable, there must have been a genuine zest for erudition. Scotland was not then, as Lockhart wrote that she was about 1820, "in a state of facetious and rejoicing ignorance."

Greek was, or ought to have been, the study of the first year at St Andrews. Of Latin nothing is said in the Commissioners' Report of 1696. The schools were expected to teach it, and the extraordinary thing is that, despite their extreme poverty and lack of qualified masters, they obviously did teach Latin. When, in 1706, twenty pounds was raised for the salary of a Latin professor at Glasgow, he was enjoined not to teach grammar—grammar was the monopoly of the schoolmasters, their *gagne-pain*.<sup>19</sup> Of course no man could teach composition and translation without teaching grammar; it must have been meant that he was not to give lessons in the grammar book. "In the second year," say the St Salvator regents, "we teach the Logicks and nothing else, except arithmetic and some of Euclid's elements." The Logicks would be taught in the Latin of that science: it is improbable that Aristotle was tackled in Greek. Even under the distinguished Professor Ferrier, in the middle of the nineteenth century, the pre-Socratic philosophers were lectured on without the Greek texts: the custom may have survived even later. In the third year the

Metaphysics were taught, also "the Pneumatics," which here seems to mean psychology, for "metaphysics is the science of immaterial being, and nothing can be more expressly under it than spirits." On other occasions "the Pneumatics" appear to have included "the uses of the barometer." Ethics as well as metaphysics and pneumatics were taught in the third year. "In the fourth year we teach the Physicks general and special . . . and Geography if students wait and stay so long." Apparently most of them evaded the first year and the fourth year. There were examples of students who came very young indeed, but the average age was probably, as in Ruddiman's case, from sixteen to twenty: Ruddiman, at Laurencekirk, succeeded a schoolmaster who died at twenty.

The Session was from the end of October to July 20, "unless our Rent fall short." The Commissioners had objected to the taking of copious notes—to taking down the whole lecture. Students, the teachers reported, were more apt to arrive at the opening of term and stay through it, "for fear of *blanking*, as they call it." Not many years ago a professor observed a student not taking notes. "Have you notes of the lecture, Mr ——?" he asked. "Yes, sir." "Whose notes?" "My grandfather's, sir." There are other cheerful, if apocryphal, modern anecdotes of students who possessed old notes of lectures that never varied with the progress of the years and of science. The tendency was, and is, not in Scottish universities only, for lectures to take the place of reading-books. There was an excellent practice of examining the members of each class at the beginning of each session,—“it obleidges students to diligence in the vaicancy,”—and there was also an examination at the end of term, a kind of "collections." The Commissioners desired a matriculation examination in Latin and Greek, but as the regents did their best to prevent the schools from teaching Greek, to reject newcomers ignorant of Greek did not suit their interests. Greek was nothing less than compulsory; many came to college in the second year Greekless, and Greekless they remained. At St Leonard's they did teach Latin, till the latest comers dropped in, and at St Leonard's they disapproved of taking down the whole lecture in note-books. Greek, they thought, should not be compulsory except for holders of bursaries.

It is obvious that St Andrews was very poor, the regents, and



later the professors, depending on fees from their pupils. From the Reformation, when Lethington had his share of the booty, onwards, the University, never rich, was often plundered, and "the common good" was "dilapidated" by the professors. Andrew Melville, when Principal of St Mary's College, was accused of inefficiency in financial administration, and even in the nineteenth century Dr Chalmers was obliged to expose remarkable "dilapidations." In 1747 St Leonard's and St Salvator's united in one college, by reason of "the meanness of the professors' salaries" and the ruinous condition of the buildings. If there were any funds for "the upkeep" of the edifices, the professors probably used them for the repair of their own salaries. After the union of 1747, the chairs were (for "regenting" was now abandoned) those of Greek, Logic, Rhetoric, and Metaphysics, Ethics and Psychology, Natural and Experimental Philosophy, Latin (at last!), History, Mathematics, and Medicine. At present there is only a Readership in History, of recent foundation. Till 1892 the Logic professor also lectured in English Literature. The History chair was a complete failure, and in 1850 a gentleman was appointed to combine Civil with Natural History! He was a venerable sportsman, but did not lecture much. There were sixteen bursars and four servitors: only three new bursaries were founded in the last half of the eighteenth century. On transferring the men of St Leonard's, which was in fair repair, to St Salvator's, which was in no repair at all, Montrose's rooms were demolished: such was academic taste and wisdom. In 1827 Professor Hunter said that he was ashamed when visitors wished to see the college, "the exterior of it was so discreditable"; "like an old cotton mill," said Dr Chalmers. St Leonard's and its site were alienated—in short, no Scottish university was so robbed, starved, and neglected as the oldest and most famous of the four, till it revived in the middle of the nineteenth century.<sup>20</sup>

It was probably to the wisdom of Carstares, when Principal of Edinburgh College, that the change from "regenting" to the foundation of professorial chairs was due. In 1707 a crown patent was procured for a Professor of Greek,—a point on which the Parliamentary Commission had insisted. The Greek teacher was to be "fixed, not ambulatory," to teach Greek, and to teach nothing else. The Town Council, the patrons, at first opposed, but in 1708 consented to, this measure, and even appointed pro-

fessors of Latin, Logic and Metaphysics, Natural Philosophy, and Moral Philosophy. These men were, and their successors remained, teaching professors, not decorative additions to the academic structure. Glasgow followed the lead of Edinburgh in 1727, St Andrews did so on the union of its colleges (1747), and Aberdeen in 1754. It had previously been the interest of the regents to make their pupils graduate: in the new state of things graduation became rare, and almost extinct. "The small, poverty-stricken, ill-housed University of Edinburgh stood, 'like a lodge in a garden of cucumbers,' in a country wellnigh destitute of secondary schools."<sup>21</sup>

Even after the middle of the eighteenth century, and after the union of St Leonard's and St Salvator's colleges, the salaries of professors were very exiguous. The salary of the Principal was fixed at £160, but in 1826 we find that, in addition to other accrued sums,—for house rent and "diet money," and £3 in "kain hens" from the farmers,—he has "additional money, generally known by the name of the Candlemas dividend, £105."<sup>22</sup> The celebrated Dr Chalmers, elected Professor of Moral Philosophy in 1823, was a moralist as well as a philosopher. He felt a conscientious desire to know what was the source of the Candlemas dividend, which looked very much like the Candlemas gifts of the schoolmasters, paid by the Principal and professors to themselves. His statement is that each professor received a regular salary of £96, *plus* £15 for house rent or "diet money," *plus* the considerable Candlemas dividend in February. "What *was* the Candlemas fund?" the professor kept asking his brethren, and he refused to take his share while the mystery was unsolved. He could not be certain that he, or any of them, had a right to the dividend. In short, the money was the surplus of the revenues of the college after the salaries settled in 1747 had been paid, and the money ought, apparently, to have been applied to the maintenance of the buildings, which became ruinous.

Increasing values of college lands had permitted small augmentations of salaries, without impairing the general revenue, at various dates after 1747. But in 1795, and till 1826, the professors had acquired a habit of helping themselves to just as much as they thought that the general revenue could afford for the year, and that amount was the Candlemas dividends, only enough for incidental corporate expenses being left in the college chest. "An

instant hand is now laid upon each annual surplus, which it is now the urgent interest of the Professors to make as large as possible. The obvious method of doing this is by saving to the uttermost, on buildings, and apparatus, and library, and all the public expenses of the Society."<sup>23</sup> Thus poverty had led to conduct not precisely scrupulous, and ruinous to all the interests of the University, while, as Professor Chalmers observed, "it is little, after all, that we do receive, but there ought to be a legal and undoubted sanction for every farthing of it." The professors were helping themselves to £1600 a-year over their original salaries, and their conduct was rebuked by the opposite behaviour of the professors at Glasgow. Yet, when all was done, the professors were paid, even when they helped themselves, on a most inadequate scale.

It is certainly a notable fact that, in a people so intelligent as the Scots,—a people so apt for education, and so proud of its education,—the eighteenth century saw education starved, even after the tide of penury had turned, when society set its face to new advances, after the Rising of 1745. There was then a notably rapid increase in wealth, but none of that wealth came to any university. But independence of spirit remained. "The Town Council offered to relieve poor students of their graduation fees"—an offer which was resented.<sup>24</sup> Independence does not mark the many persons of competent property who now accept the college fees of their sons from the well-meant beneficence of an opulent alien.

The life educational has in no age attracted many men of great natural powers. In the vision of Er, in Plato, when he saw the souls choosing new careers, none of them selected the existence of a sophist. When the salaries of professors were not above £60, when they had to eke out a livelihood by taking boarders, at wonderfully low rates, into their households, it is not strange that professors were seldom, like Hutcheson of Glasgow, leaders in scholarship, in history, or in philosophy. As there were no pensions, men practically superannuated, and perhaps deaf, remained firmly in their chairs, the butts of generous youth. Here is an example of easy-going erudition from the University of Glasgow in 1704. Mr Trans had expired, and the new chair of Greek and the teachership of Hebrew were vacant. A Mr Dunlop, son of the late Principal, was appointed to undergo the usual trials

as to his skill in the Greek language, and no more was required of him than an analysis of 'Iliad' viii. 171-181: he had to start from the middle of a sentence! He must have begun with "giving the Trojans a sign, the turning of the course of battle," and must have ended his analysis at a comma, before the conclusion of a sentence, as he commenced in the middle of another. We wonder whether, in line 177, Mr Dunlop read *οὐ*, or, with Bentley, *οἷ*, "which," says a recent editor, "is pleasing in itself." The choice of a passage without its beginning or its conclusion *donne furieusement à penser* as to the scholarship of examiners. Obviously they knew nothing about Greek.<sup>25</sup> As to teaching Hebrew, "as there is none in the college who can allow so much time for teaching the Hebrew as that language would require except Dr Sinclare, Professor of Mathematics, therefore they recommend him to teach the same to the students," for 300 merks annually. The suggestion is that they could all teach Hebrew equally well, but the time of all of them, except the mathematical professor, was too much in demand.<sup>26</sup> Except for the Gregorys, connections of Rob Roy, and for Colin Maclaurin, men distinguished in mathematics and astronomy, the lists of Scottish universities contain no names of European reputation in the first half of the century.

As for the students, by no means all of them were of the social class of Boston, Ruddiman, and many others who, when not supported by bursaries, lived very hardly, and with heroic stoicism, on oatmeal brought from their country homes. How many of these brave lads of promise have perished untimely, practically killed by privation and overwork! With a kind of shame we reflect on the want of liberality towards an education so eagerly desired, and so heroically attained. As late as 1827, at St Andrews, students ranked as "Primars, sons of noblemen; Secundars, what they call gentlemen commoners in England; and Ternars, those of the common ranks of life," so Dr Ferrie explained, with the Bursars who were on the Foundation.<sup>27</sup> The Primar in 1827 was extinct,—"the last Primar that was here was Lord Kennedy." The medals hung on the ancient silver arrow, gifts from the winners in the competition for bowmanship, prove that Primars, like Montrose and Argyll, were often successful; and all the winners are armigerous, so probably they were Secundars, as a rule. As late as 1827 the three ranks paid graduated fees, the Primar, of course, paying most, whereof Dr Chalmers did not approve.<sup>28</sup> The students in 1827 rather objected

to the distinction of social ranks as marked by differences of the shape of gowns: all gowns in the Arts Faculty were scarlet.<sup>29</sup> (There is no longer, of course, any distinction, except in the tassels of the caps, which indicate seniority.) The Secondars were about a third, or between a third and a fourth, of the whole number of students as late as 1827. Men who could afford to pay a Secodar's fee often preferred to enter themselves as Ternars. It is curious to find that the old social distinctions, which were ordered to cease in 1698, lasted so late. In 1684 the grades paid at different rates for their food, and, in the case of Primars and Secondars, for the food of their servants, and in fees to the servants and regents.<sup>30</sup>

The practice of living in college rooms lasted longer at St Andrews than in the large towns, and ceased mainly because the rooms were suffered, in the interests of the professors' Candlemas dividends, to become uninhabitable. The writer once met a very aged St Andrews man who remembered the last undergraduate resident in college. He cooked for himself, and pared the skin from his potatoes with his razor. Nine o'clock was the hour for shutting the college gates, and, as discipline was severe, probably men were not allowed to "knock in" after nine. Probably the men at St Andrews who stopped the mail in 1715 were out too late: a Threipland of Fingask has scratched his name and the date, 1715, on the Founder's tomb in chapel, and he and his companions were possibly the Jacobites who committed this outrage.

No amount of discipline represses the spirits of youth. In 1702 the Glasgow wits began a practice of handing in the names of fellow-students, at church, as in special need of the prayers of the congregation. For this deed Patrick Brown, an old offender, was solemnly expelled.<sup>31</sup> On the same day Samuel Ashmore was charged with assailing at midnight, with his sword, the serjeant of the Guard, and cutting his ramrod in two: Samuel was encouraged by a friend of the gentler sex. The college let Ashmore and two other men off with a reprimand, at the request of the Provost: they had all been skirmishing with their swords. Students were not allowed to wear swords in the streets, but they did so, as became their blood. When praying publicly in the classes, they vented various humours, and the practice was abolished, as not tending to edification.<sup>32</sup> Fines were occasionally inflicted, as when

Robert Fulton cut a friend's gown with his knife on the Lord's Day. (Five shillings.) In 1704 there was a great Town and Gown row: the professors did not deny "the huge extravagances and disorders of their scholars," but averred that "there were faults on both hands." The men had seized the keys of the prison and assaulted a house; the town's folk had entered the college in arms, had drawn their swords, and fired on the students in the inner court.<sup>33</sup> Mr Steadman, M.A., in 1712, declared that, if he did not get more drink, he would burn down the college; and the St Andrews men, not long before, had matured a scheme for burning the town. Mr Steadman was a student of divinity: he lost his degree, and was expelled.<sup>34</sup> Later he was readmitted. Men too uproarious were imprisoned in the steeple, whence, in 1714, the friends of Joseph Satcher rescued him with violence, breaking in the door. For this offence Thomas Yates was fined eighteen pounds (Scots). In 1722 the men lit a bonfire against the college gate, in honour of a Parliamentary election, and insulted a professor, who probably was of another political party. A kind of proctor was appointed in 1725, to detect students who frequented public billiard-rooms at undue hours. There was even an attempt at a duel, but one of the combatants did not appear on the ground, where his opponent, with his second, was waiting. In short, young men were young men at Glasgow University. But the records are not rich in notices of the freaks of the young barbarians.

To an example set in Glasgow by Professor Francis Hutcheson, the University owed a beneficent change. Hutcheson lectured in English, not in Latin, as the heretical Mr Simson and all other professors lectured. By an English survival of this practice, down to the days of Keble the Professor of Poetry lectured in Latin. The consequence is that his literary criticism is lost to mankind, for nobody has translated his lectures. Another survival of a Scottish custom, not always observed, in the election of professors, endures at Cambridge to the present day. It was the occasional method to make professorial candidates compete for the chair in theses on some philosophical question. In 1906 Cambridge saw three or four of her most learned men compete for the Greek chair, in analyses and comments on chosen portions of the Greek classics,—passages more lengthy, of course, than the ten Homeric lines which sufficed at Glasgow. The Latin of the Public Orator,

at Commemoration, is also a survival, long disused at Scottish universities.

Aberdeen, at the beginning of the eighteenth century, was as poor as St Andrews was chronically. Bishop Dunbar's buildings for students' rooms were almost ruinous, and vain efforts were made to rebuild them; while the Latin teacher "had to rebuild his manse at his own expense, and wait till the finances would admit of the refunding of the money."<sup>85</sup> The men, even those on the foundation, rebelled against the wearing of the gown, which has always been more fashionable at St Andrews than elsewhere. They also avoided chapel, and usually came up several weeks after term had begun. No professor of mathematics taught Hebrew at Aberdeen, because there was no professor of mathematics. A Dr Bower was appointed (200 merks of salary) about 1704-1707, but "the mathematical class turned to little account." Dr Bower abandoned the unfruitful task, and fled, probably in search of a livelihood, to London. There was no new appointment till 1732. The students, like those of Glasgow, were rather unruly, and in 1705 broke open the gate of the Tolbooth, made a hole in the roof of a room, and rescued a prisoner. They were fined fifty merks, not expelled like the humorous Patrick Brown of Glasgow. The students had a manuscript periodical, addicted to overmuch blaming of "the dons." Verses were circulated on the defects of the professors, especially of poor Dr Bower—

"Wondrous things don by me,  
Who weel can count both 2 and 3,  
Likewise I can count 3 and 4;  
All this is done by Thomas Bower."

Some testy professor "took the poems very ill, and made ane overture to the Principall that the Rimer's ears should be cropped,"—an unacademic punishment.<sup>86</sup> Pitying learned poverty, good Queen Anne, in 1713, gave no less a sum than a hundred guineas annually to each of the Aberdeen colleges. In the 'Fifteen the Jacobite students played their pranks, and eight were expelled for burning the Elector in effigy and publicly drinking the health of King James. Several regents were also deposed for their loyalty to the White Rose. A munificent benefactor arose, Dr James Fraser, who had been tutor to the Duke of St Albans, and was Secretary of Chelsea Hospital. Dying in 1731, he left

money for bursaries, for the salary of a librarian, and for mathematical instruments. He also contributed, *solus fere*, to the building fund.<sup>37</sup> The students of our universities did not often show their gratitude in Dr Fraser's way, and the patron of Marischal's College, one of the most open-handed of men, was through all this period a needy Jacobite exile. In medicine the family of Gregory made Aberdeen illustrious. From 1725 to 1755 three of the family were successively appointed professors of medicine. This was not an example of unfair nepotism.

The good Earl Marischal's foundation was rather more fortunate than that of Bishop Elphinstone in obtaining funds for building. Parliament (1695) and charitable "gentlemen in the country" made a grant and gave subscriptions, and the Convention of Royal Burghs followed their example to the extent of about £100. The Senatus also appealed to the commercial Scots resident in Poland (a country where they were still numerous), and in Königsberg and Dantzic. Primars, on leaving college, gave windows to the Hall, and the Earl Marischal of 1700 founded a Chair of Medicine. Most of the Marischal College masters, being Jacobites, were removed after the 'Fifteen: the college was closed, and opened with a new staff in 1717, the Crown succeeding to the patronage of the exiled Earl. Among the old regents was Meston, dimly remembered as a Jacobite poet: his verses have not the merit of the popular songs of the White Rose. Some of these, even in the first period of the Cause, have spirit and passion, though the best, in Scots, were sung when hope was dead. Meston, a convivial humourist, had been tutor to the Jacobite Earl and to his famous brother, the Prussian field-marshal.

A Chair of Experimental Philosophy was founded in 1726, and a Chair of Oriental Languages in 1727, by the Rev. Mr Ramsay, a clergyman in Barbadoes. In 1738 the Senatus, unlike that of St Andrews, "renounced a part of their *private interest* yearly in the College Funds for" the building of a south wing to the college: the town, old students, and the county also subscribed: the architect was William Adam. Aberdeen, town and county, was manifestly more wealthy and much more liberal towards education than the kingdom of Fife.

The library of King's College, begun by Bishop Stewart in 1532-1545, has left few relics in the way of ecclesiastical MSS. These were destroyed by the Earl of Moray and other earnest



men when the Reformation began, just as such books were scattered and blown about the Oxford quadrangles. Later the library depended on gifts of books and on fees for graduation. In 1709 the Scottish universities "received the Stationers' Hall privilege." It appears that at St Andrews the eighteenth century was a period of neglect of the library; very many books which, by virtue of its privilege, it must have possessed are no longer on its shelves, and these are books of general interest. Probably professors took out books all their lives, and did not take the trouble to return them regularly. On the death of the learned man, his library would be sold, the widow, in her turn, not being careful to distinguish his possessions from those of the university. This, at least, is a working hypothesis. In 1727 Dr Hunter attested the good care which the students took of the books.<sup>38</sup> Professors "retained books for a considerable number of years," and it was "taken for granted" that the books were safe in their possession. Dr Hunter desired that an annual return of all books should be made. Nobody knew about the books in the hands of professors till these learned men "died or left the college." Probably nobody knew much more after the former melancholy event. The librarian vetoed some books to students much at his own discretion: he names among them 'The Memoirs of Harriet Wilson.' There was no reading-room, and even professors, though they could enter the library in the absence of the librarian, could not get at the books. Students are strange people. All through the librarianship of a Mr Vilant they "greatly abused the books," writing over them, in large, the name of the worthy librarian. This, however, was the freak of a later age, when books were much more numerous than in the first half of the eighteenth century.

It is clear that the chief tendencies of the Scottish universities—the studies in which they mainly shone—were medicine and natural philosophy, before the *Renouveau* after 1745, the times of Hume, Robertson, Adam Smith, and the school of Reid in philosophy. For the higher studies in law men went to the Dutch universities. The age, in the English universities, was also rather somnolent, though the great name of Bentley redeems the period, and, with more wealth and more scholars, Oxford and Cambridge were naturally much in advance of St Andrews and Glasgow.

"In the early part of the century, Edinburgh, which implies all Scotland, was wellnigh destitute of literature."<sup>39</sup> The turmoil of

the Covenant and the Restoration, the Revolution and the Risings, with the ecclesiastical brawls, had killed *belles lettres*, while the general poverty made authorship profitless. There was love of literature, but it supported existence mainly on the Latin classics: with these no man can starve. Very early in the century, however, Literary Societies were founded, the members endeavouring to write English in the Southern manner. Ramsay of Ochertyre says that "soon after the extinction of the rebellion of 1715 a number of promising young men began to distinguish themselves in science or polite literature." Their societies held literary debates, essays were read and criticised. "Latin was by this time out of fashion, except at colleges,"—a remark much too sweeping, as the correspondence of the period proves. "For more than a century nothing of character had appeared in the dialect usually called 'broad Scots.'" However, Allan Ramsay, in his 'Tea-Table Miscellany' (1724), revived the good old airs and reprinted some of the good old songs, while, in other cases, new words were substituted. We have already heard Wodrow lamenting the growth of the tree of knowledge in Allan's little circulating library, where novels were to be found and plays. In the shop of this wonderful wigmaker arose the dawn of the literature of modern Scotland.

Allan's 'Tea-Table Miscellany' threw light bridges across the ages, from the time of the old popular ballads to the eighteenth century and the nineteenth, from "Chevy Chace" to Scott. The institution of afternoon tea, the "four hours," is taken for granted, and the kettle sings on the hearth of the Vesta of a new age.

Tea meant the beginning of the end of the old roystering life of punch and claret and drams at every hour of the day, but that age certainly died as hard as it drank. Nearly twenty years after tea and song and chat were an institution in Edinburgh, Duncan Forbes informed the Marquis of Tweeddale that "tea is the principal cause of the [financial] misfortunes we feel." The beverage had become so common that Clementina Sobieski, in her flight to Italy, managed to get tea at a miserable little sub-Alpine inn: the tea, however, was not exquisite. Queen Anne, we know, though the Jacobite song calls her "Brandy Nan,"

"Did sometimes counsel take, and sometimes tea,"

setting the fashion which Scots ladies hastened to follow. Forbes

was anxious to clap a tax of four shillings on every pound of tea, when "the abuse complained of would cease, of course, for it is the meanness of the price that encourages the poorer sort to purchase, and the duty, added even to the low value at which it is now sold, would prove an effectual bar to the use of it among such as have deserted twopenny for it"—that is, twopenny ale. But the extent of the coast, the few Custom House officers, and their corruption, made it impossible to prevent the smuggling of such a light cargo as the herb. Forbes dreamed of placing a poll tax on such families as used tea. But England would resist that, England not being so much hurt as Scotland by what the convivial Duncan calls "this abominable practice." Even servants "make tea their afternoon and morning diet," which causes "the loss of our bullion, and the present poverty of our country." "A most mischievous drug" was tea; but Forbes has to confess that foreign brandy is not much less injurious to the revenue of the land and the constitution of the consumer. His plan for dealing a death-blow at tea was complicated, and in a high degree distasteful to friends of liberty.<sup>40</sup>

The economics of tea have led us away from the rising of literature out of tea, like Venus from the ocean. Allan's 'Tea-Table Miscellany' was wonderfully popular, as he says in his preface to the Fourteenth Edition. The verses were meant to be sung, mainly to old Scottish airs, and, on the wings of music, crossed the Atlantic.

"Here thy soft verse, made to a Scottish air,  
Is often sung by our Virginian fair;  
Hydaspes and Rinaldo both give way  
To *Mary Scott, Tweedside, and Mary Gray.*"

Ramsay encouraged "ingenious young gentlemen," who supplied thirty of his lyrics anonymously. "The rest are such verses as have been done time out of mind, and only want to be cleaned from the dross of blundering transcribers and printers." Unluckily Allan improved as well as cleaned, and conventional verses, in the eighteenth-century manner, deform the best old ballads. "Where Helen lies," the fine lyric of Kirkconnel Lee, is changed into "Ah, why these tears in Nelly's eyes," and so forth. "This is no my ain House" is altered from its Jacobitism, if the Jacobite be the original form; but given an air, fresh words were put to it in every

generation, as in the case of "Auld Lang Syne." In "William and Margaret" we read verses so out of keeping as—

"But love had, like the canker-worm,  
Consum'd her early prime ;  
The rose grew pale, and left her cheek,  
She died before her time."

The facetious Scots songs are sometimes left in the original, as in—

"My kimmer and I lay down to sleep,  
And twa pint stoups at our bed's feet,  
And still as we wakened we drank they dry,—  
What think ye o' my wee kimmer and I."

We think the conduct of the pair on a level with their grammar, but Forbes of Culloden must have welcomed them as friends of the revenue. The great point was the return to fashion of Scottish vernacular poetry: without Ramsay's 'Miscellany' Burns might not have been listened to when he wrote in Scots, for the tendency of literature, as Ramsay shows, was to the fine English, and painful anxiety to avoid Scotticisms. It is pleasant to meet, in this galimatias, an unspoiled ballad, such as—

"Ye Highlands and ye Lawlands,  
Oh ! where hae ye been,  
They have slain the Earl o' Murray,  
And they laid him on the green !"

Here, too, we find "Hardyknute," that spirited and spurious "fragment of an old ballad," the first thing that Scott spelled out in infancy; the last thing, he said, that he would forget. Here, also, is Hamilton of Bangour's "Braes of Yarrow." Of young Hamilton it is told that he went to Italy in search of health, and was standing on one of the Seven Hills admiring the prospect. A hand was laid on his shoulder, and a voice said, "Do you like this, Mr Hamilton, as much as the view from North Berwick Law?" The speaker was Prince Charles, a fairy Prince, young, gay, and beautiful, who at once made a recruit of the poet. Ramsay had the audacity to include "The Blackbird" in his collection:—

"Upon a fair morning, for soft recreation,  
I heard a fair lady was making her moan,  
With sighing and sobbing and sad lamentation,  
Saying, ' My Blackbird most Royal is flown.'"

The blackbird was the exiled king.

With Ramsay, then, begins the Scottish *renouveau*, the spirit of renewed joy in the country and in the fabled streams, Tweed, Yarrow, Ettrick, names soon to be made familiar to the world; in the old superstitious beliefs, the ancient ballads of the people—in fine, the material of Burns and of Scott. The veteran brigadier, Mackintosh of Borlam, in his 'Essay on Ways and Means of Enclosing,' lamented that, "in place of his morning dram, with strong ale at breakfast, he found the tea-table and china and silver equipage brought in, and marmalade, and cream"—with a number of more substantial dainties, he might have added. But the change was not for the worse; moreover, cakes and ale held their sway in a very convivial society. Allan Ramsay failed in the gallant attempt to open a theatre (1736),—the ministers and the magistrates were too strong for him; but within twenty years the Rev. John Home produced that tragedy of "Douglas," in presence of which Shakespeare, like Racine confronted by Victor Hugo, was reckoned *enfoncé*. "Whaur's Wully Shakespeare noo?"

In the matter of painting Scotland had ever relied on aliens. Jamieson, in the reign of Charles I., was the only native portrait-painter of note till Allan Ramsay, greatly favoured of the Muses, had a son who studied in Rome, and became Court painter to George III., where Gavin Hamilton, a collector of antiques, was also studying. The walls of houses in town and country contain the staring portraits, and family groups destitute of perspective, which were cheaply limned by strolling Dick Tintos of the period, while the houses of the great nobles were rich in Italian masterpieces, bought during foreign tours, or acquired in the brief years when Charles I. was the leading amateur of his kingdom. It appears that, even before the Union of the Crowns, the unfortunate Earl Gowrie of the mysterious plot had a considerable collection of pictures, necessarily foreign, which probably fell into the hands of James VI.; and, even earlier, a French painter, Jehan de Court (later painter to Henri III.), was in Queen Mary's suite. Two or three portraits by such French artists survive from the sixteenth century, but there was not a native painter during the period when the Duke of York (James II.) was governing Scotland. Nothing but poverty caused this entire absence of the art: there were no patrons.

The improvement, the progress towards increase of money in Scotland, can hardly have been perceptible in the first half of the

eighteenth century. As late as 1742 Forbes of Culloden, in a letter to Tweeddale, already cited, says, "There is remarkably less coin to be met with than ever was at any time within memory known, even in this poor country, occasioned chiefly by the gradual but continual exportation of our bullion for tea, coffee, and foreign spirits," and by remittances of gold for grain in a recent dearth. "Paper is the only coin that one sees, and even it is far from being in any tolerable quantity."<sup>41</sup>

Yet human memory went easily back to the Union, when we know the amount of coin in the country. In 1707, when specie was recalled to the Bank of Scotland for re-minting, the following list was made :—

	Value.
Foreign silver money . . . . .	£132,080
Scottish coins later than 1673 . . . . .	96,856
Older hammer-struck coins . . . . .	142,180
English coin . . . . .	40,000
In all . . . . .	<u>£411,116</u>

Chambers calculated that of gold coin, in 1707, there probably was not more than £30,000. In 1738 Ruddiman says, "The scarcity of copper money does now occasion frequent complaints." Allowing for coin not sent in in 1707, the coined wealth of Scotland, at the Union, was under £600,000. Yet the amount was even lower in 1742; so the advance due to the Union was not, by this test, conspicuous. The Bank of Scotland, in the alarm of 1708, had very considerable metallic stores, and "kept up an uninterrupted circulation of money." Yet even paper was very scarce in 1742. It is not surprising that, in 1745, the Union was no better loved, except as a Protestant safeguard, than when it was first consummated.<sup>42</sup>

There were, however, signs of better times approaching, or, at least, of times less impecunious. Scotland had long been a linen-making country: the ladies and their maids spun for domestic wants, "the poor spun for the market," in the villages there were weavers like Tod Lowrie in the romance.<sup>43</sup> Forbes, in his melancholy description of the economical condition of a tea-drinking Scotland, reports that "our linen manufactory is in a very thriving way. There is a commendable spirit of launching out into new branches of the linen manufactory, such as thread, stockings, tapes, figured work for table-linen. . . . I must not conceal that it is the *only* thing that promises any good to this poor country. The

fishery has totally failed for some years," apparently for lack of enterprise or energy, or both, for the Dutch fishers, as in the days of Elizabeth and James VI., were catching abundance of fish off our coasts. The war with Spain pinched the foreign trade of Glasgow; in fact, linen-making was the country's only successful industry.

The thread-making industry of Renfrewshire was also beginning: in its history we see the step from the old Scotland to the new. The subject has already been alluded to, but is curious enough to deserve further notice in a chapter on social life. The Shaws of Bargarran, in the parish of Erskine, on the south side of the Clyde, were of old family: we have met Sir John Shaw of Greenock at Sheriffmuir, and in the strange affair of the slaying of two brothers by the Master of Sinclair. In February 1697 the Privy Council held an inquiry on the case of Christian Shaw, a girl of eleven, daughter of the laird of Bargarran. In August 1696 Christian had informed her mother of some small pilfering by one of the maids. The woman thrice solemnly cursed the child in the name of God, and uttered the wish, so terrific to a tender imagination, that her soul might be "harled [dragged] through hell." It may be observed even now, and in savage as well as in civilised countries, that a great nervous and mental shock is occasionally followed by very singular phenomena connected with the sufferer. Thus cases of the *poltergeist*, of unexplained noises and movements of objects, follow on such shocks, whether the sufferer, being hysterically affected, produces them with the insane cunning of the malady, or whether there be developed some unexplored cause. The sequence may be noted in modern examples, from the log cabins of Red Indian trappers to the houses of the poor in large English towns and the cottages of Devonshire peasants.

Christian's symptoms appeared five days after the curse was pronounced. She bounced from bed, shrieking "Help! Help!" leaped up in an amazing manner, and was said by witnesses to have been "levitated," or borne through the air—a statement which constantly recurs in Lives of the Saints, and trials for witchcraft, as in the work of Iamblichus, the old mystic correspondent of Porphyry. As usual, Christian's body became rigid; "she stood like a bow on her feet and neck at once;" there were "risings and fallings of her belly," as in that parallel modern instance, "the Amherst Mystery." No doubt these symptoms were due to the shock caused by the curse; but now the prevalent superstition

came into play, and the child declared that she saw Catherine Campbell, who had cursed her, and an old Agnes Naismith, reputed a witch, tormenting her. Exactly the same stories were told by two boys, the victims of a supposed sorcerer's curse, in a singular trial held at Cideville, in France, in the reign of Napoleon III. The malady is unvarying in its symptoms.

After two months Dr Brisbane of Glasgow was consulted, and diagnosed the case, quite correctly, as a "hypochondriac melancholy,"—that is, what we now call "hysteria" for want of another word. The child, on returning home, was no better for the doctor's medicines, but rather the worse. On her return to consult Dr Brisbane again, she spat out "straw, hay, hair, wool, cinders, feathers, and such like trash," which, as she insisted, were thrust into her mouth by tormentors visible to her but not to others. The doctor "was confident she had no human correspondent to subminister" the trash, such as "a cinder not only dry but hot, much above the degree of the natural warmth of a human body." There were other symptoms, "such as I should not despair to reduce to their proper classes in the catalogue of human diseases." Unluckily these symptoms were universal in sufferers from witchcraft, though their real origin was the perverted cunning of "hypochondriac melancholy." The child was found to have a ball of hair in her pocket! Catherine Campbell continued to curse her publicly, was imprisoned, and tormented Christian no more. But the wretched child, now as much in the public eye as her diseased vanity could desire, kept adding new names, both of men and women, to the list of her visionary tormentors. She glided about the hall and stair to the court door, "her feet did not touch the ground so far as anybody was able to discern." The same story was told of Jeanne d'Arc in her childhood, and may be assigned to malobservation. She was "carried" to the top of the house and down to the cellar in a way incomprehensible to the parish minister, and she developed clairvoyant faculties, knowing things that she was supposed incapable of knowing normally. She said that the news was communicated to her by voices; in short, she was a splendid case for the psychical inquirer.

The Commission appointed by the Privy Council, after reading the evidence, went to Bargarran, Lord Blantyre being chairman, and examined the accused; a fast, with prayer in church, was held



in the afflicted parish. Once, addressing a viewless tormentor, Christian asked, "Where gat you these red sleeves," made a plunge in the right direction, and showed a piece of red cloth which she had torn from the witch. The young patient must have "palmed" the red cloth, but witnesses were much impressed.

On March 28, 1697, Christian suddenly recovered her normal health.

The Lord Advocate, the shifty Sir James Stewart, prosecuted the six prisoners, and, after a deliberation of six hours, the jury found them all guilty. They had made the usual confessions about their league with the devil. One man committed suicide in prison: the rest were hanged, and then burned.

Thirty years later Christian, now Mrs Miller, wife of the minister of Kilmaurs, founded the Renfrewshire thread manufactories. Being very dexterous in spinning fine yarn, she tried to make thread out of it, bleaching her experimental results on a slate outside of her window. Her sister helped her, and Lady Blantyre, on a visit to Bath, found purchasers among the lacemakers. A member of the family in Holland surprised the secret of the thread manufacture in that country, and the construction of the machines, which he carried to Bargarran. A mill was set up, and Lady Bargarran advertised her goods with the trade mark, the Shaw blazon, "*azure, three covered cups, or.*" The Scots gentry had no scruples about going into trade. A spool of Lady Bargarran's thread is in the Museum of the Scottish Antiquaries.<sup>44</sup>

The sister of Fletcher of Saltoun did more, perhaps, for her country than his eloquence ever achieved, by learning some Dutch processes, and producing Hollands linen at a low price. Twenty years after the Union, the funds promised by the Treaty were at last given to the encouragement of native manufactures, and Argyll headed a Linen Company, with a capital of £500,000 out of which (1747) grew the British Linen Company Bank.

A sign of more restful times was the love of planting trees, which the Earls of Argyll and Atholl had been manifestly doing before Argyll's Rising in 1685, for they reciprocally accused each other of destroying plantations at Inveraray and Blair of Atholl. After 1716 Grant of Monymusk is said to have planted 50,000,000 of spruce firs; and the Whig Duke of Atholl was a great planter. Another and earlier "improver" and planter was the actual husband of the lady, best known to the world as "The Bride of

Lammermoor." Macky, in his 'Journey through Scotland' (1723), dilates on the groves round the houses of the great; Burt, in 'Letters from the North,' declares that he exaggerates, in a spirit of patriotism. Macky certainly makes Scotland "set her best foot foremost" in his descriptions, but, despite his name, gives a very unkind account of the clans. Their Jacobitism, he says, does not arise from love of the Stuarts, but from an inveterate tendency to be "against the Government." This traveller, from his ignorance of certain Scottish customs, appears to have been bred in England. How he was enabled to give a minute account of "The Honours of Scotland," popularly supposed to have been locked up in the Castle at the Union, and unseen by human eye till the time when Scott was present at the opening of the chest, is rather a mystery.<sup>45</sup>

To the curious in Scottish gardening, the 'Letters of John Cockburn of Ormistoun to his Gardener' (1727-1743) are full of interest.<sup>46</sup> This gentleman was the last of the old Protestant and Whig House of Ormistoun, prominent in our history since the reign of Queen Mary. In the ruined *château* is shown the window of a room in which the martyr George Wishart is said to have been imprisoned after his capture by Bothwell: here, too, is a yew-tree of authentic antiquity (1474) under which Wishart is said to have preached. Cockburn alludes to it in his letters to his gardener. It was in England, in the pleasant county of Herts, that Cockburn learned his gardening, hedging, and culture of turnips and potatoes, in a time when Scottish timber was so scarce that he actually sent down a plank from London! He founded an agricultural club: among the members were the chief of the Macleods, a dweller in remote Dunvegan; Anderson of Whiteburgh, who steered Prince Charles through the morass to victory at Prestonpans; Colonel Gardiner, who fell there bravely; and the Jacobite Duke of Perth, who did not survive the sufferings of 1745-46. Gardening consoled the bereaved. Cockburn writes, "Archy Pringle, who has lost his wife, talks much of his onion-seed, so I send you a little of it to give it a fair trial." Cockburn must have ruined himself in improvements made while his estate was heavily burdened by a debt of £10,000: in 1747-49 he sold Ormistoun to the Earl of Hopetoun, in whose family it remains. These useful improving lairds were not infrequently martyrs to agricultural science, but their works lived after them.

## NOTES TO CHAPTER XVI.

- <sup>1</sup> Ramsay, ii. 188, 189.
- <sup>2</sup> Cf. *Social Life of Scotland*, Henry Grey Graham, i. 157, for abundant references.
- <sup>3</sup> Wodrow, *Analecta*, iii. 152.
- <sup>4</sup> Wodrow, *Analecta*, iii. 170.
- <sup>5</sup> *Social Life of Scotland*, i. 171-173.
- <sup>6</sup> *Scotland and Scotsmen*, ii. 243.
- <sup>7</sup> *Social Life of Scotland*, ii. 155, citing 'Munimenta Univ. Glasgow,' ii. 549.
- <sup>8</sup> *Social Life of Scotland*, ii. 159.
- <sup>9</sup> Grant, *Burgh Schools*, p. 479.
- <sup>10</sup> Grant, *Burgh Schools*, pp. 474, 475.
- <sup>11</sup> Lovat to Islay, May 27, 1737. Hill Burton, 'Lovat and Duncan Forbes,' pp. 202, 203.
- <sup>12</sup> *Social Life of Scotland*, i. 52, 53.
- <sup>13</sup> *Life of Thomas Ruddiman*, by George Chalmers, 1794.
- <sup>14</sup> Grant, *Burgh Schools*, p. 462.
- <sup>15</sup> Chambers, *Domestic Annals*, iii. 584.
- <sup>16</sup> *Story of the University of Edinburgh*, i. 269.
- <sup>17</sup> Grant, *Story of the University of Edinburgh*, i. 267-270.
- <sup>18</sup> Report of Commission on Scottish Universities, pp. 216-220 : 1837.
- <sup>19</sup> *Munimenta Univ. Glasgow*, ii. 390.
- <sup>20</sup> Maitland Anderson, *Matriculation Roll of the University of St Andrews*, 1905.
- <sup>21</sup> Grant, *Edinburgh University*, i. 259-263.
- <sup>22</sup> Report, 1837, p. 290.
- <sup>23</sup> Report, pp. 313-315 : 1837.
- <sup>24</sup> *Social Life of Scotland*, ii. 190, note 3. I have not discovered the authority for the statement.
- <sup>25</sup> *Munimenta Univ. Glasgow*, ii. 385.
- <sup>26</sup> *Munimenta Univ. Glasgow*, ii. 386.
- <sup>27</sup> Report, p. 35 : 1837.
- <sup>28</sup> Report, p. 81 : 1837.
- <sup>29</sup> Report, p. 85 : 1837.
- <sup>30</sup> *Social Life in Scotland*, ii. 191, citing 'Scottish Antiquary,' xi. 19.
- <sup>31</sup> *Munimenta Univ. Glasgow*, ii. 373.
- <sup>32</sup> *Munimenta Univ. Glasgow*, ii. 375.
- <sup>33</sup> *Munimenta Univ. Glasgow*, ii. 381.
- <sup>34</sup> *Munimenta Univ. Glasgow*, ii. 404.
- <sup>35</sup> Rait, *The Universities of Aberdeen*, p. 185.
- <sup>36</sup> Rait, *The Universities of Aberdeen*, pp. 187, 188.
- <sup>37</sup> Rait, *The Universities of Aberdeen*, pp. 193-195.
- <sup>38</sup> Report, p. 22 : 1837.
- <sup>39</sup> *Social Life in Scotland*, i. 110.
- <sup>40</sup> *Culloden Papers*, pp. 191-195.
- <sup>41</sup> *Culloden Papers*, p. 189.
- <sup>42</sup> Chambers, *Domestic Annals of Scotland*, iii. 330-333.
- <sup>43</sup> *Catriona*, by R. L. Stevenson.
- <sup>44</sup> Chambers, *Domestic Annals of Scotland*, iii. 509-511.
- <sup>45</sup> Macky, *Journey through Scotland*, pp. 266-273.
- <sup>46</sup> *Scottish History Society*, 1904.

## CHAPTER XVII.

THE EXILED COURT. THE AFFAIR OF PORTEOUS. BEGINNING  
OF "THE 'FORTY-FIVE."

1728-1745.

RETURNING from the social aspect of Scotland to the political history of the country, we find it almost empty of interest. Scotland seemed to have settled down to a quiet, only broken by the divisions in the Kirk and the skirmishes of Argyll's faction and the *Squadron*. Wade's roads were driven through the disarmed North, and Jacobitism appeared to be an extinct volcano. The affairs of the exiled Court are hardly more interesting than the records of a house full of quarrelsome servants, under a master and mistress who are on bad terms. Atterbury was no sooner out of one quarrel with Murray (Dunbar) than he engaged in another. It is conceivable that he desired to be made Governor to Prince Charles—a post occupied by Murray. James suffered enough for his appointment of a Protestant layman: Atterbury was an impossible tutor, a violently anti-Popish divine, who could not have been employed in Rome. Perhaps he had no such ambition, though his biographer, Mr Folkestone Williams, thinks that Murray irritated him by his pride in his new office.<sup>1</sup> James replied to a peevish letter of Atterbury with his wonted gentleness and much-enduring patience.

"I was very glad to see from your letter . . . that your health was so much better as to allow you to write even upon subjects disagreeable both to you and to me; and I hope you are thoroughly persuaded of the great value and esteem I have for you."<sup>2</sup> Atterbury could not be persuaded: he was full of jealousies and grievances, and of bodily aches and pains, which did not improve his

“peculiarly domineering and quarrelsome temper.” Indeed, his health made him scarcely capable of conducting business with tact and coolness. He liked, and was grateful to, the young Duke of Wharton, who had made a brilliant speech in his defence at his trial, and, in 1726, was rushing about the Continent, full of wit, wine, and headlong folly. Vienna, Paris, Rome, and Madrid saw this Jacobite meteor, so rich in promise, so barren in achievement. In April 1726 the British Resident at Madrid, Mr Keene, met Wharton at the house of the Duc de Liria, son of Marshal Berwick. Wharton, for long, “had not been sober, or had a pipe out of his mouth.” “It is in my power to make your stocks fall as I think fit,” said Wharton. “My master is now in his post-chaise, but the place he designs for I shall not tell you. . . . Hitherto my master’s interest has been managed by the Duchess of Perth, and three or four old women who meet under the portal of Saint Germain: he wanted a Whig, and a brisk one, to put them in train, and I am the man. You may look upon me, Sir Philip Wharton, Knight of the Garter, and Sir Robert Walpole, Knight of the Bath, running a course, and, by God! he shall be hard pressed.” Wharton was drunk: he challenged Keene, then he sent an apology.<sup>3</sup> He was found in the camp of the Spanish army besieging Gibraltar, was proclaimed a traitor and forfeited, and died in poverty in Spain. So the hopes lit by the brilliant Wharton died out, like so many others. In 1727 Walpole used a story of a Spanish and Imperial plot to restore James as a means of getting large supplies from Parliament.\* The Cause was a bugbear, useful to Walpole, useful to the foreign Courts which thought that James might be serviceable in the case of a rupture with England, and he lived in expectation, long deferred, of such an event.

In June 1727 Atterbury, always discontented, assured James of his readiness to resign his post at Paris. “Vain airs have been taken up, and lessening things said of me:” it is always the same story.<sup>4</sup> Then came the sudden death of George I., and the Earl of Strafford had to tell James that the event in no way improved his prospects, and that his English friends were devoted to “common prudence” (June 21, 1727). For his part James did enter his chaise, and went to Lorraine, whence (August 9, 1727)

\* See the reports of a spy, R. R. (Rob Roy?), on the Highland preparations, in Colonel Allardyce’s ‘Historical Papers’ (New Spalding Club).

he informed Atterbury that he was to be driven in three days. France had put pressure on the Duke of Lorraine; "he cannot resist superior force, neither can I, so I leave this place on Monday next. . . . The world shall see that I have done my part, and have not returned to Italy but by force."<sup>5</sup> "Caution and fear" ruled the English Jacobites, as Atterbury said, quoting Lord Orrery to the effect that they would not move without the aid of a foreign army of 20,000 men.<sup>6</sup> Atterbury thought that Cardinal Fleury would allow James to settle at Avignon,—a vain speculation.

At Avignon, Inverness (Hay) was living, a fugitive from the temper of Clementina. On St Andrew's Day 1731 Inverness professed himself a Catholic, and the last public act of Atterbury, who died on February 15, 1732, was to scold him for his change of creed. Atterbury said that *he* ought to have been consulted: he might have shown Inverness the errors of his new ways. He then added everything disagreeable that he could think of,—for example, that Inverness's convictions were a last despairing effort to regain his place as James's Minister. Obviously his conversion, in fact, made his reinstatement impossible. Others, says Atterbury, regard Inverness as a spy and traitor, like Mar, whom the prelate never forgave. Now, Inverness was turning Catholic for the purpose of raising prejudice against the master whom he had betrayed. "They impute to your Lordship views which your heart, I hope, abhors." "No one person whom I have seen or heard allows what you have done to be the effect of conviction."

Shortly after making these candid and consistent statements, Atterbury left a world of which he had not made the best. Much trouble arose over his papers. The English representative in Paris wanted "the fingering of his papers"; Father Innes succeeded in having them removed to the Scots College,—a great receptacle of Jacobite archives; and Atterbury's son-in-law, Mr Morice, anxiously desired to possess them. James was certainly the person most interested in the safety of the MSS. so eagerly sought for by the English Government. Finally, the letters especially concerning James, and those of Ormonde and the Earl Marischal, were sealed up and left at the Scots College. Probably they were destroyed, with many other MSS. entrusted to the College, at the French Revolution. The papers as to Atterbury's trial (which could not have cleared his reputation) were informally detained, apparently as damaging to Pulteney, who in 1732, as an opponent

of Walpole, might be leaning towards Jacobitism, or expected to serve the Cause. The detention of these papers irritated the Rev. Ezekiel Hamilton, a silly meddlesome Jacobite, whose letters reveal his abundant lack of sense. When Atterbury's corpse was landed in England, the coffin was broken open by order of the Government, in the hope of finding documents. Atterbury was at last laid to rest in the vaults of Westminster Abbey, and a foolish vapouring Latin epitaph about "Robertus iste Walpole" was composed for his urn: as it stands, the grammar is as absurd as the sentiments.<sup>7</sup>

In Paris, henceforth, James's affairs were mainly in the hands of Lord Sempill,<sup>8</sup> O'Brien (whom he created Lord Lismore), and General Dillon.

These affairs were like Penelope's web, constantly woven and unwoven, and changing with every change in the alliances or quarrels of Europe. The health of Clementina declined, her devotional ardour increased, she corresponded constantly with a priestly confidant, and her temper did not improve. "I will be very dutiful to mamma and not jump too near her," says her little son Charles, in a letter to his father, already quoted, the earliest that has been preserved. His caution indicates the condition of his mother's nerves.<sup>9</sup> A Mr Stafford was placed (1728) under Murray as the Prince's tutor: he long remained in his service.<sup>10</sup> At seven the Prince could read, and was learning to write: his was always a sprawling schoolboy hand, and his spelling never ceased to be purely phonetic, unlike that of his father and brother. He spoke and wrote French and Italian with the same amount of accuracy, and it must be confessed that his conqueror, William, Duke of Cumberland, wrote a better hand, and spelled more like a man of this world. Whether it was the fault of Murray or of Sheridan, of Stafford or of James himself, the little Prince was very ill-educated.

He was a strong, lively, careless child, not amenable to authority. In 1727 J. E., probably James Edgar, the king's private secretary, describes Charles as an accomplished rider, a good shot, and alert at tennis and shuttlecock, while nobody was a better dancer at the balls in season of carnival. The Duke of Liria mentions his "great beauty,"—he had large merry brown eyes and bright hair,—"and altogether he is the most ideal prince I have ever met in the course of my life."<sup>11</sup> The early portraits, now so melancholy to look

back upon, confirm this description. Charles had the spirit and gaiety that were wanting in his father; but his father's virtues, religious and moral, were not conspicuous in him. A more unruly boy never was, and he was never broken in to authority of any kind. In the quarrels of the jealous little Court he would be of his mother's party, as his mother was opposed to his Governor, Murray, and was not likely to support that tutor. Between Charles and his little brother, Henry, there was the liveliest affection, though observers already report their characters as entirely contrasted: "They are of mighty different tempers," writes James to Father Innes. Later he reports that Charles is singularly innocent in certain matters: he had not the amorous complexion of the Stuarts: he was pursued by the sex, to whom, if there were any chance of active occupation, he was very indifferent.

He became a mighty golfer, but by 1734, at the age of thirteen, "he has got out of the hand of his governors," writes the Earl Marischal, who never liked the Prince, and preferred his gentle, winning younger brother, the Duke of York. With "a body made for war," as his enemy, Lord Elcho, confesses, and with his high spirits and ardent desire to recover his father's crown, Charles was the sole and lively hope of his party,—all the more as his mixed education had early taught him, so he himself says, to hold very lightly by his father's creed. He had smallpox in 1730, but his complexion, like that of his ancestress Queen Mary, escaped uninjured. At this time the much-enduring James found the temper of Clementina so trying that he desired to find "some prudent means of separation." But in 1731 she began to be more devout than ever, and even conceived it to be her duty to receive Murray. James corresponded with Hay, and confided rather more than was necessary about the difficult temper of Clementina.

About 1730-1734 the Earl Marischal, now a respectable veteran of the Cause, was in Rome, and reports the jealousies of the Court. They formed, with the little princes, a mock "Order of Toboso," and excluded Murray because he "failed in respect to their ever-honoured protectress," Lady Elizabeth Caryl.<sup>12</sup> Charles was accustomed to see his Governor made the butt of the Earl's party, and thus were his chances of education ruined. He never treated Murray with respect or even with courtesy: we read the tutor's complaints in letters to James. The Earl Marischal was not happy in Rome; he thought it no place for an honest man; his plan for removing



the Prince to Corsica was set aside, and James, after Clementina's death, was passing his time in tears and prayers at her tomb. By 1734 they had become entirely reconciled. Ezekiel Hamilton had written to her a letter apt to revive the old quarrel: she showed it to James, doing, he says, "what was like herself, and what I took very kindly of her." Happiness, beyond all hope, was returning to the pair, but Clementina's health was rapidly failing. Their true honeymoon was followed by the queen's death, in January 1735, and by the misery of her husband.

The queen had lived just long enough to know the pride and the anxieties of a mother whose son is in the wars. In June 1734 the Duc de Liria invited Prince Charles to join the Spanish army then besieging the Imperialists in Gaeta. The Prince went off in glee, attended by Murray, Sir Thomas Sheridan, and two friars, probably despatched by Clementina. Arrived at Gaeta, the Prince begged to be allowed to go into the trenches, but, as the King of Naples did not choose so to hazard his own Royal person, permission was refused. The boy did manage to get under fire, in a house which was being battered by the artillery of the besieged, remaining after the generals of his party had retired to a less exposed position.

The Prince had plenty of courage as regards the perils of war: his departure from his army after Culloden was caused by the anxieties of one who had a price of £30,000 on his head, and was constantly warned of treacherous enterprises against his life. Nobody denies that, at Derby, he alone was anxious to advance though three armies larger than his own were on his front, flank, and rear. His conduct under fire, as a boy, was all that his party could wish; but his Spanish friends petted him, and we learn that he over-ate himself, and, like most boys, hated the trouble of writing letters to his people. His exploits made him not less wilful than he had been, and his tour as Count of Albany through the great cities of northern Italy (May 1737) was too brilliant for his head. He treated Murray no better than usual: "He gives us rather more uneasiness when he travels," Murray wrote to James. Meanwhile he had his great purpose before him: he hardened himself by long marches and by frequent shooting expeditions in the hills, and he acquired, for pacific purposes, considerable skill in music.

By the time he was seventeen, when the war between England and Spain broke out,—the "war of Jenkins's ear,"—the Jacobites knew that, in case of a rising, they had a leader both audacious

and popular. This was visible to the scheming and ambitious old Lovat, who in 1737 wrote a long letter to Islay, to clear himself of suspicions of Jacobitism.<sup>13</sup> Lovat (1736) had connived at the escape of the celebrated Jacobite, John Roy Stewart, from the prison of Inverness, and a witness declared that he had heard Lovat give Stewart, when he sailed for the Continent, a message of devotion to James. "He charged him to expedite sending his commission of Lieutenant-General of the Highlands, and his patent of a Duke."<sup>14</sup> He was deprived of his colonelcy of an Independent Company, and of his sheriffship; so he left off courting Islay, and betook himself to the Duke of Argyll, when the affair of the Porteous Riot gave rise to a patriot party.

The story of the slaying of Porteous, Captain of the Edinburgh City Guard, by the mob has been so admirably narrated by Sir Walter Scott in 'The Heart of Mid-Lothian,' that no incident in Scottish history is more generally known. Scott uses the novelist's privilege, and gives his narrative, as was his custom, "a cocked hat and a sword," making Robertson no ordinary smuggler, but a young Englishman of good family, and introducing a humble heroine, Helen Walker, in the character of Jeanie Deans: for the rest, his account is history.

In the spring of 1736 one Andrew Wilson, with a comrade named Robertson, smugglers, had been sentenced to death "for robbing a custom-house, where some of their goods had been deposited,"—a feat by no means unpopular, as the excise and customs were generally detested. The culprits, on the Sunday before the day of their execution, were taken, as the custom was, to the Tolbooth Church to hear their last sermon. Dr Carlyle, then a boy, was present "in a pew before the gallery in front of the pulpit," and the culprits sat "in a long pew not far from the pulpit. Robertson sat at the inmost corner of the pew, and Wilson below him": each man was guarded by two soldiers. While the people were flocking in, Robertson leapt over the pew into the passage that led to the church door opening into Parliament Close, and escaped without opposition,—the more readily as attention was fixed on Wilson's struggle with the soldiers. His first intention was merely to escape, says Dr Carlyle; he had his foot on the seat to leap when he was seized. He probably protracted his struggles to divert attention from his comrade, who, says Dr Carlyle, was heard of no more till he was safe in Holland. There was much sympathy

with Wilson, as "the better character of the two." This led to the opinion that an attempt would be made to rescue Wilson at the gallows on April 14.<sup>15</sup>

One of the Lieutenants of the Town Guard, who had to keep order on such occasions, was John Porteous, who appears to have risen from the ranks and received a lieutenant's commission in the army. His behaviour, says Carlyle, was gentlemanly, and, as a celebrated golfer, he was popular with his social superiors, which "added insolence to his native roughness." The magistrates had borrowed three companies of an infantry regiment, and the sight of them is said to have irritated Porteous, who likewise was heated with wine. Carlyle, against his inclination (he had seen one hanging, and wished to see no more), was taken by his tutor to view the scene from a window in the Grassmarket. The crowd was great, but "there was not the least appearance of an attempt to rescue." The boys and blackguards merely threw stones and mud at the hangman, as was their custom. Porteous, however, gave his guard orders to fire, "and when the soldiers showed reluctance, I saw him turn to them with a threatening gesture and inflamed countenance."<sup>16</sup> Some of the men fired high, and killed people in the windows overlooking the street. In the street itself several people fell, and lay dead or wounded when the crowd dispersed. The indictment against Porteous accused him of firing himself, taking aim at and shooting a confectioner, before his men had fired. He also caused his men to shoot when they were at the West Bow, and some seventeen or eighteen men and women, named, were killed or severely wounded.

For Porteous it was urged that a severe attack was made on his men; that there was appearance of an attempt to secure Wilson's body, with a view to resuscitating him; that his guard fired without orders, and in spite of his efforts to stop them; and that he did not on either occasion, in the Grassmarket or at the West Bow, fire himself.<sup>17</sup> As for the man said to have been shot by Porteous, it was urged that he had cut down Wilson's body, and was shot by one of the guard, of his own motion.<sup>18</sup> The guard was ill-disciplined, and, without Porteous's orders, had on a former occasion fired on a mob at the settlement of an unpopular minister in the West Kirk.<sup>19</sup> Such credible witnesses as Sir William Forbes and the Hon. William Fraser, a son of Lord Saltoun, declared that they had seen Porteous shoot before they saw any of the guard present

their pieces. Other witnesses gave accounts much more favourable to the accused: the firing was sporadic, without orders, and Porteous cried "Do not fire!"<sup>20</sup> On July 20 the jury unanimously returned a verdict of "Guilty" against Porteous, though the evidence printed leaves the question of facts obscure. Porteous was condemned to be executed on September 8. He petitioned Queen Caroline, for King George was abroad, pointing out the discrepancies in the hostile evidence, which were great. On August 26, a respite for six weeks was granted,—a measure very defensible, but very irritating to the community. "So prepossessed were the minds of every person that something extraordinary would take place," says Dr Carlyle, "that I, at Prestonpans, nine miles from Edinburgh, dreamt that I saw Captain Porteous hanged in the Grassmarket." This dream was of the night of September 7. About 5 A.M. on September 8, mounted men, riding through Prestonpans, brought the news that Porteous had been hanged on "a dyer's tree at 2 A.M."<sup>21</sup>

The official account of this outrage, sent by the Lord Justice-Clerk, Andrew Fletcher of Saltoun, avers that, as early as September 4, there was a surmise that the mob meant to burn down the Tolbooth, where Porteous lay, on September 8. The magistrates held an inquiry, to no result. About 10 P.M. on the 7th the magistrates had notice that a few boys were beating the West Port drum, and they instantly ordered the Captain of the Town Guard to have his men under arms. They were, however, surprised and disarmed by the mob, who seized some ninety firelocks and all the gates of the city. The magistrates then sent Patrick Lindsay, Esq., late Provost, to General Moyle, commanding the troops. He escaped by the Potter Row port, and went to the General at Abbey Hill, arriving by a quarter to eleven. Moyle himself says that, being in bed about a quarter past ten, he heard of the riot from Colonel Pears, commanding Sabine's regiment in the Canongate. Moyle gave orders that the six companies at Abbey Hill and three from Leith should parade near the guard in the Canongate. Mr Lindsay then arrived, and Moyle told him that he could not force a way into any of the city gates without a legal authority from the Lord Justice-Clerk or some other Lord of the Justiciary. As the Lord Justice-Clerk lived within three miles, Moyle sent a galloper with a letter to him. The reply was not ready till about 1 A.M., and was directed to Lindsay. Presently

Porteous was seized,—the door of the Tolbooth having been destroyed by fire,—was carried in an orderly manner to the Grass-market; a rope was found in a shop, a guinea was left to pay for it, and Porteous was hanged to a dyer's pole. The crowd, which was well organised and committed no casual outrages, then dispersed, having accomplished its purpose.

Moyle severely blames the magistrates for not placing Porteous in the Castle, for sitting drinking in the Parliament Close without reading the Riot Act, and for neglecting to place the port next the Canongate in the hands of regular troops. "I do not hear [September 9] that any of the criminals are yet apprehended, though well known by many inhabitants of the town." The Lord Justice-Clerk defended the magistrates, who attempted, he says, to disperse the mob at the Tolbooth, but were threatened with musketry-fire. From Fletcher's account Porteous was hanged before twelve o'clock at night.<sup>22</sup>

Writing to Walpole on September 16, Fletcher attributed the leadership in the affair to smugglers, friends of Wilson and Robertson. He entirely despaired of finding evidence against the chief agents, who were disguised, and protected by the sympathy or timidity of witnesses. Carlyle says that the Western Covenanters were foolishly suspected: they had recently renewed the Covenants on the Pentland Hills. The real agents were friends of Wilson,—not, as Islay supposed, political enemies of the Government. The legend that Queen Caroline threatened "to make Scotland a hunting-ground," and that Argyll replied, "In that case I will take leave of your Majesty, and go down to my own country to get my hounds ready," is better known than attested. Argyll's brother, Islay, was not of his mood, and hurried to Edinburgh to make inquiries. He found that some prisoners had been arrested, but had provided themselves with witnesses to swear *alibis*. Islay wrote to Walpole: "The most shocking circumstance is, that it plainly appears the High Flyers of our Scottish Church have made this infamous murder a point of conscience. One of the actors went straight away to a country church, where the Sacrament was given to a vast crowd of people, as the fashion is here, and there boasted of what he had done. All the lower rank of the people who have distinguished themselves by pretences to a superior sanctity speak of this murder as the hand of God doing justice. . . . I have conversed with several of the parsons, and I observe that none of

those who are of the High party will call any crime the mob can commit by its proper name. . . . I could hardly have given credit to the public reports of the temper of these saints if I had not myself been witness of it. . . ." <sup>23</sup>

Islay now menaced the magistrates with the displeasure of Parliament—in fact, the magistrates had behaved in their usual careless way. How the question of religious conscience was involved is not clear, unless the hatred of the Union with prelatie England, and the interference of the Crown with the speedy execution of Scottish justice, influenced the High-Flying ministers. The Lord Advocate, Erskine of Tinwald, drew up a report in 1737, describing the magistrates as "struck all of a heap," and the town as intimidated. Fletcher's inquiries, privately conducted, were not aided by the magistrates: the witnesses were under abject terror at first; later, a little evidence came in, and a few unimportant arrests were made of "insignificant pitiful creatures" on inadequate evidence; others lurked, or fled to Holland. Erskine and Fletcher found that "they laboured exceedingly against the stream."<sup>24</sup> Walpole desired to punish Edinburgh as a whole, and (April 19, 1737) a Bill was brought in to disable the Provost, Mr Wilson, from official employment, to abolish the Town Guard, and to take away the gates of the Nether Bow port. Three Scottish Judges were summoned from Scotland to be examined: they were not allowed to sit on the Woolsack, but appeared at the Bar, in their robes,—a proceeding opposed by Argyll, Islay, Atholl, Newcastle, and others.<sup>25</sup>

Argyll, admitting the "folly" of the Provost, denounced the procedure as "harsh and unprecedented." If Edinburgh and the Provost suffered, the thing would be "cruel, unjust, and fantastical." To pass the Bill was beyond the powers of the Legislature, and contrary to the Treaty of Union. In case of trouble, the condemned Nether Bow port could easily be barricaded by the mob, and, as it stood, it was of use for custom-house purposes. As for the Town Guard, it had done good service in Mackintosh's attempt on the town in 1715, when, as the Duke said, he had only 1700 men under his command. A few fanatical preachers were responsible for Scottish turbulence: his Grace appears to reflect on the leaders of the Secession, "lately started up," or, if he does not, then some other preachers had recently emerged into notoriety. Hardwicke replied, and Argyll made a personal

speech about his own purity and candour, and about his family, which he said "has been always persecuted," while, somehow, "there is none whose property is so extensive as my own."<sup>26</sup> How a family never free from persecution acquired so large a property the Duke did not explain.

In the Commons Mr Lindsay, who visited Moyle at night, made a spirited defence of his constituency. He laid all blame on the multitude, inflamed by the clergy, and their talk of "iniquity established by law"—the law of Patronage.<sup>27</sup> These ministers were "a wild, hot-headed, violent, High Church" minority, "who are not to be satisfied with any power unless they possess all power." They had taught the low people that *one* law was iniquity: their parishioners extended the principle to any law which hampered their desires. Hence arose "a new heretical sect of Smuggling." In a letter to the Press (June 17) Lindsay declared that none of the Edinburgh preachers fell under his censure, which makes us wonder who the High Flyers mentioned by Islay can have been—the ministers who thought killing no murder. In a later debate Duncan Forbes defended the conduct of the Provost, and General Wade defended the cautious conduct of General Moyle; while Walpole declared that he would treat any English burgh, in similar circumstances, as he desired to treat Edinburgh. Finally, amendments reduced the Bill to the disablement of Provost Wilson from office, and a fine of £2000 on the city for the support of the widow of Porteous. Unluckily a clause was added compelling the Scottish clergy to read from the pulpit, monthly, a proclamation bidding their hearers exert themselves in the cause of justice against the murderers. This was an assault on High-Flying consciences; and, says Carlyle, people believed that the clause was meant to purge the Kirk of fanatics, who had been denounced by Argyll and Lindsay. The Moderates induced many ministers to refuse obedience, "that the great number of offenders might secure the safety of the whole." At least one-half of the clergy disobeyed; but "the anxious days and sleepless nights of such ministers as had families, and at the same time scruples about the lawfulness of reading the Act, were such as no one could imagine who had not witnessed the scene."<sup>28</sup> Carlyle's father suffered much, as Lord Grange set him against the Act, and eight or nine children drew him towards compliance. He complied. The Jacobites had no hand in the Porteous Riot;

but when the Earl Marischal heard of it he wrote, "I will not call them Mobb who made so orderly an execution."

The chief cause of the Porteous affair was the common detestation of the English method of the custom-house. The officials and their office were hated from the first, and smugglers were applauded and protected. Wilson argued, against a minister who visited him, that his conduct had been blameless, and many consciences were in harmony with his. The murder of Porteous was, in all probability, no more than an act of revenge: a parallel case, in which the Scottish authorities gave in to the populace, was the hanging of Captain Green for piracy. The national sentiment was also stirred by intervention from England and the re-prieve to Porteous. Men of intelligence certainly directed the mob, but only anecdotes of their courtesy to ladies, given by Scott, suggest that any of the leaders belonged to the class of gentry. The affair rankled, partly because of the attack on the consciences of the clergy, partly because, as a later writer says in his allegory about John and Sister Margaret, "Peggy, poor girl, was always on the catch," irritable, and ready to take offence. Yet Englishmen of various parties, for various reasons, abetted the Scottish members in passing the amendments which took most of the sting out of the Bill for the punishment and degradation of the city of Edinburgh. Any Jacobite who found comfort in the opposition to the Bill by Scots of all parties was greatly deluded. England and the Union were universally unpopular, but Scotland never would prefer to them a Catholic king.

None the less there existed a party—divided, disorganised, but eager—which was ready to take the risk. To understand the last Jacobite rising it is necessary to study the movements of this party in some detail. From the year 1737 they brooded more assiduously than before over the cockatrice's egg of civil war. The egg was chipped, eight years later, by John Murray of Broughton. The descendant of an ancient Tweedside family, connected with that of Philiphaugh, and loyal to Montrose during the civil war, Murray was born in 1715. His father was "out" in that year, and was ready to go out again, but, from a scruple of honour, as he had been pardoned for his share in the earlier rising, declined to aid Lockhart in secret intrigues. At the age of twenty the son, John Murray, matriculated at Leyden; in 1737 he visited Rome, and was admitted to the Lodge of Free Masons there,—



a nest of Jacobites. He prolonged his stay till 1738, and, later, confessed that he "was frequently with the Pretender's son, but never was introduced to the old Pretender."<sup>29</sup> Murray appears to have greatly admired, and been sincerely attached to, the Prince. The President des Brosses, who was in Rome two years later, describes Charles and his brother as "amiable and graceful in their manners; both showing but a moderate understanding, and less cultivation than Princes should have at their age. . . . I hear from those who know them both thoroughly that the eldest has far higher worth and is much more beloved by his friends; that he has a kind heart and a high courage; that he feels warmly for his family's misfortunes; and that if some day he does not retrieve them, it will not be for want of intrepidity."<sup>30</sup>

Of James, the President writes: "His dignity of manners is remarkable. I never saw any Prince hold a great assembly so gracefully and so nobly." Murray did not attend the great assemblies, but the Prince won his heart. On his return to Holland he was sought by Captain Hay, of James's household, who, after a visit of Glenbucket to Rome, was sent to Scotland by the king to report on the state of the party. Murray had orders to correspond with Edgar, James's private secretary; he became acquainted with Colonel Urquhart, who, old and ill, was weary of the duties so long performed by Lockhart of Carnwath. The Colonel proposed Murray to James as his own successor, and the then Duke of Hamilton (died 1743), who received Orders of Knighthood from both kings, approved of the choice.<sup>31</sup>

In 1738 it was plain to Duncan Forbes that the approaching war with Spain and the tottering power of Walpole would give the Jacobites their opportunity. In the autumn of 1738 he visited Andrew Fletcher, Lord Milton, and suggested that Government should raise four or five Highland regiments, under officers of sterling loyalty: these regiments would employ the Jacobite clans in a manner pleasing to themselves and useful to the country. "It will be absolutely impossible to raise a rebellion in the Highlands." Lord Islay is said to have won the assent of Walpole. If so, the plan was opposed by the rest of his Ministry.<sup>32</sup>

Meanwhile the exertions of the Opposition made it necessary for Walpole to resign, or to declare the war of Jenkins's famous ear. He declared war against Spain on October 19, 1739. Cardinal Fleury, chief Minister in France, was estranged from Walpole, and

it became clear that England would soon have to encounter not only Spain but France. The Jacobites foresaw their long-desired chance, none the less as Argyll had gone into opposition, and been deprived of all his offices. It was probably when he received his dismissal—"a message which vexed him"—that he spoke to a singular companion, James Keith, brother of the Earl Marischal, who had been out in 1719, and, rising high in Russian service, was now on a secret visit to London. "Fall flat, fall edge, we must get rid of these people," said the Duke to Keith. The Earl Marischal, who reports the fact, did not know whether "these people" included the Hanoverian dynasty or not. "Keith resolved on this to speak freely to him [Argyll], but I much fear he has had no success." A later attempt on Argyll, of 1741, is reported by Scott's friend, Lady Louisa Stuart. Argyll, she says, sent the letter to King George, and "felt wounded to the very soul."<sup>33</sup>

Walpole himself, as is well known, sent to James an oral message by Thomas Carte, the historian, expressing his desire, on certain conditions, to serve him. James of course did not rely on his sincerity, and said so to Carte, adding that he would "protect and secure the Church of England," and would not "touch a hair of the heads" of the reigning family in the event of his restoration. "I thank God I have no resentment against them, nor against any one living" (July 10, 1739).<sup>34</sup> Probably Walpole had told George II., and obtained his permission to take this step as a means of receiving information. He thus made himself safe in all events. He is said also to have wormed secrets out of the English Jacobite leader, Colonel Cecil, by pretending to be of that party. Carte seems to have had vague hopes from Walpole as late as 1741.

In this year began "the Association" of Scottish Jacobites. Murray of Broughton attributes its inception to personal motives. William Drummond, really Macgregor, of Balhaldy was needy and ambitious; so was Lord John Drummond, brother of the young Duke of Perth (1713-1746), a captain in French service. Lord John came to Scotland in hopes of getting the party to appoint him as agent for James in France; but Balhaldy, being a kinsman of Lochiel, induced him, Traquair (a brother-in-law of the Duke of Perth), Lovat, and others to select himself. The Macgregors, whose very name was proscribed, were doubtful as to who was their chief. John Macgregor or Murray of Glencarnoch is recognised as chief, in 1715, by the author of 'The History of Clan Gregor,' Miss

Macgregor of Macgregor (1901). But on July 27, 1714, some fourteen gentlemen of the clan solemnly elected "Alexander Macgregor of Balhaldies" (Balhaldy) to be the *hereditary chief*, not merely the *captain*, of the clan. The deed was witnessed by Lochiel.<sup>35</sup>

This Alexander Macgregor was father of the Balhaldy (William Drummond or Macgregor) who brought the Association into being. In 1740 this Balhaldy was a man of forty-two. His influence in the preparations for the Rising of 1745 was considerable, but he is persistently attacked by Murray, and by others of the opposite Jacobite party. He has left a Memoir, in which he states that he arrived in Paris on December 1739, and reached Rome in February 1740. James sent him to Paris, and bade Lord Sempill introduce him to Cardinal Fleury. The Cardinal told him that Louis XV. would grant such aid as the Association asked for as soon as he was sure that the English Jacobites would rise with the Scots. Intrigues at Paris were conducted by the Duchess of Buckingham, Colonel Brett, and the Earl of Barrymore, but an envoy of Louis to London reported that the English were mere idle grumblers. Balhaldy was then sent over (1740-41), and he consulted Orrery, Barrymore, Sir William Watkin Williams, and Sir John Hynde Cotton. They were enthusiastic but indolent, nor could Balhaldy bring them to unite with the Association.<sup>36</sup>

Murray now takes up the tale, saying that, in March 1741, he met Balhaldy in Edinburgh. He found him confident in French aid: 20,000 stand of arms, with troops and money, were ready. Lochiel, Cluny, and Lovat were in Edinburgh. Murray knew Lovat's character well, and was reluctant to meet him. He was introduced to him, however, by Macleod of Muiravonside, an accomplice in the abduction of Lady Grange, and "a gentleman of honour and prudence." Murray boasts that Lovat trusted him, while he did not trust Lovat. Balhaldy then went to France by way of England, and there (December 1742) found the party better organised and in better spirits. Balhaldy spent most of 1743 in drawing up statements of the strength of the English party,<sup>37</sup> while Murray sounded adherents and collected money and promises in Scotland. He had little success: Hamilton refused to be explicit, and Murray was troubled by the affairs of the Episcopal clergy, who were again at odds with James about the appointment of a *Primus*.

We now compare facts from another source. In 1901 the

Capitaine F. Colin, of the Historical Section of the French *Etat-Major*, published some documents in the French Foreign Office and Admiralty.<sup>38</sup> From them it appears that Cardinal Fleury negotiated with Sempill and Balhaldy secretly, and without putting pen to paper, till 1741, when he took Amelot into his confidence. Sempill had introduced to him "many English lords of high rank, who had crossed to France to give the strongest assurances" of their loyalty and the loyalty of the City to James.<sup>39</sup> These peers would never commit themselves to writing, but among the seven dukes enumerated by Sempill<sup>40</sup> occurs the name of the Duke of Bedford. According to Mr Edgar, James's secretary, speaking to Lord Elcho,<sup>41</sup> no man had so often entered James's palace in Rome by the secret passage through the cellar as the Duke of Bedford. It thus seems that the English peers, to an unsuspected extent, dabbled in Jacobite intrigue when on the Continent. They alleged that the names of the seven who invited the Prince of Orange to England in 1688 had been found in the Prince's cabinet, and copied by an underling: they would place themselves in no such peril.

Fleury dying in February 1743, the whole intrigue was renewed with Amelot and Maurepas; Cardinal Tencin, we know, was left out of the secret,<sup>42</sup> as he informed Prince Charles on March 15, 1744.<sup>43</sup> As Balhaldy tells us, in the late summer of 1743 Mr Butler, an equerry of Louis XV., crossed to England, under the pretence of buying horses. He was introduced to Colonel Cecil and to the English leaders. He was given to believe that in the Common Council and aldermen, 196 out of 236 were Jacobites. He was taken to the country houses of the nobles, and to Lichfield races, where all the gentry, 300 in number, prayed for a Restoration, and he received a list of seventy Jacobite peers.<sup>44</sup> The list is printed, and is extremely imposing.<sup>45</sup>

Sempill's Memoir encouraged the most sanguine expectations, and is probably one of the papers by which Balhaldy later overcame the reluctance of James to send Prince Charles to France. There were only 16,000 regular troops in England; in Scotland were one regiment of dragoons, three of foot, the Black Watch, and the Independent Companies. Even these troops were ready to desert, from their hatred of the Hanoverians. But French and Swiss troops were of the first necessity; no Irish need apply in England: in Scotland they were less detested. An invasion up the Thames was finally judged best by the Jacobites: the plan

needed the aid of English pilots, who were promised, but never sent. Saxe should command, under Ormonde: the Prince could not leave Rome without giving the alarm to the Government. This advice was neglected by France, which also rejected the plan of invasion in fishing-boats!

Murray at this time had many anxieties about the Association for bringing back James. The members in the secret were few: a French invasion would find the other Jacobites unprepared; and they were certain to object to Lovat as chief director, and to Balhaldy as principal agent. "The king's situation made it improper for him to object to either, had he been never so much convinced of the self-interestedness of the first, or of the fallacy and incapacity of the latter." James must have understood Lovat, of whom he had old experience, but the real character of Balhaldy is a puzzle. He certainly had enterprise, but is accused of deceiving the party and the French by wildly optimistic statements. His own brief memorial does not corroborate this charge; but in any case the party, always rent by jealousies, was split up by distrust of Balhaldy. According to Murray, he assured France that Sir Alexander Macdonald of Sleat was engaged, while Sir Alexander declared that he had never spoken to Balhaldy on the subject. An opposite account, favourable to Balhaldy, was given, on the evidence of a correspondence, now lost, by a Miss Macleod of the Dunvegan family: Sir Alexander's conduct was remarkably fickle in any case.<sup>46</sup> The Earl of Traquair was also a broken reed: it was to him that Balhaldy, in December 1741, announced a French attempt for the spring of 1742, the year of Walpole's fall, and of much public indignation caused by the action of George II. when he took Hanoverian troops into British pay. All parties in the British Parliament were split, and Argyll, who demanded an appointment in the new Government for an almost open Jacobite, Sir John Hynde Cotton, caused more persons than Walpole to doubt his loyalty to the House of Hanover. Argyll was assured that Cotton should have a place, and was ready himself to resume office and his regiment; but the king discarded Cotton, and Argyll, jealous of Tweeddale as Scottish Secretary, resigned.

In such troubled waters the Jacobites expected good fishing, but Murray found that Balhaldy's report to Traquair was utterly vague: there were no certainties. Districts had, indeed, been appointed to each member of the Association, but only Lochiel organised his

country, Lochaber; Lovat did little or nothing with the great confederacy of Clan Chattan and the Mackenzies; Sir James Campbell was indolent in Argyll and Mull, where the Macleans, Maclachlans, and the remnant of Macdonalds in Kintyre, under Macdonald of Largie, were trusty men. The chief of the Macleans, Sir Hector of Dowart, was not even a member of the Association. The Duke of Perth, who should have managed the Gordons, Farquharsons, and Ogilvies, was absent in England; and as for the Border, Traquair "never so much as endeavoured to engage one man." The gentry of the Border might subscribe, Murray thought, but their efforts in the field would be "very trifling."

Thus for a rising in early spring 1742 there was neither organisation, clothes, weapons, nor money. Murray's idea was to do nothing on Balhaldy's information, but to send an agent to France and endeavour to obtain definite intelligence. Murray himself was chosen, with the approval of Lovat, who sent "his note of hand for £100," not negotiable without better than Lovat's security. Murray himself backed Lovat's worthless bill, and borrowed money from the New Bank. Though he writes in his own defence, he certainly dipped his estate (sold in 1764) in his ardour for the Cause. Lovat openly avowed that his one motive was desire of a dukedom: throughout life he aimed at nothing but the aggrandisement of himself and his clan, his ruling passion, pursued with equal cunning and folly.

In January 1743 Murray set out for Paris, much damped by the news, received in London, of the death of the French Minister, Cardinal Fleury, the hope of the Jacobites (January 29, 1743). When Murray arrived in Paris, Balhaldy assured him that Amelot (Foreign Minister 1737-1744) was equally friendly. The pair visited James's agent, Lord Sempill, who was never of the Forward party, and, with Balhaldy, tried to prevent Murray from achieving the object of his journey,—a personal meeting with Amelot. He found at last that Amelot "rather savoured of the dissuasive." He also discovered that Sempill and Balhaldy were at odds with the Earl Marischal, whose genial and honourable character made him much trusted in Scotland. The Earl himself, in a letter to Lord John Drummond of this date, suspects Sempill of "accusing or threatening him" as lukewarm. The correspondence amply proves that Lord John and the Earl were at feud with Sempill and Balhaldy. Lord John says that the Scots bade him tell James

that Balhaldy "has always been in low life, and obliged to fly the country in danger of being taken up for a fifty-pound note. . . ." James himself vainly tried to reconcile these differences.<sup>47</sup>

Who could dream that there was danger in a party with such leaders, so contemptuous each of the other? "The epithet they dignified the Earl Marischal with was 'honourable fool.'" <sup>48</sup> (Murray's narrative here is fully corroborated by the letters in the Stuart MSS.) Accompanied by Balhaldy, Murray went to London, where he found the aged Colonel Cecil, the Jacobite agent, bitter against Sempill, and full of complaints. Balhaldy says that, by his desire, a Mr Butler, who was trusted by France, went with him, and that they returned in October 1743, "well pleased with our success," with full details about the readiness and organisation of the English Jacobites,—information on which Louis XV. decided to invade England early in 1744.<sup>49</sup> But Murray writes, "If Balhaldy had represented things fairly there was not the least ground for encouragement." Balhaldy had been most anxious to meet Erskine of Grange, from whom he went to Lord Orrery, and returned "with apparent satisfaction." Grange was closely allied with Lovat, and if Balhaldy accepted, through Grange, whatever Lovat chose to say, he was a politician of much simplicity. It is plain, from letters written after 1745, that Balhaldy really was, and long continued to be, closely allied with the leading English Jacobites, though Murray doubted the fact. He himself went home discouraged, and discouraging the Duke of Perth, whom he met at York. He wrote a letter, now lost, to James, with Cecil's complaints of Sempill and Balhaldy; and he wrote to the Earl Marischal, informing him of what he well knew—the intrigues of Balhaldy and Sempill. This letter Traquair promised to take to London, and forward thence.

Meanwhile Murray tried to intrigue, through Gordon of Earls-toun, with—the Cameronians! He says that James had promised them "an unrestrained liberty of conscience, with a yearly salary to each of their preachers." His authority is vague, and the story needs corroboration. Traquair now returned from London, where he had met Balhaldy and the Duke of Beaufort, the Earls of Orrery and Barrymore, and Sir John Hynde Cotton, the flower of the English Jacobites. Their intentions "were honourable but vague," but Barrymore offered £10,000. Perhaps Balhaldy knew more than Traquair told Murray: these intriguers always

kept each other in the dark. At least it is clear that Balhaldy's sanguine account of the state of the English party was the chief cause of the coming of Prince Charles from Rome to France, and of the attempted invasion in 1744. Balhaldy thus launched Prince Charles, and, so far, was the main author of his celebrated expedition, the last serious effort of a part of Scotland against the Union.

Murray was dissatisfied with Traquair's report, and much more with Traquair's confession that he had shown to Balhaldy Murray's letter to the Earl Marischal, and that they had burned it,—“a liberty I would not have taken with my footman's letter.”<sup>50</sup>

What was the true condition, what were the plans, of the English Jacobites? If ever the Stuart MSS. contained any proofs that they were in earnest, if Beaufort promised, as Lovat said, to raise 12,000 men, all traces of such dealings have been removed, during the strange wanderings through many hands of these documents.<sup>51</sup> The money offered by Barrymore was never contributed to the Cause, and the simplest explanation is to suppose that Balhaldy allowed himself to be confident on slender grounds; while there was no arrangement made between the English and Scottish partisans. Traquair, the go-between, was as cautious as credulous. We see Murray, whose heart was engaged, and who had a head for business, wandering among futile persons in an enchanted mist.

It is apparent that James was aware of Murray's anxieties. The Laird of Broughton appears not to have known that, as early as June 1743, Cardinal Tencin was proposing, or was represented by Balhaldy as proposing, a visit of Prince Charles to France. On October 1, James, writing to Balhaldy, says, “It is a very sensible mortification to me that the worthy Sages [Murray and his party] should be kept so long in expectation and suspense, but I would fain hope that the time is near when they will have occasion to try and show their skill. . . .”<sup>52</sup> He then speaks of the Prince's desire to be with them. Charles kept himself in constant training by long shooting expeditions,—“nobody here can keep up with him.”

The French documents show how well Balhaldy had succeeded in enlisting France. The reports on the English Jacobites, brought by Butler in October, were accepted by Louis, and formal preparations of ships and men began on November 15, 1743. Captain Colin at once blames the comfortable English for refusing to rise early in January 1744, and points out that French preparations could not be finished till the middle of February 1744.<sup>53</sup> The



motives of Louis were to cause the recall of the British troops from Germany, and to avenge many insults to his flag, and the aid given to Maria Theresa by England. He justified his attack without declaration of war by the recent proceedings of England against Spain in 1739 (February 1, 1744).<sup>54</sup> On December 10, 1743, Louis communicated his designs to the King of Spain: at this moment he expected his fleet to sail on January 1, 1744.<sup>55</sup> Twenty-seven merchant vessels were being prepared as transports, with a convoy of Barail's squadron of seven ships of war. Roqueville was to command the Brest squadron, and watch and engage the English fleet.

Balhaldy, in Paris, obtained leave to go to Rome to arrange the Prince's journey, and, according to his own Memoir, he arrived in the eternal city about December 19, 1743.<sup>56</sup> He gained the assent of James, left Rome on December 25, and was back in Paris by January 3. Murray mentions that Balhaldy overcame James's reluctance by aid of "two long memorials,"—those brought by Butler (clearly *not* by an actual written promise from Louis),—and announced to Traquair a French descent for January 15. His letter did not arrive till February 1744, and contained the first intimation of his journey to Rome. By this time the French movement of forces to the coast, where the Earl Marischal awaited them at Boulogne, was universally known, and Murray and the Duke of Perth, aware of the Jacobite lack of preparation, were much perplexed.

According to Balhaldy, Louis XV. was pleased with his conduct, "but I was soon after mortified enough by our English friends refusing the expedition at that season of the year." He visited the English partisans on January 11, and they accepted the invasion for the middle of February.<sup>57</sup> According to Murray, Balhaldy announced the intention to send 12,000 men, under Marshal Saxe, from Dunkirk to England, and 3000 men, with arms and money, for Scotland. Balhaldy wanted Erskine of Grange to come at once to London, very naturally, as he generally visited town in spring, and his journey would not rouse suspicion, while he could communicate the English arrangements to the Scots.

Odd arrangements they were. The English leaders meant to lie quiet in the country, or escape on board the French fleet, till the French landed: so says Balhaldy. There were two letters of Balhaldy's to the Scots: one was long retarded, and arrived with the

second, so that Murray, distrustful and perplexed, advised delay till Balhaldy was asked to explain. Lochiel and Lovat should be warned, and Perth should win over Lord George Murray, who had long been resident, a pardoned man, in Scotland.

Meanwhile Prince Charles had made his secret and fateful escape from Rome to France, hoping to sail with the French invading force. On Christmas Day 1743 James wrote to Ormonde, "The King of France has determined to act in his favour, though requiring all for the present to be kept secret." Ormonde, then at Avignon, a veteran busied with love affairs ("*amours*," writes the Prince), was to be Regent till the Prince joined the expedition.

To what precise extent Louis was committed to accept Charles, it is hard to discover: perhaps he was not committed at all. On December 23, 1743, James wrote to Amelot and to Louis expressing his lively gratitude for their promises as conveyed by Balhaldy. But James says he is relying on the "probity" of Balhaldy, and confesses that he would have liked something more precise than communications which appear to have been orally made. James thinks, and thinks correctly, that Cardinal Tencin is not in the secret, which he himself has not laid open to his chief Paris agent, O'Brien. He tells Louis that he is averse to sending the Prince to France on such guarantees as he has received, and that he is acting beyond the ordinary rules of prudence in such cases.<sup>58</sup>

It is clear that Louis acted with more than caution; that he left himself a loophole,—perhaps that he could deny having invited the Prince, for James had obviously no written promise, and Cardinal Tencin could disclaim all knowledge of Balhaldy's mission, or, at least, of the circumstances which led up to it. This double and secret policy was very characteristic of the French king: compare 'Le Secret du Roi,' by the Duc de Broglie. James, however, issued a general manifesto, and a warrant of Regency for the Prince, on December 23, 1743.<sup>59</sup> On January 2, 1744, James, writing to Sempill, praises Balhaldy's arrangements: he had taken a gentleman to Italy, apparently Sir John Graham, to accompany the Prince. On January 10 Charles left Rome just after midnight of January 9: the king was never to see the Prince again. The Duke of York himself was not in the secret, and supposed that a mere hunting expedition was intended at the Duc de Sermoneta's place, Cisterna.<sup>60</sup> The hunting equipage had been despatched publicly on January 7. On the 9th Charles obtained access to the keys of the gate of

St John, and passed out, with Murray, soon after midnight—that is, in the first hour of January 10. The Duke of York was told that he would find his brother at Albano, and drove thither at 6 A.M. on January 10. Charles soon left his carriage, and rode, telling Murray to go to Albano. In place of proceeding thither, Charles and his groom, or a Mr Buchanan dressed as a groom, rode to Frascati, and so drove to Lerici and Genoa undetected. He got post-horses and passports from Cardinal Acquaviva.

The escape of the Prince may have been facilitated by the description of his person, circulated by Sir Horace Mann, the representative of England at Florence. Mann describes Charles's eyes as "blue," Lord Mahon says "light blue." In all of the many authentic portraits the Prince's large eyes, somewhat *à fleur de tête*, are brown. His hair was a bright brown, more fair at the tips, which sometimes were allowed to fall beneath the little white peruque of the period. His height was about six feet: he had, as we have quoted Lord Elcho, "a body made for war,"<sup>61</sup> and was capable of enduring great fatigue. His complexion, "the bloom of a lass" in boyhood, was bronzed with exposure, his face was a long oval, his nose verged on the aquiline; his expression, in moments of repose, was melancholy. His father speaks of a slight fondness for wine, which was not apt to be corrected in Jacobite society: to women he was, at this period, indifferent. While the Prince hurried North, his brother Henry stayed at Fogliano, where Charles also was supposed to be shooting, and sent gifts of game to friends in Rome. Charles, we learn from a letter of Henry's (February 6), "was locked up at Savona," perhaps in quarantine, and "was in a very ugly situation." Of this adventure we know no more; Charles reached Antibes by sea (January 22 or 23), and, after a delay to be explained, was in Paris on February 10, and writes thence to James, "I have met with all that could be expected from the King of France, who expresses great tenderness, and will be careful of all my concerns."<sup>62</sup> If this means that the king and the Prince met, James did not so understand it: on August 11, 1745, he writes to O'Brien that Charles has never seen Louis.<sup>63</sup>

Apparently this letter of Charles was written after behaviour less hospitable on the part of Louis. On February 13 James expressed, to Sempill, his "astonishment and concern" at "the negligent and indifferent behaviour to the Prince." Charles was not expected at

Antibes, as appears from Villeneuve's letter on his arrival at that port (January 23, 1744). Charles, travelling as "Malloch" (the assumed name of Balhaldy) with Graham, was detained at Antibes in quarantine for eight days,—strange treatment of a Royal guest.<sup>64</sup> The detention was by order of Mirepoix. Charles and Graham then rode to Paris, and it appears from the Prince's letter to James that, after all this hesitation, he was kindly treated by Louis. On February 15 Sempill acknowledges the receipt of 10,000 livres for the Prince's use.<sup>65</sup>

From all these details the paltry hesitations of Louis, and perhaps the too sanguine character of Balhaldy, may be understood. James relied on the honour of Louis and on the probity of Balhaldy, as he wrote; but Louis had said too little, and perhaps Balhaldy had promised too much. Thus the unfortunate Charles was embarked without a compass, on a perilous sea, in a fog of jealousies and evasions, of duplicities and mistrusts.

The mistrusts, the lack of organisation, and the difficulty of sending messages, left the Scottish Jacobites in ignorance during the days of intended movement in February-March 1744. The Duke of Perth came to his own country and caballed with Lord George Murray, who, according to Murray of Broughton, "at first proposed to raise the people of Atholl, as if to serve the Government, and, when got into a body, to join us." This was not an honest scheme, as Lord George, so we have learned from Wodrow, gave himself out for a repentant subject, and had been permitted to return to Scotland many years ago. Distrust of Lord George on the part of Charles sadly marred the rising in 1745, and Lord George's conduct at this moment was not of a kind to beget confidence. While Perth was active, Lovat feigned sickness, and could hardly be induced to see Perth's brother, Lord John, who, in ignorance of the French attempt, had come over to raise recruits for his French regiment. Murray's only information was derived from a cipher letter of Balhaldy, addressed to Lady Traquair, and announcing that the French were ready to embark. That letter was sent through the common post, and given to Murray by a friendly clerk. Balhaldy said nothing useful, nothing explicit, but inquired anxiously after Erskine of Grange. Genuine news reached Murray through Nisbet of Dirleton, and vague warnings of arrest were conveyed to the Duke of Perth through his tailor. Perth fled to the hills, but Murray induced him to return;

and they, with Lord Nairn (a Preston prisoner in 1715) and Lord Strathallan, did such work of preparation in Perthshire as was possible. There they remained till all hope of invasion was ended.

Lord Elcho, son of the fourth Earl of Wemyss and of a daughter of the wealthy debauchee, Colonel Charteris of Amisfield, brought melancholy news from France. "The apparatus for invasion was show only,"—an error, as serious preparations were made under Marshal Saxe. The Earl Marischal had neither money nor definite orders for the expedition of 3000 men to Scotland, and Prince Charles, in place of being publicly at Dunkirk, was lurking secretly at Gravelines, "where no person had access to him but Balhaldy, or such as he chose."<sup>66</sup>

While the Scots were thus left in the dark, in January there lay at Brest seven French ships of the second class, eleven of the third, four of the fourth, five frigates, and many smaller vessels. But the whole French navy was not commissioned, and to Norris and the English fleet the force would have been "only a breakfast." Barry, the Jacobite agent in England, was more surprised than pleased. A sudden descent of troops in fishing-boats was what his friends desired.<sup>67</sup> The Jacobites would not rise in January, and France adjourned the adventure. Captain Colin thinks that, had the Jacobites been willing to rise in January, there must have been serious civil war in England, if not a Restoration. In fact, the English would never have risen: they were merely copious in words. As late as February 1, 1744, Louis was quite undecided: the attempt was to be indefinitely postponed.<sup>68</sup>

It was now that Balhaldy, after a rapid visit to England, returned and announced that the attack should be by way of the Thames, with a landing at Blackwall. All the Jacobite leaders would join the squadron at the Hope, below Gravesend—peers and aldermen. The *Royal Sovereign* (O'Bryen) and the *Princess Royal* (Lee) would come over to the French squadron.<sup>69</sup> Pilots would be sent, and their non-arrival caused delay and made success impossible. One Honeyman was sent to Dunkirk to arrange, and was to go to Balhaldy, but Balhaldy could not be found: he was at Gravelines in secret with Charles. Honeyman sneaked back to England. Roqueville, with the Brest squadron, was to cruise about the Isle of Wight. On February 2 Saxe received his orders. Louis averred to Roqueville that England had only nine or ten ships at Spithead: the rest were widely scattered in various ports. Roqueville was

to try to lure out the Spithead fleet, and to engage, destroy, or capture it wherever he met it, so as to leave an open path for the transports escorted by Barail, who (February 10) was to hasten to Dunkirk, the port of embarkation. By February 26 Saxe was still awaiting Barail and his convoy. The English pilots were equally to seek; and it appears that Saxe did not know where Prince Charles was.<sup>70</sup>

The great object was for Roqueville to engage the English fleet, while Barail convoyed the transports to the embraces of peers and common councilmen at Gravesend. The invading force was of about 10,000 men,<sup>71</sup> and was sickening on board the transports. Roqueville left Brest on February 6, and every day brought its disaster—ships collided, masts went by the board, ship after ship returned to Brest to refit, or to Havre,—*toujours un vent et mer affreux*. Finally the approach of Norris with fifty-two vessels was signalled; Roqueville gave orders to return to port; a tempest on March 6 and 7 smote his ships and scattered them with great loss. The same gale wrecked several of Saxe's transports at their moorings; neither he nor Charles was aboard, as Lord Mahon declares that they were; and, in face of so much loss and the continued absence of Roqueville for more than a week, the French Government, about March 11-13, bade Saxe announce to Prince Charles the abandonment of the enterprise. They had learned from England and Holland that the Jacobites were a futile minority, their reports of disaffection moonshine, and their hearts as weak as their heads. Henceforth France lent but dilatory and reluctant aid even to the Scottish Jacobites, who were men worth helping.

England knew of the French attempt. Mr Thomson, in Paris (February 25), had remonstrated with Amelot on the presence of Charles in France as a breach of treaty. Amelot replied that England had already broken treaty; but France still did not play Charles openly as a piece in their game. He and Balhaldy loitered, unknown, at Gravelines, while the Earl Marischal was at Dunkirk, and Marshal Saxe (February 26) was at Calais, whence he wrote to Amelot. He said that he would already have landed in England, but Barail's squadron was cruising vaguely in the Channel, and had not joined that of "Rocquefeuille," and thus Saxe's transports, full of soldiers, had no armed convoy. "If we fail, it is by our own fault;" the winds are already contrary; Barail will not easily keep tryst in the unfavourable weather. The promised English

pilots have not arrived,—a point on which Murray tells a long confused story of English indolence and careless stupidity. Meanwhile Marischal, who had left Paris on February 25 for Dunkirk, was, as the Earl complains to d'Argenson, destitute of orders,—“has not any sort of instructions,” nor money enough to pay the clan regiments which Charles commands him to summon. The chiefs had engaged, it was said, to furnish about 20,000 men,—a force which they never brought into the field (Dunkirk, March 7, 1744).<sup>72</sup>

After the disasters to the French fleet Prince Charles lingered at Gravelines, and the Earl Marischal warns him that “to go single, unless you are invited by the principal peers, both for credit and good sense, would be for ever the destruction of the Cause” (March 5). The Prince had thus already conceived his gallant if desperate scheme to hazard his own person, “and win or lose it all.” To James (March 6) he spoke lightly of “the little difficulties and small dangers I may have run.” He wrote to Sempill that, if he could be of service, he would venture to England “in an open boat.”<sup>73</sup> But France saw no use in Charles. She had hazarded a large force in hopes of surprising England before making a declaration of war. She had merely lost men, ships, and supplies; and even if the winds had been favourable, and if Saxe had crossed, how could he have landed without pilots? By April 6 Charles was lurking disguised in Paris, where later he was to hide in a convent, after his expulsion from the country in 1749.

James (April 3) bade him avoid precipitate and dangerous measures, “some rash or ill-conceived project, which would end in your ruin, and that of all those who would join with you in it.”<sup>74</sup> James was fifty-seven, Charles twenty-three; the elder man prophesied as truly as vainly. He sent Sir Thomas Sheridan to keep the Prince company, but Sheridan, though old, was a reckless Irishman. The Prince wished to take part in the campaign of 1744, but the Earl Marischal advised France against this measure, to the disgust of the Prince. By Balhaldy's advice he admitted George Kelly to his friendship, a tall genial Irish Non-Juror, the secretary of Atterbury, in 1720. George, we have seen, for fourteen years had been a prisoner in the Tower; he made an ingenious escape, was with Ormonde as chaplain, and now put his audacity at enterprise at the service of Charles. The affair of 1745 was mainly due to such Irishmen as Kelly, Sheridan, Sullivan, and Lally Tollendal, who were entirely of the Prince's humour.

Meanwhile Charles was neglected, his pension was not paid. While Barrymore was assuring Charles of the zeal of the English (so the Prince writes to Louis, July 24, 1744),<sup>75</sup> the Scottish Jacobites were, as usual, kept in the dark. Murray went to look into matters. He met Balhaldy in Flanders, and again found him suspicious, and, he says, deceitful. Murray (July 1744) had an interview with Charles at Paris. He learned that Balhaldy and Sempill were the persons who (as we have heard from the Earl Marischal) had stated the clan forces at 20,000, or rather at 19,400 men. Murray knew the absurdity of this estimate: he told Charles the plain truth, and in this case the corroboration of the Earl justifies Murray's complaints of Balhaldy's sanguine reports.<sup>76</sup> Balhaldy and Sempill were unabashed till Charles granted Murray a private interview without their presence. They met at the royal stables. Charles listened without a single interruption to Murray's long account of the mismanagement of Sempill and Balhaldy. He then said that he trusted them, though all are liable to make errors. Murray spoke of documentary proof in letters, which Charles waived, and then Murray argued that France was unable to give him the aid which he was asking from Louis on July 24. In Charles's letter to James he speaks of a Scot of good family, a relation of Balhaldy, who has been sent to him with assurances. Neither the date nor the kinship with Balhaldy corresponds to Murray and his visit, which Murray dates in August.

If Charles does refer to Murray, that envoy made no impression on him, and he told Murray that next summer he would come, "though with a single footman."<sup>77</sup> Murray replied that, in such an effort, he could only depend on "4000 Highlanders, *if so many*." Charles was unmoved, and though Murray repeated his objections to Sheridan next day, he never seems to have firmly discountenanced the desperate adventure. Charles, however, became convinced that Balhaldy had deceived him in the matter of a purchase of arms, which he said that he had made in Flanders at the time when Murray met him there. Murray, too, found that Balhaldy had invented or exaggerated some early remark of his against the Earl Marischal; and he accuses Balhaldy of plundering, with other Macgregors, the baggage of the Earl, and of Mar's army, at Sheriffmuir! This charge against Rob Roy's men is familiar from the old ballad on the battle. Murray also suspected Sempill and Balhaldy of purloining an English remittance of money for the



Prince,—in fact, nothing could be lower than his estimate of two men who were entirely trusted by James.<sup>78</sup> That unhappy Prince was teased and confused for a whole year by the reports and counter-reports, charges and counter-charges, of Sempill and Balhaldy on one side, of Sheridan on the other. "I am plagued out of my life," writes Charles (November 16, 1744). He at last told James that he merely pretended to trust the Balhaldy faction, lest they might do mischief if they thought themselves slighted. James replied, with his usual keen sense of honour, that such dissimulation "became neither a Prince nor a Christian."<sup>79</sup>

What could be hoped from a party whose leaders were thus at odds? From a French Foreign Office Memoir of December 1744 it is certain that the French Government supposed Murray, in July, to have stayed in Holland, and to have sent for Balhaldy to meet him there. "M. Macgregoire [Balhaldy] learned from Mr Murray that the gentlemen of Scotland had armed their peasants, and consequently that 12,000 muskets, with swords and pistols, would suffice" as the French contribution. The French Foreign Office probably repeated what Balhaldy chose to tell them: at all events, they knew nothing of the real facts.<sup>80</sup> Returned to Scotland, Murray denounced Balhaldy, who sent young Glengarry to denounce Murray. The Laird of Broughton convened Lochiel, Macleod, Stewart of Appin, and the chief of the Macdougals. He reports that Macleod actually wrote a promise, and that "in the morning," to raise his clan and join Charles, even if he came without a force.<sup>81</sup> But Murray should have accepted no such promise: he should have crushed the Prince's wild design. As to whether Macleod really put his hand to the document, the reader must form his own opinion: Murray confessedly speaks from memory alone. He says that Appin (who did not come out in 1745) also signed. Murray secured other adherents, and Traquair promised to visit Charles in France, but did not go. Macdonald of Sleat gave a conditional promise, to join "as soon as a proper plan was laid down": there was never any such plan. The Duke of Hamilton, Perth, and Mr Charteris, brother of Lord Elcho, gave bills for £1500 each.<sup>82</sup> The conspirators now drew up, late in the year, a letter to Charles. Elcho had refused to go over to France in search of definite information and to impart the same to Charles,—a refusal which Murray regretted, for he neither thought Elcho "fickle," as some of the party did, nor

cruel, as the Hanoverians declared. Hamilton verbally promised to join in a rising, according to Murray, while Traquair never told the managers whether or not he had despatched an important packet of letters to Charles.

It was in these circumstances that Murray drew up a Memorial to the Prince, which the leaders signed. He expressed a hope that Charles had received the letters through Traquair, and said that he must bring a force of at least 6000 men: in case the English were backward, they should land anywhere between Peterhead and Dundee. Perth, Elcho, Lochiel, Murray, and Nisbet signed. This letter discouraged a solitary personal adventure by Charles; but no man of position would carry it. Murray was obliged to send John Macnaughten, who seems to have been his footman or valet: he is heard of later, but was not the Macnaughten executed for killing Colonel Gardiner. Traquair at this juncture returned the letters, which had never been sent to the Prince by him. Apparently they were dissuasive of the adventure, while Murray owns that Macnaughten's despatch was only couched "in general terms," not explicitly prohibitory. Murray wrote again, by young Glengarry; again it is plain that he was not explicit, nor was Glengarry able to convey the letter to the Prince. About the end of May 1745 Macnaughten returned, with letters in which the Prince announced his arrival, with no force, but with some money and arms, for July.

The Prince had for long, as the Walsh papers prove, been scheming his expedition with Irishmen, Sheridan, Kelly, and Walsh, a rich shipowner.<sup>83</sup> On June 12, from his cousin's, the Duc de Bouillon's place, Navarre, near Evreux, Charles congratulated Louis on the British defeat at Fontenoy. "Enfin je veux tenter ma destinée," he writes.<sup>84</sup> Charles, as Lady Clifford wrote to James, was "in the hands of people unknown, low-born, of no credit or weight," and the Earl Marischal had been "banished" to Avignon. On the same day as he wrote to Louis XV. about "trying his destiny" (June 12), Charles wrote to James. He says that he will "conquer or die," and asks that his Sobieski jewels, famous rubies, may be pawned to raise funds. He has borrowed 180,000 livres from his bankers, Messrs Waters. To Edgar he writes that he has arms, Routledge's ship the *Elizabeth* (68 guns), and Walsh's frigate *La Doutelle* (or *Du Tellier*, 44 guns). He will land on

or near Mull. The French Court knows nothing, though the letter to Louis XV. told a good deal.<sup>85</sup>

Murray was dismayed: he had never actually refused his consent to the adventure, and his latest messenger, young Glengarry, had failed to find the Prince. Sir Hector Maclean, who had arrived from France, was arrested in Scotland,—a discouragement to Clan Gilzean. Even now the Duke of Hamilton accepted James's commission, of which he made no use. The month seems to have been June: after making many arrangements Murray visited Lochiel at Achnacarry. He found Lochiel disappointed, but true to his honour: "he did not see how any man of honour could get off, . . . especially as the Prince was to throw himself naked into their arms."<sup>86</sup> The Rising, as far as the clans were concerned, was for honour's sake. Lovat, on the contrary, said that Charles should not be allowed to land. Macleod thought that he should be dissuaded by letter, but Lochiel could not believe that Lovat was in earnest: now was his chance to save his honour. Murray travelled through the western clans; Macleod would not meet him, nor could Murray go to Skye, but Macleod still professed his readiness. At this moment Cluny had accepted a commission in Loudoun's Highland regiment: Murray met him in Badenoch, and probably shook his scruples; but here Murray's account of his negotiations breaks off at an interesting point. We do not know how he fared with old Glengarry, who had not been formally apprised of the intrigues.

If Balhaldy had been over-sanguine and less than veracious, if Traquair had been culpably languid, yet Murray's own apology makes it plain that he was the chief cause of the desperate and ruinous adventure. He had encouraged and accepted promises from the chiefs to join Charles even if he came alone. He had never explicitly refused to be associated in an enterprise of which he had timely warning. In the end, the author and manager was the betrayer of the wild endeavour. Of trusty men, hardy and resolute soldiers, Charles had probably not more than 2000 at the first—Lochiel's Camerons, the Macdonells of Glengarry, Keppoch, Clanranald, and the Appin Stewarts. Sleat's Macdonalds were held back by their chief; the delays of Lovat paralysed the Frasers; the chief of the Mackintoshes was of the party of Government; the Macleans had lost their chief; Cluny,

with the Macphersons, was trammelled by his commission; Seaforth would not bring out the Mackenzies; the Munroes and Mackays were steady Whigs; and Macleod deserted the Cause. The gentry of the South were powerless: they had no "followings." Yet the Prince shook the throne.

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NOTES TO CHAPTER XVII.

<sup>1</sup> Memoir of Bishop Atterbury, ii. 208.

<sup>2</sup> Rome, November 5, 1725: Memoir of Bishop Atterbury, ii. 211.

<sup>3</sup> Memoir of Bishop Atterbury, ii. 218-220.

<sup>4</sup> Mahon, ii., Appendix, p. xxx.

<sup>5</sup> Mahon, ii., Appendix, pp. xxxi-xxxiii.

<sup>6</sup> Mahon, ii., Appendix, p. xxxv.

<sup>7</sup> Memoir of Bishop Atterbury, ii. 458-465.

<sup>8</sup> There is a confusing statement about the Sempills in 'Memoir of Atterbury,' ii. 359, note. The "Hugh, Lord Sempill," who succeeded in 1716 is a Hanoverian, and is not the Jacobite Lord Sempill whose son is accused of being a spy. The Jacobite, Robert Sempill, was a captain in Dillon's regiment, and after 1723 was created a peer of Scotland by James. Riddell could not discover the parentage and pedigree of this Lord Sempill, nor could Mr Fitzroy Bell (Murray of Broughton's 'Memorials,' p. 42, note 2, Scottish History Society). The Hanoverian Lord Sempill, who is confused with the Jacobite Lord Sempill, was, in the male line, an Abercromby. It does not appear to me that a very futile spy of Walpole's is, as Mr Folkestone Williams supposes, the Jacobite Master of Sempill.

<sup>9</sup> These Letters are cited from the 'Stuart Papers' at Windsor Castle.

<sup>10</sup> This family of Stafford, I think, was connected with the Stafford-Northcotes. The Earl of Iddeleigh has a fine portrait of King James.

<sup>11</sup> Documentos Ineditos, xciii. 18.

<sup>12</sup> Historical Manuscripts Commission, x., Appendix I., p. 184.

<sup>13</sup> Burton's Lovat and Duncan Forbes, pp. 201-205.

<sup>14</sup> State Trials, xviii. 588, 589.

<sup>15</sup> Autobiography of Dr Carlyle, pp. 33-35; State Trials, xvii. 925.

<sup>16</sup> Autobiography of Dr Carlyle, pp. 36, 37.

<sup>17</sup> State Trials, xvii. 929, 930.

<sup>18</sup> State Trials, xvii. 945.

<sup>19</sup> State Trials, xvii. 949.

<sup>20</sup> State Trials, xvii. 982.

<sup>21</sup> Autobiography of Dr Carlyle, p. 39.

<sup>22</sup> Parliamentary History, x. 191-194, notes; Letters from Coxe's 'Memoirs of Sir Robert Walpole.'

<sup>23</sup> Parliamentary History, x. 195.

<sup>24</sup> Note to 'The Heart of Mid-Lothian,' i. chap. vii.

<sup>25</sup> Parliamentary History, x. 238.

- <sup>26</sup> Parliamentary History, x. 246.
- <sup>27</sup> Parliamentary History, x. 252.
- <sup>28</sup> Autobiography of Dr Carlyle, pp. 40, 41.
- <sup>29</sup> Examination of John Murray, February 14, 1746-47, in 'Memorials of John Murray,' Fitzroy Bell, Scottish History Society, p. 480.
- <sup>30</sup> Mahon, iii. 26.
- <sup>31</sup> Memorials of John Murray, Fitzroy Bell, Scottish History Society, pp. 1-6.
- <sup>32</sup> Burton's Lovat and Duncan Forbes, pp. 368, 369.
- <sup>33</sup> Journal and Letters of Lady Mary Coke, i. pp. xi-xii; Stuart Papers, MS., June 15, 1740.
- <sup>34</sup> Mahon, iii., Appendix, pp. 1, li.
- <sup>35</sup> Hist. Clan Gregor, ii. 270-273.
- <sup>36</sup> Hist. Clan Gregor, ii. 358-360.
- <sup>37</sup> Hist. Clan Gregor, ii. 360.
- <sup>38</sup> Louis XV et les Jacobites. Par F. Colin. Chapelot. Paris, 1901.
- <sup>39</sup> Louis XV et les Jacobites, p. 10.
- <sup>40</sup> Louis XV et les Jacobites, p. 31.
- <sup>41</sup> Cited by Ewald, in his 'Prince Charles Edward.'
- <sup>42</sup> Louis XV et les Jacobites, par F. Colin, p. viii.
- <sup>43</sup> Louis XV et les Jacobites, p. 182.
- <sup>44</sup> Louis XV et les Jacobites, pp. 15-17.
- <sup>45</sup> Louis XV et les Jacobites, p. 31.
- <sup>46</sup> Memorials of John Murray, pp. 30, 31, note 1; Mackenzie's History of the Macdonalds, p. 234.
- <sup>47</sup> Stuart Papers, in Browne's 'Highland Clans,' ii. 446-448.
- <sup>48</sup> Memorials of John Murray, p. 46.
- <sup>49</sup> History of Clan Gregor, ii. 360, 361.
- <sup>50</sup> Memorials of John Murray, pp. 54-56.
- <sup>51</sup> Memorials of John Murray, p. 57, note.
- <sup>52</sup> Stuart MSS.
- <sup>53</sup> Louis XV et les Jacobites, p. vii.
- <sup>54</sup> Louis XV et les Jacobites, pp. 62, 63.
- <sup>55</sup> Louis XV et les Jacobites, p. 35.
- <sup>56</sup> History of Clan Gregor, ii. 361.
- <sup>57</sup> History of Clan Gregor, ii. 361.
- <sup>58</sup> James to Louis XV., December 22, 1743; Memorials of John Murray, Appendix, pp. 492-495.
- <sup>59</sup> Pichot, Charles Edouard, i. 403-407.
- <sup>60</sup> There are several accounts: "An Authentick Account of the Intended Invasion by the Chevalier's Son," 1744; the version of Walton, the English agent at Rome, January 28 (Record Office); and "Secret Intelligence," January 25, 1744, in Mahon, iii. lviii. There are also contemporary letters in the Stuart MSS.
- <sup>61</sup> Lord Elcho's Memoirs are quoted by Mr Ewald, in his 'Life of Prince Charles.'
- <sup>62</sup> Stuart MSS.
- <sup>63</sup> Mahon, iii. 173, note 3.
- <sup>64</sup> Villeneuve to Amelot, February 1, 1744; Memorials of John Murray, p. 497.
- <sup>65</sup> Memorials of John Murray, p. 498.
- <sup>66</sup> Memorials of John Murray, pp. 66-69.
- <sup>67</sup> Louis XV et les Jacobites, p. 35.
- <sup>68</sup> Louis XV et les Jacobites, p. 52.

- <sup>69</sup> Louis XV et les Jacobites, p. 57.  
<sup>70</sup> Memorials of John Murray, pp. 498, 499, Appendix.  
<sup>71</sup> Louis XV et les Jacobites, p. 79.  
<sup>72</sup> Memorials of John Murray, Appendix, pp. 498-500.  
<sup>73</sup> Stuart Papers ; Memorials of John Murray, p. 501.  
<sup>74</sup> Stuart MSS.  
<sup>75</sup> Memorials of John Murray, pp. 501-503.  
<sup>76</sup> Memorials of John Murray, p. 90.  
<sup>77</sup> Memorials of John Murray, p. 93.  
<sup>78</sup> Memorials of John Murray, pp. 94-103.  
<sup>79</sup> Stuart MSS.  
<sup>80</sup> Memorials of John Murray, p. 504.  
<sup>81</sup> Memorials of John Murray, pp. 108-110.  
<sup>82</sup> Memorials of John Murray, p. 121.  
<sup>83</sup> A Royalist Family : 1904.  
<sup>84</sup> Memorials of John Murray, Appendix, p. 507.  
<sup>85</sup> Stuart MSS.  
<sup>86</sup> Memorials of John Murray, pp. 142, 143.

## CHAPTER XVIII.

## THE RISING OF 1745.

THE adventure which Charles was now achieving had been schemed by James for himself, after the failure of the French invasion of 1708. In many ways the plan which looked so reckless was the best that could be devised. If Charles landed in the territory of the loyal clans, and if they rose, as they would do rather than desert the Prince who threw himself on their chivalry, the nucleus of an army was provided. Under Montrose and Dundee the Highlanders had shown what they could do both against the Lowland Militia and regular forces. Scotland was at this moment almost denuded of regular forces: the army was engaged abroad. If Murray had organised the Lowland gentry, they could provide a small cavalry contingent at least; and Charles, whose main object was to force the hand of France, reckoned that a French army would be despatched to his assistance. The exiled Stuarts, deceived by sanguine reports and loyal messages, never knew how weak and timid were the Jacobites of England. That country, as much evidence shows, was mainly indifferent. There was little enthusiasm for a Restoration; there was not much more for the House of Hanover, which wasted the wealth of the country in foreign wars, as the party of the Squires viewed the matter.

It was on July 2 that the Prince embarked at Nantes on board the *Dutillet*, or *La Doutelle*, as the ship is commonly called. The moving spirits were his Irish friends, Sheridan, Kelly, and Sullivan, who became Quartermaster-General, and was ever on bad terms with the General, Lord George Murray. Sullivan, it is said, had been bred for the priesthood, had rejected the gown for the sword, had fought in Corsica, in Italy, and on the Rhine, and was believed to be skilled in irregular warfare.<sup>1</sup> In his Memoirs Lord George

Murray expresses a very low opinion of Sullivan: the Irish and Scots were always at odds, with fatal results. The rest of the "Seven Men of Moidart" were an old and convivial Sir John Macdonald; a man Buchanan; Æneas Macdonald of the Kinlochmoidart family, a banker in Paris, and, later, an untrustworthy evidence against his companions; with Strickland, whom James greatly distrusted as of evil influence on the Prince,<sup>2</sup> and Tullibardine, the disinherited Duke of Atholl, who was out in 1719. Anthony Welch or Walsh, the owner of *La Doutelle*, did not remain long in Scotland.

On July 13 the *Doutelle* was joined by the *Elizabeth*, fitted out by Rutledge, or Routledge, a Dunkirker. On July 15 they set sail for Scotland. On July 20 the *Elizabeth* fought, west of the Lizard, the *Lion* (Captain Brett). According to Durbé, captain of *La Doutelle*, his guns were so outclassed that, with his sails in tatters from the English fire, he could not take part in the fight, but meant to join in if the crew of the *Elizabeth* boarded the *Lion*. Both warships were severely damaged and lost many men. The captain of the French vessel, Monsieur d'O, was severely wounded by the last shot of the *Lion*.<sup>3</sup> The *Elizabeth* put back to harbour, but *La Doutelle* held on, sighted Bernera on July 22–August 2, and on the following day Charles first set foot on British soil, landing at Eriskay. He was dressed as a young minister, and slept in a smoky hut. Charles sent for Clanranald's brother, Macdonald of Boisdale, in South Uist, who advised him to go home. "I *am* come home," said the Prince, and though Boisdale had no hope in Macdonald of Sleat and in Macleod, he sent messages to them. Macleod at once warned (August 3) Forbes of Culloden, saying that it was "needless to mention" himself and Sleat as the sources of information.<sup>4</sup> Young Clanranald had been with them, and had given assurances of his prudence.

Not awaiting replies from Macleod and Sleat, Charles sailed to Lochnanuagh in Arisaig, and landed at Borradaie (July 25–August 5), going to the farmhouse of a Macdonald. Here Macdonald of Kinlochmoidart joined him, and was sent to summon Murray of Broughton, Lochiel, and the Duke of Perth. Young Clanranald evinced his prudence by visiting the Prince on ship-board, with Glenaladale and Morar, who has left an account of the campaign, published in the 'Lockhart Papers.' Clanranald and another Macdonald were sent to Sleat and Macleod. Glengarry's



men were represented by Scothouse, and he, with Keppoch and Glencoe, are said to have urged the Prince to retire to France. Clanranald, finding Sleat and Macdonald obdurate, was also for retreat, but, according to Home, young Ranald Macdonald, brother of Kinlochmoidart, turned their hearts. "Will *you* not aid me?" said Charles. "I will, though no other man in the Highlands should draw his sword." "The heather was ablaze" at this word, and the die was cast. This must have been as early as August 4, O.S., when Charles from Lochaylort wrote to James, "I am joined here of brave people, as I expected": he has not, however, yet set up the standard. He is prepared "to dye at the head of such brave people as I find here." "The French must take off the maske or have an Eternal sheme upon them; . . . and wee, whatever happens, will gain an immortal honour by doing what wee can to deliver our country, in restoring our Master, or perish Sord in hand." <sup>5</sup>

The spirit which the Prince displays in this letter came home to the hearts of the Macdonalds. James (August 11) wrote to Marischal that the sentiments of the Prince "will always do him honour," but adds that he would never have advised the enterprise. Murray represents Lochiel as coming in without hesitation. Other authorities say that he sent his brother, Dr Archibald Cameron, to dissuade Charles, and that he did not come in till he received security for the full value of his estate. This is a moot-point.<sup>6</sup> In any case Lochiel raised his clan, as Glengarry raised his, under his brave and unfortunate second son Angus, a lad of nineteen, already married, and a father.

On August 1 the British Government disgraced itself by placing a reward of £30,000 on the head of Charles,—a direct encouragement of murder. The Prince, before hearing of a measure which he despised, sent away (August 8/19) Walsh with *La Doutelle*, cutting off his own retreat. It was not till August 19, O.S., that Charles raised the standard at Glenfinnan, where his monument now stands, at the head of Loch Shiel, and in the centre of noble mountain scenery. Before that date Government had begun to move. They had captured Sir Hector Maclean in June, and from information in a letter of Murray's found in his possession, they endeavoured to take the Duke of Perth. Campbell of Inverawe, commanding a company at a village near Drummond Castle, contrived a very unchivalrous *ruse*, which the Duke escaped ingeniously

by means of an unguarded staircase communicating with his dressing-room. While lurking he heard the news of Charles's arrival through a messenger sent by Kinlochmoidart: Murray, too, was warned, made hasty preparations, and laid a scheme to blind the Lord Advocate. He sent for Rob Roy's son, James Mor Macgregor, who, as he knew, was *lié* with General Cope and the Advocate. He found James "far from being unsusceptible of flattery" and "regardless of his private interests."

James was induced to pretend to betray the news that young Glengarry had landed at Arisaig with letters from Charles, who was in hiding at St Omer, and was then to ask for men from the Highland forts to seize Lochiel and Glengarry. The forts being thus weakened, they might be taken by his clan. While James did what he could to deceive Government, Murray hastened to Lochiel's house of Achnacarry, and became Charles's secretary and organiser.<sup>7</sup> According to Maxwell of Kirkconnell, Murray at first advised the Prince to return to France, as he had come without forces. Sheridan replied that the Prince had come on Murray's encouragement, and that in honour he was bound to join the Rising. He therefore came, having at this time some notion of honour. Here we must remark that Maxwell is one of our best authorities for the expedition. He wrote as soon as possible after the events, and he wrote lucidly, impartially, and without prejudice, except where Murray of Broughton is concerned. Though not a member of the Council, he had good information. His modesty did not allow him to speak of himself; he was not the Mr Maxwell who escaped with a companion from Carlisle just before the surrender.<sup>8</sup>

Sir John Cope commanding in Scotland, at the head of some 2500 or 3000 men, scattered all about the country, was meanwhile by no means indolent. But he was trammelled by the natural dislike between Islay (now Duke of Argyll) and Tweeddale, Secretary of State. Cope had always to consult these authorities and Forbes of Culloden, who sped to Inverness on August 13, to rally the Whig clans. The other chief officers of justice were also to be consulted; yet as early as July 9, on information received, Cope was concentrating his scattered forces. He was at first reckoned an idle alarmist, and his requests for artillery were little heeded. Argyll, without orders from Government, could not arm the Campbells, and the Whig clans had obeyed the orders for dis-

armament. On August 8 Cope began to concentrate and collect stores at Stirling.<sup>9</sup>

Presently the first shot was fired. On August 16 a band of Keppoch and Glengarry men ambushed and captured, between Spean Bridge and Loch Lochy, two companies of Royal Scots, and Murray came athwart the skirmish as he rode to Achnacarry. He saw that the regulars marched, without an advanced guard, "in a confused heap" till they were met; and they ran some twelve miles, he declares, before they were taken.<sup>10</sup> Cope had marched to Crieff, where old Glengarry and Lord George Murray met him as friends and allies. Atholl, too, appeared, and then set out for England, leaving his brother, the exiled Tullibardine, to "play his personage" among the Atholl clans. Cope, who wished to enlist them, had no pay to give them. He went north and met a Captain Swettenham, a prisoner of the Macdonalds, released by them, and heard from the captain that Charles had twenty swivel guns. The effect of this information will appear later; meanwhile, two or three days before Cope marched north from Crieff, Tullibardine (August 19, O.S.) raised the standard at Glenfinnan. Some 1200 were gathered—Macdonalds and 700 Camerons—in this beautiful spot, watched by the proud crests of hills which are the Prince's monument. On August 21 or 22 Charles, at Kinlochiel, heard that Cope was about to march to encounter him, making for Fort Augustus. Charles therefore summoned Glencoe, Glengarry, and the Appin Stewarts, and himself reached Invergarry on August 26. Here, says Murray, Lovat sent an envoy to obtain his commissions, "with apologies for his men not being in readiness,"<sup>11</sup> and asked for a warrant to seize Forbes of Culloden, dead or alive. At the same time (August 23) Lovat wrote to Forbes denouncing "the madmen with the pretended Prince of Wales," and demanding arms to be used against them. On August 24 he said that he was trying to induce Fraser of Gortuleg to meet the clans, and induce them to spare his property. Now it was Gortuleg who carried Lovat's request for his commissions, and for a warrant to seize or slay Forbes!<sup>12</sup>

There is a touch of insanity in the cunning of Lovat. His emissary, Gortuleg, wrote to Forbes (August 29), with the news that on the previous day the Highlanders had marched to a place four miles from Fort Augustus, at the foot of the Pass of Corryarrick, and that they expected Cope to move by Ruthven to Inverness. The Prince "called for his Highland clothes, and, at

tying the latches of his shoes, he solemnly declared that he would be up with Mr Cope before they were unloosed." Gortuleg stated the Highland numbers at 2030: all were Macdonalds except 700 Camerons and 220 Stewarts of Appin.<sup>13</sup> This little force was the steel point of the Prince's army: later recruits were of lower value, but, as yet, there was no leader of genius. On August 28 the clans ascended the Corryarrick Pass and occupied the crest. From Gortuleg's letter it would seem that Charles knew Cope's intention not to attempt the Pass, for Cope had heard from Captain Swettenham that it would be lined with the famous twenty-four swivel guns, and feared to face them. The clans, in fact, buried the greater part of the guns as useless *impedimenta*. If Gortuleg spoke truth, Charles must have expected to *pursue* Cope, not to fight him in the Pass, as Murray says was his intention.<sup>14</sup> According to Murray, deserters from Cope told Charles, to his chagrin, that he had set off for Ruthven, where there was a fort, *en route* for Inverness.

The clans, hearing that Cope was weak and his alluring baggage great, were for pursuing him. Charles consulted the map, and calculated that he could not overtake Cope before he reached Inverness; and a plan for sending 500 fleet men by a mountain way to detain him till the rest came up by Wade's road was considered and rejected. The five hundred were likely to force on an unequal fight before the main body could appear, while the first fruits of Lovat's calculated delays were that the local Farquharsons and Mackintoshes waited his word and held aloof. Had Lovat been daring, they would now have risen, and Cope would have been surrounded and destroyed. The result would have been the march of the whole of the North on Edinburgh, and the consequence might have been fateful.<sup>15</sup> Murray and others have criticised Cope severely for not occupying the plain near Dalwhinnie. But he had a choice of difficulties; and if on one hand he allowed the clans to capture Cluny and obtain the alliance of the Macphersons, on the other his cause was victorious at Ruthven, where a gallant Irish sergeant, Molloy, with twelve privates, gave "bloody noses," as he wrote, to a small party of assailants under Sullivan and Dr Cameron.<sup>16</sup>

On August 29 Cope reached Inverness, where he could keep down the Frasers if they attempted anything, and on the 30th Charles, from Dalnacardoch, commanded Strath Tay, Blair Atholl, and the unoccupied Pass of Killiecrankie. From the 31st August to

September 2 Charles was in pleasant quarters at Blair, where "Tullibardine, the exiled, the dear," was warmly welcomed by his clan, while the Prince led a dance at Lude, and for the first time partook of pine-apples, a fact that interested Horace Walpole. The Macgregors, meanwhile, were taking the little fort and garrison of Inver-naid, and George II. arrived in London from his dear Hanover. In London, on Stair's proposal, it was decided to enregiment the Whig clans. Blank commissions and a promise to repay his expenditure of money were sent to Forbes.<sup>17</sup> How the promise was kept by the Government is too well known. A memorial of Stair's proves that the English forces were scanty, and that he expected too much from the useless old walls of Edinburgh, and from a thousand volunteers who were not forthcoming.<sup>18</sup> Stair thought that Cope had made a mistake in going north, and that he had better retrace his steps for the defence of the capital.

Leaving Blair, Charles halted at Dunkeld, was in Perth on September 4-10, and was there joined by the Duke of Perth, Lord George Murray (whose previous dealings with Cope caused a suspicion never allayed), Lord Ogilvy, Lord Strathallan, Oliphant of Gask, and others. Two hundred of the Robertsons of Struan came in. Cluny went north to raise Clan Vourich; and from the Prince's cousin, Louis de Bouillon, and the Prince of Campo Florida, came most flourishing assurances of help from France and Spain.<sup>19</sup> It seems that these letters were circulated to encourage the friends of *la bonne cause* (as Mr Blaikie remarks). Several copies exist.<sup>20</sup> But France was doing nothing. They paid no heed to a *Mémoire* of August 20 from the Earl Marischal, nor to the one-eyed slovenly Lord Clancarty, who, as usual, could produce no *written* assurances from the useless Jacobites of England.<sup>21</sup> Meanwhile Cope occupied September 4-11 in marching from Inverness to Aberdeen to take ship for Edinburgh. We catch a glimpse of the Prince from information sent by Cope. He "is in a fine Highland dress laced with gold; wears a bonnet laced; wears a broadsword; had a green ribband [Order of the Thistle]: a well-made man, taller than any of his company."<sup>22</sup> The unsuspecting Forbes was offering Lovat commissions for officers in a Whig regiment (September 19), while he let the shifty chief know that he had heard "silly stories" that his plans were Jacobite. Lovat kept contradicting the allegations, but appears to say nothing about the commissions.

The conduct of Lord George Murray had not been much more

straightforward. It was unworthy of this brave and, in all other respects, honourable man, to occupy the post of Sheriff-Depute under Government; to visit Cope on August 21, with old Glengarry; to "pooh-pooh the Rising" in a letter to the Lord Advocate, after his visit to Cope; and then to accept, with the Duke of Perth, the rank of Jacobite Lieutenant-General.<sup>23</sup> Lord Elcho, who joined Charles near Edinburgh, had known the Prince in Rome. In his Memoirs he says that Charles informed him that he knew Lord George joined him merely to betray him, and that two Irish officers were to watch Lord George, and slay him if he showed treachery. (Extracts from Lord Elcho's unpublished Memoirs are given by Mr Ewald in his 'Life of Prince Charles.') Again Henderson, in his contemporary 'History of the Rebellion,' says that Lord George's brother, Tullibardine, "signified his distrust" when he came in at Perth. Certainly Lord George's behaviour suggested suspicion; but Maxwell of Kirkconnell speaks of Murray of Broughton as "beginning by representing Lord George as a traitor to the Prince" from mere jealousy, and Lord George "soon came to know the suspicion the Prince had of him."<sup>24</sup> Nothing in Murray's 'Memorials' suggests anything corroborative of Maxwell's statement about him.<sup>25</sup>

Lord George was passionate and outspoken; there never was complete trust between him and Charles; but the original fault was his own "policy" of affecting to be friendly to Government. He despised Sullivan, and the Irish with the Prince distrusted all the Scots, while they had the ear of Charles. These facts were ruinous to the Cause. Later, the army believed that when a Highlander broke the stick of a stranger in a quarrel, there was found in the stick a letter from Atholl advising his brother, Lord George, to desert with the Atholl men. Now Atholl's factor, Bissat, was wont to send secret intelligence rolled up beneath the leather of a whip handle.<sup>26</sup> The coincidence is curious. Lord George, once engaged, was, in fact, absolutely loyal, though perhaps once or twice mistaken in his strategy.

On September 12 Cope set sail from Aberdeen, and Charles, on the following day, mastered "Forth, that bridles the wild Highlander," by crossing at the difficult fords of Frew, near Arnprior, the house of an adherent, Buchanan. In crossing Forth the Prince did what Mar never achieved in 1715. Meanwhile Colonel Gardiner, famous for his piety, withdrew his dragoons to Linlithgow, in place of attacking the clans in their march. A mysterious event

occurred at Buchanan's other house, Leny, near Callander. Stewart of Glenbuckie, on his way to join the Prince, stayed here for the night, and next morning was found shot, a pistol in his hand. His host, later hanged, proclaimed his own innocence: Glenbuckie's men went home. Charles now led his troops on the southern side of Forth, passing Stirling, where the Castle fired a distant and random gun. He slept at Callander House, Lord Kilmarnock's, whither Mary brought Darnley on his fatal journey to Kirk o' Field, —a haunted house for Charles. Lunching with Sir Hugh Paterson at Bannockburn House, he may have met the black-eyed Clementina Walkinshaw, Sir Hugh's niece, and thought more of her than of Bruce. Lord George, at night, attempted to surprise Gardiner at Linlithgow, but the dragoons had again beaten a retreat. Linlithgow was the next stage; on the 16th, Corstorphine, near Edinburgh, was reached, Gardiner's dragoons retiring to meet Hamilton's at Coltbridge, utterly demoralised.

In Edinburgh all was terror and confusion. The mere name of the Provost, Stuart, caused him to be suspected; he was later tried and acquitted, probably with justice. Professor Maclaurin had been trying to fortify, with scanty assistance, the ramshackle old wall, and had mounted a few small guns.<sup>27</sup> Maclaurin is called "the Archimedes of the age" by "an Impartial Hand," "who was an eye-witness to the Facts." Public and private treasures were stored in the Castle, where were arms enough for 6000 men. There came in about a sixth of that number of volunteers, with the future Dr Carlyle, and hasty efforts were made to teach them the use of weapons. On Sunday morning (September 15) they were told that they, the Town Guard, half of a new regiment, and the rural volunteers, were to march out and attack the enemy advancing from Corstorphine on Grey's Mill, near Slateford on the Water of Leith. Hamilton's dragoons were cheered by the volunteers as they trotted to join Gardiner's, but one young preacher remarked that he was reminded of the attack of the Gens Fabia on the Gauls approaching Rome. "They all perished to a man." All who heard him laughed, and he was advised to return to his Livy. But the gallant volunteer band melted as it marched to the West Port, and no supports appeared. The bells "jowed," congregations were scanty, the Principal adjured the students to remember their dear kinsfolk, and, in fact, nobody moved with the dragoons except ninety veterans of the Town Guard, once commanded by Porteous.<sup>28</sup>

In the open, on Monday, both regiments of dragoons fled from a small patrol of Jacobite mounted gentry: the rout is called "the Canter of Coltbridge." They were seen flying along the road now occupied by George Street, and they did not stop till they reached Musselburgh, six miles away. The Lord Advocate, the Justice-Clerk, and the Solicitor-General decamped to their country houses, while the Prince sent a caddie or street messenger to summon the Provost to surrender. A confused meeting was held in the Goldsmith's Hall: the Provost, who declined to read the letter signed "Charles, Prince Regent," was not supported, and three Bailies, with the Convener, were ordered to meet the Prince. They returned with a repetition of his demands, and a new deputation went to ask for delay; but there was a rumour that Cope had reached Dunbar, and no delay was granted. Coutts, one of the envoys, deposed at the Provost's trial that he heard Charles say to Lord Elcho, a recruit of that night, "My Lord Elcho, Lord George has not spirit to put this order into execution; you must go and do it for him." Elcho then came out, and briefly remarked "Get you gone!" Horace Walpole, who had known Elcho in Italy, accuses him of ferocity, and no entreaties, later, won his pardon from Government. Lord George, says Coutts, was gentler,— "I know your pinch," he said; "you want to have the consent of your principal inhabitants. Make haste to town: you'll have an hour or two to obtain it."

Back went the Bailies in their cab, and when the Nether Bow was opened for the coach to go out to its stable, about 3 A.M., Lochiel seized the porter, and in marched his Camerons. Murray had led them round by Merchiston; under the Castle guns they had heard the sentries challenging and replying, and they simply walked into Edinburgh behind the Bailies.<sup>29</sup> Murray describes the state of the walls, and the scheme which had been formed for taking them. The place would have fallen in half a day certainly, with deplorable results. Sullivan now disposed guards; the Highlanders behaved in the most quiet style, Lochiel having forbidden them to taste the offered drams. They were naturally soldiers of the best, as orderly as they were brave: from ordinary troops Edinburgh might have suffered sorely.

Cope reached Dunbar about the time when the Highlanders took the town. Charles entered Holyrood at noon: people knelt to him and kissed his hand when he dismounted, and he "received



them in a very popular way," says an eyewitness, the "Impartial Hand." He was in Highland habit, rather strangely composed of "red velvet breeches, a green velvet bonnet, with a white cockade," and boots. Probably he wore a tartan jacket, or a plaid over his coat. "His speech was very like that of an Irishman." Proclamations were now read at the Cross, the Camerons forming a guard, and Charles entered the palace and occupied the Duke of Hamilton's rooms. The Prince had come home at last to the house where his race had known so many strange fortunes; where Riccio was stabbed; where Mary held Twelfth Night revels and confronted Knox; where she whispered with Bothwell on the morning of Darnley's murder; where a later Bothwell kidnapped James VI. It was an hour of great adventure, of forlorn dreams at last fulfilled,—an hour for tears of joy. *Nunc dimittis* may have been the thought of many a heart long true to impossible loyalties, long sick with hope deferred.

At the Cross the beautiful Mrs Murray of Broughton, whose fate is so mysterious, sat her horse, a bright sword in her hand, distributing white cockades to the crowd. The ladies were almost all Jacobites; but they did not secure many volunteers for the Prince, who was already arranging for supplies, and seizing arms for a host in which scythes set on staves did military duty as bills. No time was to be wasted: Cope had disembarked his men at Dunbar by September 18. He had good intelligence through Mr Home, later known as the author of 'Douglas,' one of the academic Edinburgh volunteers, who had watched the distribution of food to Charles's men, carefully counted them, and estimated them under 2000.<sup>30</sup> This agrees with what we know of the composition of the force at this moment: the recruits just arrived may have brought the host up to 2400. At Aberdeen Cope had guessed the enemy at about 4000: the muster-roll of Patullo the Muster-master, lent to Home, puts the Jacobites at 2500. Cope, by the calculation of the late Sir Robert Cadell, had Hamilton's and Gardiner's demoralised dragoons, 1400 foot, six small guns manned by sailors, and six small mortars, while Charles had no artillery.

On September 20 the Prince marched, having learned that day that Cope had 2700 men.<sup>31</sup> He provided amateur ambulances, coaches and chaises, and threw his handful of horse, under Elcho, in advance as scouts. According to Carlyle, who was acting as

a kind of scout for Cope, he was surprised when that General, avoiding the high post-road through Tranent moor, which commanded the country, turned to the right and the level lands on the north towards the Firth of Forth, and occupied an open field of two miles in length by a mile and a half in breadth, extending from Seaton to Prestonpans and from Tranent meadow to the sea. Carlyle understood that Cope had meant to occupy ground defended by the Esk in front, with Dalkeith and Musselburgh handy for supplies. But Home and Loudoun brought news that the clans were on the march, "through Tranent without a stent," as Skirving's song says, and, after a hesitating halt, Cope made for the fields already described, bare of sheaves, unenclosed, and marked by a solitary thorn-tree—later the centre of the slaughter. Cope's army fronted west, but seeing the enemy on high ground at Birsley, a mile away to the south-west, he shifted eastward to front them. The Chevalier Johnstone, an imaginative writer, but experienced in war, describes Cope's position as fortified by nature, and the happiest for so small an army. In front was a morass, and, just in advance of the outposts, a deep ditch of twelve feet wide, into which the morass drained itself. On the left was another morass, behind Cope was the sea, and his right rested on high park walls.<sup>32</sup>

The clans manœuvred so that Cope changed his front : his right now was defended by the ditch and morass, on his left was the sea. To cut his road to Edinburgh, Charles posted some Highlanders in the churchyard of Tranent : Cope shelled them, and, after a dispute between Sullivan and Lord George, they were withdrawn. The facts are obscure : Carlyle, from the church steeple, saw a body retire, and another, or the same, occupy a "loan" leading south-west from Prestonpans.<sup>33</sup> The object of these manœuvres was to sever Cope from Edinburgh. Carlyle, fatigued with duty, now went to bed, was wakened by the first gun, ran out, and learned from his father, who had watched from the steeple, that Cope was already routed : so rapid was the victory of September 21 !

The common story is that Charles did not learn till the dead of night that there was a path through the morass. Murray, however, represents this news, given by young Anderson of Whitburgh, as having been brought while apparently there was yet light enough for the battle on September 20. Lord George wished to charge,

but "the night being far advanced," Charles delayed. The tale is confused, but Carlyle represents Gardiner as aware that the Highlanders "were very near our army, with little more than the morass between."<sup>34</sup> Murray says that the clans were within three hundred and fifty yards of Cope, but apparently these yards were occupied by the morass, through which a way was not shown till after midnight. The clans passed through in the dark: the path, says Ker of Graden, a Roxburghshire volunteer and admirable officer, whose account is in the 'Lockhart Papers,' was wet to the knee. The Prince was not permitted to lead the first line, and, with Macdonald of Morar, led the second, falling, says Johnstone, who was near him, as he leaped the ditch.

Meanwhile, having crossed to firm ground, the Macdonalds, on the right, under Perth; the Camerons and Appin Stewarts, on the left, under Lord George, threw down their plaids, drew swords, and simply drove Cope off the ground. So swiftly was all over that the Prince and Johnstone, "not more than fifty paces behind, and running as fast as we could," found the field empty except for dead and wounded men.<sup>35</sup> As at Killiecrankie, the battle was ended, as Mackay says, "in the twinkling of an eye." On the left the Camerons and Macgregors, urged on by a speech from their wounded leader, James Mor, swept over the unmanned guns, which were discharged once by Colonel Whitefoord. The dragoons beside them fled at once, some towards Berwick, some to the Castle of Edinburgh,—“they ran like rabbits,” as the Prince wrote to his father. Colonel Gardiner, wounded by a bullet, but striving to rally a knot of infantry, was cut down by a crowd of Highlanders. Whitney's dragoons, instead of falling on the Cameron flank, wavered and galloped away eastwards. The English infantry opposed to Perth, being confused and surprised, "gave only an infamous puff, and no platoon," says Lord Dunmore; "fired too soon, and almost turned their backs before the Highlanders could engage them with their swords," says Murray.<sup>36</sup> "The foot gave one good fire from right to left; but before they could give a second, the Highlanders were upon them sword in hand," says Maxwell.<sup>37</sup> The fire accounted for the Prince's losses, "being all gun-shot," says Murray.

Charles, writing to his father (October 7/18), states his killed and wounded at about a hundred.<sup>38</sup> Friends like Maxwell and Murray, and an honest foe like Home, agree in testifying that the Prince

“thought of nothing at first but having the wounded taken care of, his enemies as well as his own.”<sup>39</sup> Home says that this duty occupied him till mid-day; and Murray even grumbles that Cope’s men were seen to first, “to the great loss of the wounded of his own army.”<sup>40</sup> Carlyle also remarked the humanity of Charles’s officers, and learned that the chiefs “were civil to everybody.”<sup>41</sup> The contrast of Cumberland’s brutality after Culloden is black enough! From traditional anecdotes it seems probable that, in the heat of blood, clansmen cut down brave English officers who refused to surrender, or, at least, that “they were pressing to have cut them down.” Thus the gallant Colonel Whiteford, who alone stood by the guns, would have been slain but for the interposition of Sir Walter Scott’s friend, Stewart of Invernahyle. Gardiner might have been overmastered and taken, but his desire was not to live. There is also a local tradition that some runaways were sliced from behind in trying to climb the high wall of Pinkie park. But the chiefs did their best to prevent useless slaughter, as the list of captured officers proves. Of these almost all—Sir Peter Halket was an honourable exception—obeyed Cumberland’s order to break their parole.

Murray reckons Cope’s loss at 8 officers and 300 men killed, and 400 or 500 wounded and taken, with 83 officers. Lord George says 1200 killed and wounded, and 1800 prisoners, the wounded included.<sup>42</sup> All the baggage, with its guard of Highlanders, was captured, and the guns, of course, were taken. The affair was like a sudden onslaught of Soudanese spearmen or Zulus, an Abu Klea or Isandhlana. Murray, like Carlyle, blames Cope for not having marched earlier and secured the Esk from Inveresk to Pinkie, while his choice of ground proved to his troops that he distrusted them if they were not secured by natural fortifications and the park walls which barred their flight. He neglected to reconnoitre the morass, and posted no men and guns to guard the pass. It is always easy to criticise a defeated general; but Cope was certainly not responsible for the flight of the demoralised dragoons, who, if confident, might have saved the day, nor for the lack of artillerymen. With Cope’s troops no English general of the day would have been victorious, granting that the Highlanders were allowed to take the offensive, and that the artillery could not come into action.

Had Charles been at the head of a full muster of the clans, the policy of audacity would have led him to enter England before

England could call back her troops, and her Dutch, Swiss, Danish, and Hessian mercenaries from the Continent. The Prince, says Murray, considered the project of crossing the Border, but his little army was reduced by desertions: clansmen were carrying home their loot: to leave Edinburgh would be to enable the English reinforcements to land in his rear. The Prince therefore sent messengers to ask for men, arms, and officers in France, while Kinlochmoidart, Macleod of Muiravonside, and Macdonnel of Barisdale were despatched to Sleat, Macleod, and Lovat, doubtful and dilatory allies.

To many qualified observers the affair seemed, in the Greek idiom, to be "on a razor's edge,"—a featherweight might turn the scale for Rome or for Herrenhausen. But the Prince must have seen that there was no general ferment of loyalty to him, or of desire to break the Union, and secure national independence. His cause was without a solid political basis. The chiefs, like Clanranald and Lochiel, had come out from a mere sense of honour, and their men, delighting in adventure, followed the chiefs gladly, save when they were brought out, as in Atholl, by burning their houses over their heads. Blair of Glasclune writes later to Tullibardine: "I have succeeded tolerably, though in a manner very contrary to my inclination, being *often* obliged to use the greatest extremities—namely, that of burning."<sup>43</sup> The plea of having been "forced out" was often fictitious, but in this and other cases was undeniably true.

Thus the clans fought for honour, or because they had no choice in the matter, or for the mere excitement of *res novæ*. Among the Lowland gentry the old fierce patriotism of Lockhart was decaying, and it was loyalty to the cause and king of their fathers, loyalty raised to the height of ardent personal love, which brought out such men as the Oliphants of Gask, Lord Pitsligo, and other representatives of the Cavaliers. Their grievance was the persecution of their little Church, and another motive was hereditary disdain of Presbyterian discipline. Such motives influenced only a small minority, and when Charles in his proclamation promised freedom, he learned that the country had as much liberty as it wanted, and that the majority associated his family and creed with slavery and persecution. He supposed that a long course of oppression had rendered them apathetic, but they understood their history in the opposite sense. Practically he had no political cause and

no political support, but apathy was more conspicuous than loyalty to the German rulers.

Marshal Wade, according to Henry Fox, said that if 5000 French arrived before 6000 Dutch, and ten English battalions from abroad, "England was for the first-comer." The country was indifferent: loyal Whig attempts, English or Scottish, to raise regiments were not encouraged. Marchmont, Stair, and Montrose met on September 10: Marchmont and Montrose were chilled by the contempt of Stair, and Queensbury by Tweeddale, who put his trust solely in British, Dutch, Swiss, and Danish regular troops. France was not more eager to help Charles. On September 24 Monsieur d'Eguilles got his orders to go to Scotland as a kind of military *attaché* to the Prince, to ascertain his real situation.<sup>44</sup> D'Eguilles was not publicly accredited to Charles, whom he served to the best of his power, while France dallied, and threw away an opportunity which was excellent—if, that is, she could transport 5000 men to England. Probably she was quite unable to face the British fleet. However that may have been, Sempill and Balhaldy's fables had made Louis XV. distrustful, while by September 25 fresh Dutch and English regiments had arrived in the Thames, and were to meet at Newcastle, under Wade. General Huske had left London for Newcastle on September 24; Newcastle, writing to Matthew Ridley, announced that 2000 men would land from Dublin at Chester; and Ridley, writing to Forbes of Culloden, said that 2200 Swiss, with five companies of horse, were marching north.<sup>45</sup> Wightman, however, at Newcastle, believed that all would be over if the French landed near London: he describes Gardiner's dragoons as "Irish dogs": if so, they may have been in sympathy with the force from which they fled.<sup>46</sup> Charles's envoys were meeting with little success in the effort to stir up Macleod, Sleat, and Lovat, while at Edinburgh there were feeble attempts to blockade the Castle, which fired on the town. Finally Charles withdrew the blockade (September 29—October 5). Reinforcements from the north kept dropping in,—Ogilvy with 600 men; Viscount Dundee with a few gentlemen; old Lord Pitsligo with over a hundred mounted gentry and some 250 foot; 120 Gordons and Mackinnons; the Master of Strathallan with 300 men; Arthur Elphinstone (Lord Balmerino), a hundred Macgregors; and, by October 30, Tullibardine with a rather reluctant 600 men from Atholl.<sup>47</sup>

Great promises were made by Macleod and the Frasers, and

Lovat's letters to Forbes of Culloden, in October, become almost Jacobite: he says that he is unable to stop his clan, who insist on marching under his son, Simon, a student at St Andrews. A feeble attempt to attack Culloden House was made on October 16 by the Frasers, for which Lovat apologised. His son did march before the end of November; but Lovat's delays had taken the spirit out of a gallant clan, who never knew what were the real designs of their venerable chief. It is not improbable that Charles's muster-roll included 6000 efficient men, while a shuffling treaty of alliance with France, concluded at Fontainebleau between d'Argenson for Louis XV. and O'Brien for James, neutralised the 6000 Dutch who, by the previous treaty of Tournay, could not fight against France or her ally.<sup>48</sup>

The Prince did not fail to understand the almost hopeless nature of his enterprise. D'Eguilles told his Government that Charles had 10,000 men,—a greatly exaggerated estimate; but Charles assured him that, if French assistance did not come, or came too late, "I cannot resist English, Dutch, Hessians, and Swiss." He had not yet learned that the Dutch were neutralised under the treaty of Fontainebleau (October 23). On October 15/26 Charles wrote his last letter to James, from this country, which I have seen in the Stuart MSS. at Windsor Castle. He expresses much affection and regret for having offended the king by taking with him Strickland, whom James, for various reasons, thought a mischievous adviser. Strickland was in ill-health, and died at Carlisle. Charles states his force at 8000, with 300 horse, but the infantry are over-estimated. "With these, as matters stand, I shal have one desisive stroke for't, but iff [unless?] ye French land, perhaps none. . . . As matters stand, I must either conquer or perish in a little while."<sup>49</sup>

The Prince's courage and sense have been disputed, but when he wrote this letter—

"Like some bold seer in a trance,  
Seeing all his own mischance"—

he displayed both bravery and a full intelligence of the situation. With a price on his head he ventured into the heart of England, merely to win a battle if he might, and, by his risk, and his victory if he won it, to extort aid from the most shifty of nominal allies. It was a gallant enterprise, and the whole weight of the

evidence proves that the Prince never blenched, but steadfastly went to his glory or his grave. The mass of the clans were as resolute and as eager: whatever befell later shakes no rose from the chaplets of Charles and his men. From the Prince's letter to James it appears that, if no French force landed in England, he had no hope of any considerable English rising. On September 27 his envoy to the English of his party, one Hickson, had been arrested at Newcastle.<sup>50</sup> In place of a French force, the timid English Jacobites saw the Duke of Cumberland, who was a resolute if not a scientific general, landed from Flanders on October 19.

On October 30 Charles held a council of war. French supplies had been safely landed at Stonehaven, with artillery and gunners under Grant, an excellent officer in French service. From Stonehaven Mr Colville announced that 6000 French, under the Earl Marischal, were ready at Dunkirk; but the prayers of the Duke of York, now in France, were of no avail,—the French merely dallied as usual. Still, there were hopes of them, and the Prince, according to Maxwell of Kirkconnell, was anxious to attack Wade at Newcastle, or wherever he could find him on the eastern route. This was the 'better plan, as, the Dutch being neutralised, Wade senile, and his English force wearied with marching, the Prince would have won an encouraging victory on English soil! Of course, the volunteers of England were of no military value. Lord George Murray, as usual, opposed Charles, urging the difficulty of crossing Tweed, which might have been considerable, after a defeat. Still, to march to Carlisle was to leave Wade on the Prince's flank, in place of "discussing" him, and clearing the way. Murray justly remarks that to evade Wade was to permit him to join Cumberland as soon as he marched north. Charles would then either have to fight thrice his own numbers, or slip south, where nobody would join a leader with an overwhelming force on his rear; or—retreat, as he did, from Derby.<sup>51</sup>

In the circumstances, as far as we can venture an opinion, Charles (perhaps advised by Sullivan) chose the better part; but he was overruled by Lord George, gave up his own plan, and went to meet the inevitable failure. Granting that Lord George's plan was the more unhelpful, his dispositions were good for the western advance. On October 31 Charles, reinforced by 400 of Cluny's Macphersons, concentrated at Dalkeith. On November 1 Tullibardine and Perth, with the Atholl men, the Lowland recruits, the



artillery, the regiments of Ogilvy, Glenbucket, and Roy Stewart, and Kilmarnock's mounted men, marched south by Peebles, Moffat, and Lockerbie. The Prince's column, the clans, Lord George Murray, and Elcho's and Pitsligo's horse, moved by way of Lauder and Kelso, where they halted while the gallant Ker of Graden scouted with horsemen towards Wooler, so as to appear to threaten an attack on Wade at Newcastle (November 5). Charles next day went to Jedburgh, and up the valley of Rule water to Larriston, of old the seat of the chief of the Elliot clan, who in times past would have rallied to his standard, with the Armstrongs, under such men as rescued Kinmont Willie. But the Border love of war for war's sake had long been dead: dead were the pricklers that followed the banner of Bothwell, broken were the moss-troopers of 1715, rusty were the swords and obsolete the spears of Scotts, Elliots, and Armstrongs, Croziers, Nixons, Irvings, and Bells. Charles and the clans marched, unwelcomed and unopposed, down the southern bank of peaceful Liddel: the horsemen rode by Hawick and Langholm. Peacefully they passed through what had been a region of warlike men. On November 9 Charles and the clans were joined by Tullibardine's column, and camped two miles west of merry Carlisle.

At Carlisle the Deputy Mayor, one Pattinson, a fussy and boastful person, refused to surrender, confiding in the town walls and in the local militia. On November 10, in a thick mist, Perth, Sullivan, with Grant and a Colonel Geoghegan, reconnoitred the Penrith gate: a battery was made, and a blockade was arranged, the Atholl men opening the trenches. In the evening Charles heard that Wade was approaching, and moved to Brampton, seven miles on the Newcastle road, where the Prince and the army hoped for a victory, which Murray rightly deemed inevitable, as the hilly ground favoured Highland tactics; but old Wade never stirred, and on November 13 Charles sent half his force back to dig and man the trenches. Spade work did not suit the genius of the fighting clans, and Lord George throughout thought that his Atholl men were regarded as inferior combatants—indeed, they were reluctant to rise. But Charles did not send the fiercer clans to take their turn with the spade, and Lord George in anger resigned his commission (November 14), though ready to serve in the trenches as a volunteer. That night Carlisle hung out the white flag, and as Lord George's resignation had been quietly accepted by the Prince, Murray and Perth were sent to arrange terms. They insisted that

the Castle as well as the town must surrender, and carried their point; but Lord George (as he wrote on November 15 to Tullibardine) was jealous, and offended by the prominence of Murray. Perth, as a Catholic, was thought apt to be unpopular with English Protestants, and Maxwell of Kirkconnell, according to his account of the campaign, hinted to him that he should resign in favour of Lord George. Perth behaved admirably, and Murray does not conceal his own respect for the soldiership of Lord George: he asked the leave of Charles "to absent himself from his councils."<sup>52</sup> For the moment Lord George was pacified, but there was an end of good feeling. Here it should be remarked that Lord George had served in the Royals (1712-1715) before he joined Mar in the campaign of the latter year.<sup>53</sup> Carlisle having fallen, Wade (November 10) marched to recover it, but retired from Hexham to Newcastle on November 22: he said that snow had made the roads impassable.<sup>54</sup>

On the 20th a council determined to leave a garrison in Carlisle and march south to raise the Jacobites of Lancashire. Desertions had been frequent, and, as far as the writer can calculate, Charles was not accompanied in his southward march by more than 4500 men, and a few ladies in carriages: among them was Mrs Murray of Broughton. The English believed—wrongly, says Bishop Forbes, who may be relied on—that Jessie Cameron also made the campaign. For some reason, based on no known evidence, the English conceived that this lady was the Prince's Egeria: her age, we know, was about fifty. If Charles received a letter of November 26, written by his brother the Duke of York, he may have expected a movement of French forces to his aid on December 20, N.S.<sup>55</sup> It is certain, in any case, that Ligonier, on November 16, had orders to march an army of twice the force of the Prince's into Lancashire, with 2200 horse and 30 guns. Against this Lord John Drummond landed at Montrose, with some 800 details from Irish regiments in French service, on November 22.<sup>56</sup> It was their arrival that, by the treaty of Tournay, put Wade's Dutch out of action.

While the Prince was reducing Carlisle, in Scotland the Judges, and other important persons who had fled from Edinburgh, returned thither (November 13); the fugitives of Prestonpans were collected under their colours; Edinburgh, Glasgow, and Stirling raised volunteers; and the leader of the Secession, the Rev. Mr Erskine, displayed at Stirling his loyalty to the Protestant reigning family. On the Prince's side, Strathallan was mustering a considerable force

from the north at Perth, but, as we shall see, they did not march south to join Charles. At this time two of Lord John Drummond's transports were captured: on board one of them was young Glengarry. He was for long confined in the Tower; while his brother, Æneas, continued to command the Glengarry regiment of Macdonnells, and, after the death of Æneas, old Glengarry sent James, his son by his second wife, a boy. In France the Duke of York was vainly urging the despatch of the army collected at Dunkirk. Without that force Charles knew that the English Jacobites would sit still, but he advanced in hopes of French assistance. Neither Jacobites nor Hanoverians had the slightest scruple about accepting foreign aid: if Charles expected the French, George employed any Dutch, Swiss, Danes, or Germans whom he could induce to support his throne. On November 21 Charles reached Penrith, and so went by Kendal and Lancaster to Preston (November 26, 27),—Preston, twice fatal to Scottish Royalists who were striving to raise the Royalists of England.

It was doubtless from the sanguine reports collected, as we have seen, by Balhaldy and Butler (1743) that Charles learned to expect, from Lancashire, the Stanleys, Barrymore, Petre, Chesterfield, Molyneux, Shuttleworth, Curzon, Fenwick, and Lister. From Cheshire he looked for Cholmondeleys, Warburtons, Grosvenors, and Leighs. The representatives of these ancient families sat still. At Preston the ill-fated Mr Townley, with two of the Vaughans, set an example of self-sacrificing loyalty, which was not followed by the rest of the Jacobite gentry. From Wales came a Mr Morgan, and probably held out hopes of a contingent under Sir Watkin Wynne, a Parliamentary Jacobite. But though the Welsh "had a great mind to be rising," like the hero of the Gaelic song, their movements were slow and undecided, and their discretion overcame their valour when Charles began his retreat.

Near Garstang the Duke of York picked up a young English gentleman volunteer, Captain Daniel, who, almost alone among the English recruits, followed the flag to Culloden. After great sufferings and many strange adventures, he escaped in the same French ship as the Duke of Perth. He has left an unpublished manuscript account, rather of curious interest than of historical value. He adored Charles, and, though a most good-humoured man, entertained absurd suspicions of Lord George Murray.

So far, Lord George had moved in advance, with the southern

Highlanders, the Atholl men, and other Perthshire levies. Maxwell of Kirkconnell tells us, and is corroborated by a contemporary English letter, that Lowlanders wore the Highland costume, "which was the uniform of the whole army." The Lowland horse, under Elcho, went in front, and probably few of the infantry wore other than the Highland garb.<sup>57</sup> The Prince, with Pitsligo's horse and the western clans, was in the rear. Charles, as an English letter-writer, a Macclesfield man, informs us, marched on foot always: he was a trained pedestrian. On November 27 the Duke of Cumberland arrived at Lichfield and took over the command of Ligonier, incapacitated by bad health. Meanwhile Wade reached Persbridge, moving from Newcastle, while Cumberland's force was in cantonments from Tamworth to Stafford, with his cavalry at Newcastle-under-Lyne.<sup>58</sup> On November 29, 30, the Prince was at Manchester, then a pretty town, where, for the first time, says Maxwell, he met a gallant welcome and "general concurrence." Several young men of good families, with substantial tradesmen and farmers, came in, and about a hundred "common men." These, with the details already picked up in England, were constituted into the Manchester Regiment, with Townley in command. Despite this measure of encouragement, Maxwell says that a retreat was already in Lord George's mind: he intended not to propose it, however, until they arrived at Derby, if no great aid was obtained at that point from the English.<sup>59</sup>

On December 1 the Prince reached Macclesfield. As to their appearance and demeanour, we have a long letter from a Mr Stafford, a reluctant observer.<sup>60</sup> He says that "the Rebels" advanced to Macclesfield on hearing of a visit paid by twenty of Cumberland's dragoons, who hastily withdrew. Their officer was promising the ladies to protect them, when the news of the Prince's advance made him run from the breakfast-table to the saddle. Elcho's cavalry was poorly mounted on horses that seemed to have been picked up on the way. The Highlanders marched in very good order, their pipes playing, and the Prince halted for a moment opposite Mr Stafford's door. He wore the Highland costume, with a blue waistcoat bound with silver, and a blue bonnet. "He was a very handsome person of a man, rather tall, and exactly proportioned, and walks well." He was received in profound silence. The force was stated by a Lowland officer at 10,000, but Mr Stafford estimated it, more justly, at about 6000.

The Lowland officer, quartered on Mr Stafford, was "exceedingly civil"; indeed the army behaved very well, though women and children lay about promiscuously among the privates, in a manner which the observer reckoned untidy. Glenbucket, so forward in 1715, rode doubled up in his saddle. He was extremely old, and was said to have risen with new life from his bed when Charles arrived in Scotland. The private soldiers, "though dusty and shabby, appeared lusty active fellows," "almost all of an age," except a few veterans and a number of young boys, who were expected, it was said, to run under and dirk the horses if they met British cavalry. The Prince had but twelve small guns, English and French, and two mortars. These proved mere *impedimenta*, delaying the force on the march.

At Macclesfield, says Lord George Murray, he learned that Cumberland was advancing, and that his forces were at Lichfield, Coventry, Stafford, and Newcastle-under-Lyne. As Derby was Lord George's objective, he led a column to Congleton, on the way to Lichfield, to induce Cumberland to concentrate there: in this he succeeded, for the Duke of Kingston and his horse fell back on Newcastle-under-Lyne, and the enemy thence retreated to Lichfield. Lord George then turned off by way of Leek to Ashburn, through which the Prince passed on December 4, joining Lord George at Derby. Now, if we believe John Hay of Restalrig, in a council at Macclesfield Lord George was "one of the keenest" for the plan of making forced marches, and cutting between the Duke of Cumberland and London. Hay, who was secretary of the Prince in place of the invalided Murray of Broughton at the end of the war, may be reckoned a hostile witness where Lord George is concerned. At the same time,<sup>61</sup> Lord George's account of his own feint in his march to Congleton proves his intention to make Cumberland concentrate at Lichfield, and what purpose could that serve, except to enable the Prince to give Cumberland the slip and march on the capital?

Lord George's story is that, at Derby on December 5 (really December 4), he learned that Cumberland would enter Stafford on that night, and Stafford "was as near to London as Derby." Wade's cavalry was advancing to Doncaster, his infantry following, and Lord George knew of the formation of that camp at Finchley, which has been made immortal by the unflattering pencil of Hogarth. The combined British forces would be 30,000 men:

the Prince, says Lord George, had not 5000.<sup>62</sup> In case of a disaster there could be no retreat: the militia could at least seize the roads, while the enemy's cavalry would surround the army and capture the Prince. But "His Royal Highness had no regard to his own danger, but pressed with all the force of argument to go forward," says Lord George; and Maxwell adds, "The army never was in better spirits than at Derby."<sup>63</sup> Maxwell makes Lord George foremost in pressing these two obvious arguments for retreat, and in pointing out that they had a strong reserve in Scotland, with Lord John Drummond's men and the force of Strathallan. As to the French, it was to Scotland, not England, that they were sending troops. If the Prince advanced and fell, the Cause was for ever ruined.

Hay says that no formal council of war was held; that he was with Charles in the Prince's room; that Charles was just going out when Lord George stopped him, saying that most of the chiefs were for retreat. "The whole day was passed in *brigue* and cabal, but no council of war was held."<sup>64</sup> Many years later, John Home managed to have definite questions in writing placed before Charles. Was Hay's story accurate? Charles denied it, saying that a full and formal council of war was held, and that "all, except himself, were of opinion that the retreat was absolutely necessary. He endeavoured to persuade some of them to join with him, but could not prevail upon one single person."<sup>65</sup>

D'Eguilles, in his Memoirs, says that *he* saw no overwhelming danger in the advance. He, personally, was in fact safe enough, being no rebel. At the same time, the Duke of Richmond, writing to Sir Everard Fawkener from Lichfield on the fatal day of December 5, says, "If they [the Prince's army] please to cut us off from the main army, they may; and also if they please to give us the slip, and march to London, I fear they may, before even this *avant garde* can come up with them: and if we [they?] should, His Royal Highness knows best what can be expected from such an inconsiderable corps as ours."<sup>66</sup>

Lord George Murray, of course, did not know that Richmond's horses were worn out, that he could not send forward patrols, that the way to London was open,—“there is no pass to defend,” Richmond wrote; that the camp at Finchley “was confined to paper plans”;<sup>67</sup> and that Sir Watkin Wynne was despatching a messenger assuring the Prince that Wales was ready.<sup>68</sup>

London, on Black Friday (December 6), was in a panic: the Jacobites of the city had promised to rise and join Sir Watkin in London, but on that day the Prince's army, to their intense disgust, were marching northwards, with cries of rage, says the Chevalier Johnstone. What might such men not have done? Their marching powers enabled them to evade Cumberland; their fighting powers, that, when they were weakened by hunger, broke his first line at Culloden, would have scattered his force to the winds if they chanced to encounter him. On this point the Prince never had a doubt, and he knew that, after he gained a victory in the Midlands, disaffection would mine the English army. But all military reasons—as Lord George could not read the minds of his opponents—were on the side of retreat, so the one chance was lost; and the last great romantic enterprise of Scottish history was broken, like the heart of its leader.

It is not without a heartache that the historian accompanies a gallant army and an undaunted leader from the gates of hope to the long march leading to Culloden Moor, to the scaffold, to exile and despair.

The charges of treachery which ignorance and ill-will brought against Lord George, a man of fiery temper and unconciliatory humour, but incapable of such guilt, are demonstrated to be false by his conduct during the retreat. No man was more obnoxious to Government than Lord George; no man, if taken, was more certain to meet the worst fate that the English law of treason could inflict. But he chose to command the rear-guard in the retreat, and exposed himself to every peril; while Charles was no longer, as Lord George says that he had been in the advance, the first man astir every morning in his camp. The Prince during the retreat rose late, and then rode to the van; while Lord George collected stragglers, strove to repress pillaging, and toiled to hurry on the heavy and useless artillery with its ammunition. He chose the Glengarry men for his rear-guard, and though "none of the most patient," they were fired by his example of laborious patience.

By December 12 they reached Preston: they had found the Manchester mob unfriendly, *conversis rebus*, and the army itself was discontented—never reconciled, says Maxwell, to the retreat. Captain Daniel says that the country was taught to believe the Prince's army scattered and demoralised, and that savage attacks were made on stragglers. A woman and her son cut the throat

of a poor English boy asleep by the roadside, in advance of the army. As Charles refused to shoot a spy named Weir who had been captured by Lord George, and later did much mischief, so he declined to punish this modern Jael and her son. The retreating Highlanders were told that the men of Strathallan and Lord John Drummond were on the road to join them, and were in danger from Wade's army—indeed a messenger had been sent to summon Strathallan and Lord John. There was thus, thought the army, good prospect of a fight, for which they were pining. If we follow the narrative of Lord Macleod, the forces under Lord John and Strathallan and himself were considerable enough to make a junction with them,—a plan not without promise.

“Besides the Mackintoshes, Farquharsons, and my father's [Lord Cromarty's] regiment, a large body of the Macdonalds of Glengarry, of Clanranald, and of Glencoe, together with a battalion of the Camerons, and likewise Barisdale's regiment” (Macdonnells), were at Perth, while the Frasers kept dropping in, though Lovat's son, the Master, had not arrived. Then Lord John Drummond's force made a fair though disappointing show, though they “had forgotten” to bring mortars, bombs, or engineers. The whole force had Charles's orders (which reached them through Colonel MacLachlan about December 18-20) to move south and join him, which the force was eager to do, but Lord John refused to obey. Now Charles, as we learn from Maxwell, had no news at all from Scotland, as he moved north, and might expect any day to be met by an army composed of the flower of the fighting clans, with French officers. This hope accounts for, or at least palliates, his serious error in leaving a small garrison, doomed men, to keep Carlisle till his return in full strength. But the force at Perth tarried in Scotland, first because of the ineptitude of Lord John Drummond, an officer in French service who declined to imperil the men and guns of King Louis; next, because they had to oppose Lord Loudoun and Macleod of Macleod in their own neighbourhood.<sup>69</sup>

Lord Lewis Gordon (remembered in song—

“Send us Lewie Gordon hame,  
And the lad I daurna name !)

had been recruiting in the Gordon country ever since October 21. He had threatened to punish “the vile and malicious behaviour



of the Presbyterian ministers . . . as the law directs," but, though he wrote from Huntly Castle, "the Duke of Gordon sent advertisements to his people not to obey my orders." It was the old situation that baffled Montrose, when Huntly thwarted Aboyne.<sup>70</sup> It was Lord Lewis's purpose to meet and check Loudoun's force as they crossed the Spey, if Loudoun ventured south from Inverness. But Loudoun, on the contrary, marched to relieve Fort Augustus, which was threatened by the Master of Lovat (December 3). Loudoun captured old Lovat, and took him to Inverness, whence he escaped on December 20, and as he was now involved, his clan at length went to join the Prince. Loudoun's next move was to despatch Macleod of Macleod with Munro of Culcairn to relieve Aberdeen, held by the Laird of Stoneywood for the Jacobites. Lord Lewis, however, met and routed Macleod at Inverurie, ten miles from Aberdeen, and drove him across the Spey, on December 23.<sup>71</sup>

Other operations of the force at Perth were the securing by Lord Macleod, with the Glencoe Macdonalds and the Stewarts of Appin, of the passes from Stirling to the North; and while acting in this service Lord Macleod first learned, from Dr Archibald Cameron, a brother of Lochiel, that the Prince had retreated as far as Glasgow.<sup>72</sup>

It is thus plain that the two divisions of the Prince's army were in total ignorance of each other's movements, and the hopes which Charles entertained of effecting a junction in England or on the Border with nearly half of his army were disappointed. The wildest rumours had reached the North: the Laird of Lonmay (December 16) informed the Laird of Stoneywood that Charles was within twenty miles of London, 30,000 strong (the evidence was 'The Ipswich Journal'), that the Prince had given Cumberland the slip, and that London and all England "were mad in favour of the Prince."<sup>73</sup> Meanwhile Charles, having arrived at Preston (December 12), sent the Duke of Perth north, with Captain Daniel and a hundred horse, to bring up that half of the army which was occupied at Inverary and Dunblane in the way already described. But Perth was stopped by the militia, and returned to the retreating army at Kendal.<sup>74</sup> At Lancaster Charles delayed, and had an idea of awaiting Wade and fighting. Lord George writes about this matter in an injured tone, as if the Prince's familiars were intriguing against him; but Ker of Graden, an ex-

cellent officer, much commended by Lord George, says that the position was found to be inadequate.

The force which Charles wished to meet was that of the dilatory Wade, who, Maxwell thinks, might cut across the Prince's route at Penrith with infantry as well as cavalry. The cavalry of Cumberland "could never hurt foot that retired in good order, and were not afraid of them," and, far from fearing, the Highlanders had learned to despise cavalry; while Cumberland could not possibly, and Wade did not attempt to, bring up infantry. Wade, in fact, sent his cavalry under General Oglethorpe (brother of Fanny and Anne Oglethorpe) after Charles,—they joined Cumberland at Preston on December 13,—and retired with his infantry to Newcastle. Captain Daniel says that as the rear marched out of the town they could hear its bells ringing to welcome the pursuers!<sup>75</sup> On leaving Kendal (December 17), Lord George, with the Glengarry rear-guard, was much detained by the slovenly delay of Sullivan in giving orders for the mountain march, and by the breakdown of transport and the heavy waggons, which were mere encumbrances: small carts were needed. Charles insisted on leaving no trophies, and cannon-balls had to be carried up Shap in men's hands, at the ransom of sixpence each. The whole artillery was not, in practice, worth a single coin of that denomination.

On December 18 the main army reach Penrith; but Lord George, sending the guns forward, was at Clifton, two miles short of Penrith, he says, and thence marched to Lowther House, where he expected to meet Cumberland's light horsemen. Cumberland had been delayed a day by the Duke of Newcastle, who was rendered nervous by Admiral Vernon's account of French movements, and wanted the Duke to return to London.

Near Lord Lonsdale's house, Lowther, Lord George captured Cumberland's footman, who had been sent forward to prepare his master's quarters. From him and a green-clad militia officer Lord George learned that Cumberland, with Honeywood, was about a mile behind, with 4000 horse. He sent the prisoners and Colonel Roy Stewart to Charles at Penrith; he himself would await orders at Clifton. Returning thither, he found that Perth, Cluny, Ardsheil, with Macphersons, Appin Stewarts, and 200 of Roy Stewart's command, had been sent back to him: with the Glengarry men, he had now about 1000 of the best of the army. Unknown to Lord George, his movements were being signalled to Cumberland by

Mr Thomas Savage, an ingenious Quaker, who waved his hat instead of a signalling flag! The light was not so bad but that Lord George could see the enemy on the open moor, "about a cannon-shot away" (how long was a cannon-shot?), in two lines, broken into squadrons. Lord George's position was on either side of the road, and was strengthened by enclosures and hedges. Perth rode off to Penrith with an English guide, who knew a short concealed path, intending to bring back the whole force from Penrith, to flank the enemy, and line with musketry a long lane through which they would have to pass, if they were beaten: to be sure, the Appleby road would also need to be secured. Lord George clearly thought that, with a thousand more men, and with the lane choked by fallen horses, he could annihilate Cumberland's 4000 cavalry. But Roy Stewart brought back from Penrith the news that Charles was moving north, and desired him to follow.

Perhaps a great opportunity was missed; but it must be remembered that Cumberland did not act so foolishly as to charge with cavalry a strong position held by an unknown force. On the other hand, he waited for an hour while Lord George took all means to deceive him into the belief that a large force was in position. He marched his colours to and fro, brought them back under cover and displayed them again; while he posted the Glengarry men in the enclosures on the right of the road, and Appin's and Cluny's force on the left, with Roy Stewart's close to the village. Cumberland, despite his audacity at Fontenoy, did not make the error of leading 4000 horse along a lane twenty feet broad into a death-trap, in the light of a moon in its second quarter. Mr Thomas Savage, meanwhile, kept Cumberland apprised of these tactics.<sup>76</sup> On the Jacobite side, Pitsligo's horse had discredibly trotted back to Penrith.

Cumberland, with due caution, dismounted about 500 dragoons, who advanced from the moor to the nearest of several ditches; and the dragoons began to "snipe," or "fire popping shots," at the Highlanders. To retreat, Lord George saw, would be ruinous, for the height of the park walls of the lane through which he must pass made it impossible for him to line them with musketeers,—had he a better chance of lining the lane of Cumberland's retreat?—and the enemy, firing in platoons, would throw his men into confusion. He therefore gave orders to charge the dismounted dragoons, who were advancing as *tirailleurs* from cover to cover. He forbade any

pursuit on the moor, and moved under fire from the front and flanking hedges. Glenbucket's targe was peppered, the bullets marked the plating of steel, and a ball passed through Lord George's hair—"indeed the bullets were going thick enough." According to Lochgarry, who was present, the enemy first attacked the Macphersons, and retired after a close fire. Next a stronger body was sent to assail both of Lord George's advanced bodies: they received the fire, and, to quote Lord George, "I immediately drew my sword and cried *Claymore!* Cluny did the same, and we ran down to the bottom ditch,"—according to Macpherson of Strathmashie,<sup>77</sup> swords were broken on helmets, and the point was used,—“and the rest took to their heels, but received the fire of the Glengarry regiment.”<sup>78</sup> A few Highlanders, pursuing against orders, were taken on the moor, but Lord George had disheartened Cumberland. There was no more attempt at attack, and after a pause of half an hour Lord George sent his men on the march, being himself the last to leave the field.

Cumberland represented himself as driving the Highlanders out of Clifton; but Lord George never intended to stay there, and while the English published flourishing accounts of the slaughter of 120 Highlanders, people on the spot knew that they had the worse of the ruffle. A Mr Wright wrote from Knutsfort (December 22): “Notwithstanding what is said, I am apt to believe the rebels will get into Scotland without much loss. . . . It may be presumed that the Duke will not care to attack the main body of the rebels,” while there was no hope, he said, of any opportune movement by Wade.

On December 19 the army, a straggling line eight miles in length, entered Carlisle without opposition. “The Duke of Cumberland's curiosity was satisfied,” says Maxwell grimly; but a very mistaken decision of Charles was to give him his revenge. At Carlisle Charles received letters of old date from Strathallan, who said that his army “was certainly better than that which the Prince had,” while Lord John declared that Louis XV. wished Charles to avoid a general engagement “till he received the succours he intended to send him, which would be such as would put his success beyond all doubt.”<sup>79</sup> Maxwell says that a council was held, and that it was decided to march into Scotland and join Strathallan and Lord John. Contrary to Lord George's wish, Charles left in Carlisle 400 men, a third of them of the Manchester regiment: Lord George was unable to be present when this resolve was taken, and he could not shake it.

Lord George did not reckon Carlisle tenable against artillery brought from Whitehaven: the French officers left behind declared that it was tenable, says Syddal, Townley's adjutant; and Charles expected, it seems, to relieve his garrison and recover his own guns. Cumberland, opening fire on December 28, reduced Carlisle on December 30, and took the garrison prisoners "at discretion." Townley was for resisting: it is better to die by the sword than the gibbet. The hangman played his part on many of the prisoners. Maxwell, who seldom blames, censures the Prince for leaving the garrison at Carlisle. He declares that Townley and several others "were for defending themselves to the last extremity, . . . and they were in the right." The Governor, Hamilton, insisted on the surrender to "clemency." As Captain Daniel reports an officer named Maxwell to have escaped over the wall at night, it seems probable that the historian knew the man, and that he speaks from good knowledge.

On December 20 the army waded the Esk in spate. "We were a hundred men abreast, and it was a very fine show: the water was big, and took most of the men breast-high. . . . There was nothing seen but their heads and shoulders," and the modesty of the ladies who had forded on horseback was spared, says Lord George.<sup>80</sup> Who were these adventurous ladies? They are mentioned in English letters of the day, but they dwell only on Jessie Cameron, who stayed at home. Cumberland returned to London on January 5, 1746, and Scotland alone was troubled by the death-struggle of the Cause.

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#### NOTES TO CHAPTER XVIII.

<sup>1</sup> The True Patriot, 1745.

<sup>2</sup> See his letters, Browne, *Highland Clans*, ii. 471.

<sup>3</sup> Log of Durbé. Cf. *Une Famille Royaliste*, p. 24. Nantes, 1904. Edited by the Duc de la Trémoille.

<sup>4</sup> Culloden Papers, pp. 203, 204.

<sup>5</sup> Stuart Papers.

<sup>6</sup> Blaikie, *Itinerary of Prince Charles*, p. 5; Lang, *Prince Charles Edward Stuart*, pp. 99, 100.

<sup>7</sup> Murray of Broughton's Memorials, pp. 157-162, Scottish History Society.

- <sup>8</sup> Maxwell, Narrative of Charles, Prince of Wales's Expedition to Scotland. Maitland Club, 1845.
- <sup>9</sup> Dates are provided with accuracy in Mr Blaikie's admirable 'Itinerary of Prince Charles,' Scottish History Society, 1897.
- <sup>10</sup> Murray of Broughton's Memorials, Scottish History Society, pp. 106, 107.
- <sup>11</sup> Murray of Broughton's Memorials, Scottish History Society, p. 173.
- <sup>12</sup> Culloden Papers, pp. 210-212.
- <sup>13</sup> Culloden Papers, pp. 216, 217.
- <sup>14</sup> Murray of Broughton's Memorials, Scottish History Society, pp. 176, 177.
- <sup>15</sup> Murray of Broughton's Memorials, Scottish History Society, pp. 178, 179; Molloy's Letter, privately printed.
- <sup>16</sup> Murray of Broughton's Memorials, Scottish History Society, p. 185.
- <sup>17</sup> Culloden Papers, p. 219.
- <sup>18</sup> Culloden Papers, pp. 217-219.
- <sup>19</sup> Culloden Papers, pp. 205, 206.
- <sup>20</sup> Blaikie, Itinerary of Prince Charles, p. 84, note 2.
- <sup>21</sup> Murray of Broughton's Memorials, Scottish History Society, Appendix, pp. 513, 514; D'Argenson, Mémoires, iii. 67-69.
- <sup>22</sup> Culloden Papers, p. 221.
- <sup>23</sup> Blaikie, Itinerary of Prince Charles, p. 12, note 1; Omond, Lord Advocates of Scotland, ii. 15.
- <sup>24</sup> Maxwell, p. 56.
- <sup>25</sup> Murray of Broughton's Memorials, Scottish History Society, p. 189, note.
- <sup>26</sup> Atholl Papers. Privately printed.
- <sup>27</sup> Carlyle, p. 114.
- <sup>28</sup> Carlyle, pp. 112-121.
- <sup>29</sup> Murray of Broughton's Memorials, p. 195.
- <sup>30</sup> Carlyle, p. 132.
- <sup>31</sup> Murray of Broughton's Memorials, p. 200.
- <sup>32</sup> Johnstone, p. 32.
- <sup>33</sup> Carlyle, p. 139; Murray of Broughton's Memorials, p. 201.
- <sup>34</sup> Carlyle, p. 140.
- <sup>35</sup> Johnstone, p. 37.
- <sup>36</sup> Trial of General Cope, Murray, p. 203.
- <sup>37</sup> Maxwell, p. 41.
- <sup>38</sup> Stuart Papers.
- <sup>39</sup> Maxwell, p. 42.
- <sup>40</sup> Murray of Broughton's Memorials, p. 205.
- <sup>41</sup> Carlyle, pp. 148, 149.
- <sup>42</sup> Ath. Jac. Cor., p. 25.
- <sup>43</sup> Jacobite Correspondence of the Atholl Family, p. 200. Abbotsford Club, 1840.
- <sup>44</sup> The orders are printed by Amédée Pichot, Histoire de Charles Edouard: cf. Un Protégé de Bachaumont, by M. Paul Cottin (1887), and Mémoires of the Marquis d'Eguilles, Archives Littéraires de l'Europe, i. 78-101.
- <sup>45</sup> Culloden Papers, pp. 222-224.
- <sup>46</sup> Culloden Papers, p. 225.
- <sup>47</sup> Blaikie, Itinerary of Prince Charles, pp. 18-23.
- <sup>48</sup> The Text in Browne, Highland Clans, Appendix XVI.
- <sup>49</sup> Stuart MSS.
- <sup>50</sup> Culloden Papers, p. 226.

- <sup>51</sup> Murray of Broughton's Memorials, p. 244.
- <sup>52</sup> Murray of Broughton's Memorials, p. 242, note.
- <sup>53</sup> Information from the Duke of Atholl, published by Mr Blaikie, Itinerary of Prince Charles, p. 26, note 1.
- <sup>54</sup> London Gazette; Blaikie, Itinerary of Prince Charles, p. 27.
- <sup>55</sup> Ewald, Life of Prince Charles.
- <sup>56</sup> Fraser, Earls of Cromartie, ii. 384.
- <sup>57</sup> Maxwell, p. 69.
- <sup>58</sup> London Gazette; Blaikie, Itinerary of Prince Charles, pp. 28, 29.
- <sup>59</sup> Maxwell, p. 70.
- <sup>60</sup> This and other local documents were kindly shown to me by Mr MacLehose, who publishes them in the 'Scottish Historical Review,' as edited by Mr Walter Blaikie.
- <sup>61</sup> Hay, in Home's History of the Rebellion, p. 337 (1802).
- <sup>62</sup> Lord George, in Robert Chambers's Jacobite Memoirs, p. 53, ff.
- <sup>63</sup> Maxwell, pp. 73, 74.
- <sup>64</sup> Home, History of the Rebellion, pp. 337, 338.
- <sup>65</sup> Home, History of the Rebellion, *ut supra*.
- <sup>66</sup> State Papers, Scotland, vol. lvii. R.O., quoted by Mahon, iii. 276.
- <sup>67</sup> Mahon, iii. 277.
- <sup>68</sup> Charles to James, Feb. 12, 1747, Stuart MSS. Mahon, iii. 277.
- <sup>69</sup> Lord Macleod's Narrative, in Fraser's Earls of Cromartie, ii. 385, 386.
- <sup>70</sup> Miscellany of Spalding Club, i. 401-406.
- <sup>71</sup> Lyon in Mourning, ii. 344; Earls of Cromartie, ii. 386.
- <sup>72</sup> Earls of Cromartie, ii. 377, 378.
- <sup>73</sup> Miscellany of the Spalding Club, i. 428.
- <sup>74</sup> Jacobite Memoirs, pp. 59, 60, 61; Lockhart Papers, ii. 495.
- <sup>75</sup> MS. of Captain Daniel.
- <sup>76</sup> His letter is published by the late Chancellor Fergusson, whose papers on the Highland retreat are useful.
- <sup>77</sup> In 'The Lyon in Mourning.'
- <sup>78</sup> Jacobite Memoirs, pp. 68-71; Lochgarry to Glengarry, Blaikie, Itinerary of Prince Charles, pp. 116, 117.
- <sup>79</sup> Maxwell, p. 87.
- <sup>80</sup> Jacobite Memoirs, pp. 74, 75.

## CHAPTER XIX.

## THE END OF JACOBITISM.

1745-1746.

LORD GEORGE'S much-tried column marched by Lockerbie to Moffat, where they rested, the day being Sunday, and the troops attended Episcopal services. Their devoutness was remarked on, in England, even by the most hostile observers, and at Derby, says Lord George, "many of our officers and people took the sacrament," a battle being expected. There can have been few Presbyterians in the host; and though the Macdonalds were probably Catholics as a rule, the Glencoe men and Angus and Perthshire men were chiefly Episcopalians. The Prince marched by Dumfries to Drumlanrig, Douglas Castle (burned down in 1758), and Hamilton Palace, where, on December 26, he met Lord George, who had arrived on Christmas Day. To avoid unpleasantness, the Glasgow and Paisley militia had been called to Edinburgh, with four regiments stationed at Stirling, in November. At Glasgow, Charles heard of Lord Lewis Gordon's discomfiture; at Inverurie, of Macleod, whose men's hearts were mainly with the Prince—indeed, Macleod of Raasay and others of the clan joined him in despite of their chief. Glasgow, as a Hanoverian town, was fined to the extent (including a previous forced contribution) of about £10,000, and the men were equipped at the civic expense. A review was held, and few men were found to be missing—not over fifty, according to Johnstone. Observers saw that the Prince seemed dejected, and the ladies denied that he was handsome—so blinding is political prejudice. The Prince sent a gentleman, Archibald Cameron apparently, to Perth to consult the leaders of his northern army, and at Dunblane Lord Macleod met Archibald, returning with



him to Glasgow. When Macleod reported that Seaforth was serving the Government and enlisting the Mackenzies against Charles, the Prince was much moved. Turning to d'Eguilles, he said, "Hé! mon Dieu, et Seaforth est aussi contre moi!"<sup>1</sup>

On January 3 the army left Glasgow for Stirling, to join hands with Drummond, Strathallan, and Lord Lewis Gordon. Lord Macleod with much difficulty, after exchanges of fire with English vessels of war, brought the French guns from Alloa. From January 4 to 10 Charles lay at Bannockburn House, Sir Hugh Paterson's; and here, perhaps, he met Sir Hugh's niece, Clementina Walkinshaw,—a tall, black-eyed lady of no remarkable beauty, to judge by her portrait. Charles was suffering, as Lord George had suffered, from fatigue and exposure, and the situation may have made the charms of Miss Walkinshaw irresistible. This is the traditional story. The Prince's account-books prove that he purchased his own provisions at Bannockburn House, as everywhere else. Possibly the owner was not at home,—he does not appear in the list of rebels; and Miss Walkinshaw may have been met elsewhere by Charles. Whether she now became his mistress or not is therefore doubly uncertain,—no contemporary record names her,—but several years later she joined him in the Low Countries, with results disastrous to herself, the Prince, and the Cause.

The northern levies now at last came in, some 4000 men, while Hawley, with ten battalions of foot, Cobham's dragoons, and a reputation for ferocity, arrived in Edinburgh. On January 8 the town of Stirling surrendered; but General Blakeney held the Castle, against which the guns and engineering skill of Charles's officers were quite helpless. On January 13 Lord George had news of Hawley's advance, and marched his five battalions, with the horse of Elcho and Pitsligo, to Linlithgow. He found some of Hawley's dragoons, pursued them for a short way, and returned to Linlithgow, followed by the dragoons with four regiments of foot. Lord George crossed the bridge, northwards, intending to attack when half of the hostile force had passed over; but they were too cautious to give him the opportunity, and he returned to Falkirk, and thence to Bannockburn.

Hawley was soon at Falkirk, in camp, while, four miles away, the Prince's army lay in scattered cantonments, and could not be readily concentrated. Lord George, who knew the ground well, proposed to advance "above"—that is, as Maxwell explains, on

the west side of—the Torwood, where the army could not be seen. A third column went by the high way: they crossed the Carron water, which was low, some two miles from Hawley's position, about one o'clock, while Hawley, suspecting nothing, was lunching with Lady Kilmarnock. They then deployed on the moor, and, in order of battle, faced to the left and ascended the hill which lay between them and the enemy. In the first line the Macdonalds held the right, which they claimed as their due ever since the battle of Bannockburn, and the Camerons were on the left. In the second line were, on the right, the Atholl men, who, it is to be observed (though they behaved admirably in the ensuing battle), were not very willing warriors. Lord George had written from Falkirk, on January 11, to his brother, Tullibardine, that he heard of many desertions in the Atholl ranks. "For God's sake send the men off, if it were but by dozens, as quick as you can; . . . if rewards and punishments do not do, I know not what will." On January 16 (the battle was on January 17) Lord George wrote to Tullibardine, "We are quite affronted by the scandalous desertion of your men."<sup>2</sup>

None the less Atholl was well represented in the Prince's second line. On its left were Lord Lewis Gordon's men,—perhaps 600 or 700,—with Lord Ogilvy's in the centre. In the third line were the mounted men, Elcho's, Pitsligo's, Balmerino's, and Kilmarnock's, with Lord John Drummond and his details from the French army.<sup>3</sup> 1200 men were left at Stirling to contain Blakeney, and the Appin Stewarts, Frasers, Macphersons, and other clans filled the centre of the first line, between the Macdonalds and Camerons. This line, the first, was double the length of the other two, which were spaced out "with very large intervals between their centre and wings."<sup>4</sup>

As the fighting-ground consisted of convex slopes with ravines, it would and did follow that, in the second and third lines, the officers could not see how the bulk of their own lines was engaged. The hill-top was approached, while Hawley, who supposed the Prince to be holding a review at Bannockburn, was more or less taken by surprise. The appearance of the small third column—all that he could see—on the high road gave him no uneasiness. As soon as he knew the truth, that the Prince was making for the hill-top in force, he arrayed his army, with 1000 Argyll men some 9000 in all, on the plain at the foot of the hill between him and Charles. In his two lines were thirteen battalions of regulars: three regiments

of dragoons were on his left, and, to their sorrow, behind the dragoons were the militia of Glasgow and Lothian, while the Campbells were on the right of the regulars. Maxwell reckons Hawley's force at 10,000 to 12,000 men. Hawley advanced his dragoons at first in small parties till, says Maxwell, their line was half the length of the Prince's first rank. John Home, who was present as a volunteer, gives the same account. The left of the dragoons was opposite Keppoch's clan, the right was opposite the Fraser centre. Most of the English foot were standing on the slope of the hill, a few were on level ground above that slope.

The left of the Highland first line, the Camerons and Appin Stewarts, saw only infantry confronting them, while the Macdonalds saw none but cavalry. A ravine separated Hawley's right from the Frasers and Camerons of the Prince's left, and a great storm of wind and rain made the whole face of the battle but dimly visible. Neither army had been able to bring up their guns: Hawley's were stuck in a bog, and the haste of the Highlanders to seize the hill-crest caused them to leave theirs a mile behind. Between hurry, surprise, darkness, rain, and the nature of the ground, the battle became a slovenly and bedraggled scuffle: the Highland second line had no general commander, and each chief knew not what his neighbours were doing.<sup>5</sup> Hawley bade Ligonier's, with the cavalry, advance, and Lord George, sword in hand and targe on arm, marched in front of Keppoch's men, regulating the line, and bidding them hold their fire till he gave the order.<sup>6</sup> Within pistol-shot, each force advancing, he gave the word to fire, whereon Hamilton's and Ligonier's horse wheeled about and fled straight back, while Cobham's, wheeling to their right, crossed the Camerons' and Frasers' front, and took their fire. Lord George was aware, from the intelligence of Roy Stewart, and of Mr Anderson, who showed the path at Prestonpans, that the cavalry opposed to him had no infantry in their rear.<sup>7</sup> But he could not check the Macdonalds: they pursued the dragoons, came among the miserable Glasgow volunteers, and washed their swords.

The Prince's left, having discharged their pieces at Cobham's horse, now found Hawley's infantry in their front. They had no cartridges, only powder in horns or loose in their sporrans, and they could not load again, so heavy was the rain.<sup>8</sup> They received the fire of the infantry, and went in with the cold steel,<sup>9</sup> but they were flanked by some battalions which wheeled into that position, and

were shaken by their fire. Meanwhile many of the second line had followed the first in their wild pursuit, and the rest fell into confusion, shunned to attack the steadier of Hawley's troops, and withdrew. Lord George avers that the Atholl men, his own, kept perfect good order, and he sent Ker of Graden to bring up the reserve and annihilate such of Hawley's troops as maintained their discipline. But the pipers had given their pipes to their gillies and taken to the sword, and this "turned to our vast loss," as there was no means of recalling the scattered men. Thus Hawley's officers had time to lead away some regiments in an orderly retreat, and a large body of dragoons on Hawley's right "made directly for the Prince, who was advancing with the pickets to sustain the Highlanders, but the countenance of the little corps checked their impetuosity," says Maxwell. It was necessary for Charles to enter and hold Falkirk, his men being thoroughly drenched, worn out, and possessing no tents, and no beds but the soaked ground. He marched in unopposed, young Gask and Strathallan's eldest son having scouted in peasant's attire, with the pickets and the Atholl men, and Hawley's camp was plundered. But the flower of the army, lost in the darkness, passed the night in the fields, and to organise a pursuit of Hawley towards Linlithgow was impossible.

The complete destruction of Hawley's force was averted by lack of discipline, and Lord George blames Sullivan, as he always does, for not bringing up men from the second and third lines to extend the first, and Charles for neglecting his own advice to a similar effect. On the other hand, Sir Thomas Sheridan,<sup>10</sup> Macdonald of Morar, in the 'Lockhart Papers,' and Johnstone agree in saying that Charles extended his line to the left and encouraged his forces, while Maxwell's account is to the same effect. "The presence of Charles," says Home, "encouraged the Highlanders" (after the severe fire sustained on their left); "he commended their valour," rallied and led them, so that Cobham's dragoons, who were renewing their advance, turned tail, and covered the retreat. But Home is not speaking of what he saw, and he may have read Maxwell's manuscript. The stress of battle lasted only for twenty minutes, from 3.50 to 4.10 P.M.<sup>11</sup> Home severely blames Hawley for bidding some 800 dragoons charge an army on unknown ground, and quotes Mr Stuart Mackenzie, a brother of Lord Bute's, to the effect that Ligonier, on receiving the order, carried by Mackenzie himself, said that it was "the most extraordinary ever given,"—

or looked as if he thought it was.<sup>12</sup> Home also quotes Colonel Hepburn, who had heard Hawley say that the Highlanders "could not stand against a charge of dragoons who attacked them well." But it does not seem that the dragoons did attack with the fury of men who mean to come to the shock.

The example of the battle of Falkirk suggests that, had Charles been allowed to advance from Derby, his men could have driven Cumberland's army like chaff before the gale, as they drove Hawley's. Had Cumberland better cavalry than Ligonier's, Hamilton's, and Cobham's? or better infantry than the Royals, Wolfe's, Cholmondeley's, Pulteney's, Price's, Blakeney's, Munro's, Fleming's, Barrel's, and Howard's? The Highlanders could easily outmarch any Hanoverian force, and might have cut them off from their guns. There seem many chances that the Prince could have pulverised Cumberland's command, and advanced to meet an unformed, terrified, and disaffected force near London, while Wade was put out of action by his senile slowness and irresolution. The Prince may have reflected sadly on this aspect of his victory; but Lord George says that the best Highland officers, on the other hand, were actually discouraged by the circumstances of their new success, and thought that they stood little chance in any future fight, except by advantage of ground or by a surprise, both of which the alacrity of their men might have been trusted to secure. In spite of all that they had seen of regular troops, they sighed for their aid; but now there was absolutely no appearance of a French landing.

Hawley had left some 400 dead on the field, besides hundreds of prisoners, while Maxwell reckons the Highland losses at about forty. Wolfe's regiment lost five captains, Blackwell's four, and Sir Robert Munro, with four lieutenant-colonels, was slain. In Edinburgh the Whigs were discouraged, for many of the defeated were the men of Dettingen and Fontenoy. But in the Prince's camp there were disappointment and dispute: the quarrel of the officers from France, as against Lord George, waxed keen. Thus no advantage, beyond the capture of Hawley's artillery, useless to the Highlanders, was gained from the victory. Maxwell says that some advised to push on to Edinburgh, which looks the most obvious course; others to invade England again; but Lord George stayed at Falkirk, Charles returned to Bannockburn, and Perth continued, with weak guns and an engineer worse than useless, the siege of Stirling Castle. About the cause of this inaction Lord

George and Maxwell tell us nothing, and we ask ourselves whether Charles found his Capua in the society of Clementina Walkinshaw. There is not a hint of that affair in the evidence, and we may presume that the Prince was anxious to push his advantage. Nothing was more clear than that the Highlanders could best be kept with the colours by novel adventure and the prospect of a fight. But to advance meant the abandonment of his own guns and Hawley's, and his guns seem to have been the fetish of the Prince. Maxwell suggests that his unwillingness to part with these things, trophies rather than arms, with a flattering report by Mirabel, the foolish French engineer, kept Charles besieging Stirling Castle.

This part of the campaign is scarcely explicable, except on the score of the fatigue, ill-temper, jealousy, and quarrels that vexed the camp. Among other causes of resentment was the accidental shooting of young Æneas Macdonnell, leader of the Glengarry men, by the discharge of a musket.<sup>13</sup> Though the misfortune was purely accidental, as late as 1821 it is represented as wilful, in the "Vindication" (p. 13) put forth by Sir Walter Scott's friend, the Laird of Glengarry, against the claims of Clanranald to the chiefship. The charge is intelligible among an excited soldiery; the perseverance in the charge is a strangely late survival of ill-feeling. The spirit of the injured clan in general may be gathered from a letter written to Blair of Glasclune by Robertson of Struan, uncle of Æneas Macdonnell. He speaks of "the murder committed on my nephew. His enemies are too plain to doubt of the authors of the murder. . . . The gentleman's growing worth made him envied by Beggars and hated by Traytors." Unless the Clanranalds are aimed at, as Æneas was shot accidentally by one of that clan, on whom is the fiery Celt reflecting?<sup>14</sup>

Lochgarry, in a report of the whole enterprise to young Glengarry (dated by Mr Blaikie, who published it, about 1747), makes no accusation against the unlucky man who fired the shot. "The melancholy and misfortunate accident of your brother's death happened, who was adored and regretted by H.R.H. and the whole army. His death really dispirited the whole Highlanders very much. *During this time there was a general desertion in the whole army.*"<sup>15</sup> The man who fired the musket was of Clanranald's contingent: his death was demanded, and the two chief portions of Clan Donald were thus set at variance.

Meanwhile Cumberland was hurrying north, and Hawley, at

Edinburgh, was reinforced. Charles was determined to encounter Cumberland, but was met by the report of the chiefs that the army was depleted by desertions, and that retreat was necessary. This was the final blow to the chances of the Cause, and the circumstances are not easily intelligible, except on the theory that internal discords had broken, for the time, the spirit of the Prince's chief supporters. As we shall see, there are facts which suggest that the amount of the desertions was greatly exaggerated. Maxwell is a thoroughly honourable and candid witness, who wrote as soon as possible after the failure of the enterprise. He is, as his editor says, "exempt from many prejudices and short-sightednesses to which his party were liable. He generally takes rational views of the means at the command of the Prince in the various stages of his extraordinary career."<sup>16</sup> Maxwell, then, avers that, on January 26, Charles reviewed his whole army, and that no more than 500 were missing. This was eight days after the shooting of Æneas Macdonnell; but Maxwell intimates that desertions continued after the review of January 26. On January 28 Charles sent Murray of Broughton to Lord George at Falkirk, announcing that he would attack Cumberland there, where Lord George was to remain. "Lord George seemed to approve of everything, drew up a new plan of battle with some improvements upon the former, and sent it next day [January 29] to the Prince for his approbation." Charles was extremely pleased, but "that very night he received a representation, signed at Falkirk by Lord George Murray and all the commanders of clans, begging his Royal Highness would consent to retreat, on account of the great desertion [of 2000 men] that had happened since the battle."<sup>17</sup>

Had 1500 men deserted between January 26 and the day, January 29, when Lord George, anxious to fight in the morning, sent in a surly memorial in the afternoon? This is barely conceivable, yet the memorial is dated on Friday, January 29.<sup>18</sup> The chiefs say that "*it is but just now* we are apprised of the numbers of our own people that are gone home," or are invalidated. Four Macdonalds sign, with Ardsheil, the Master of Lovat, Lochiel, and Lord George. How could officers so experienced have remained in ignorance, and then been enlightened within two or three hours? Maxwell declares that at Crieff, after a disorderly flight, the army was but 1000 under its strength.<sup>19</sup> He believes that the Highlanders, in fact, had been sauntering about the villages near Falkirk,

had not deserted or thought of deserting, and came in to their colours as the army hurried northwards. If all this be true, the army is free from serious blame; but the chiefs can scarcely escape the charge of lax observation and the burden of an unwise and fatal decision, loyal and courageous as they undeniably proved themselves. Lord Mahon, whose account of the affair of 1745 is among the best, seems to have overlooked the evidence of Maxwell of Kirkconnell. He says that the chiefs, mortified by Charles's loss of confidence in them since Derby, and determined to assert their own authority, "sent in the memorial advising retreat. . . . Lord George Murray was no doubt the secret mover of the whole design."<sup>20</sup>

If this view were correct, Charles's distrust of Lord George could not be called inexcusable. The retreat was the worst possible step, and we would rather attribute it, with Maxwell, to want of intelligence as to the whereabouts of the missing clansmen than to jealous intrigue. Three weeks earlier (January 6), when Charles was at Bannockburn, Lord George had sent in a memorial demanding that operations should be conducted by a committee of five or seven, chosen by a council of some seventeen,—a method which, in war, has seldom prospered. Councils would have saved a day at Lancaster, would not have left a garrison at Carlisle, and did save the army from "a catastrophe" by retreating from Derby. The "catastrophe" would probably have occurred to the army of Cumberland, we may conjecture.

The Prince replied that he was vested with all the authority the king could give him, and was now to be limited, without even a casting vote, to hearing debates. He was told that his army were volunteers; from them he expected more zeal, more discipline, and more courtesy than from mercenaries. "It can be no army at all where there is no general." He alone, as a price was set on his head, could not "threaten at every word to throw down his sword." He took advice every day; above all, he took Lord George's advice. His authority "might be wrested from him by violence; he would never resign it like an idiot."<sup>21</sup> We have seen that Hay's account of what occurred at Derby is refuted by that of Charles. As to Lord George's new proposal to retreat, Hay says that Charles received it while dressing in the morning after the night when he received and rejoiced in Lord George's plan of battle. Charles dashed his head against the wall: "his words were, 'Good God, have I lived



to see this day!" and he exclaimed violently against Lord George. But in public Charles kept his temper. In a letter, sent through Sheridan, the Prince argued temperately that retreat encouraged the enemy and discouraged his army; implied a constant series of similar withdrawals; made it certain that neither France nor Spain would move to his assistance; and compelled the Lowlanders to seek the hills or be captured. Nevertheless, "having told you my thoughts, I am too sensible of what you have already ventured and done for me not to yield to your unanimous resolution if you persist."<sup>22</sup>

Thus on January 30, a fatal day, Charles submitted to Lord George, and the Macdonald, Fraser, and Appin Stewart commanders. On these gentlemen, not on him, lies the merit or demerit of a plan which gave Cumberland's army what they lacked—confidence, and months wherein to practise new tactics fitted to resist the Highland onset; a plan which withdrew the army from a region of plenty to a land notoriously destitute of supplies. The scheme enabled Cumberland to use sea power, to bring up his supplies with expedition, and to waylay what French succours might be sent in food and money. At Falkirk Charles's men were in good heart, Cumberland's were fresh from defeat; Charles's force had enough to eat; in case of the worst they could as readily escape, as some of them had deserted, to safe places in the hills. Sheridan carried Charles's letter to the chiefs at Falkirk, and brought back Keppoch, with others, to debate the point at Bannockburn. It is probable that the meeting was stormy.

When it was ended Charles wrote again to the chiefs who had not been present. He says that Cluny and Keppoch will have complained to them of his "despotic temper." He will "explain himself more fully,"—"I can see nothing but ruin and destruction to us in case we should think of a retreat." It is plain that Cluny and the rest had only spoken of retiring nearer to the Forth, for the Prince says that the next proposal will be to *cross* the Forth: so far, then, this had not been decided upon. Forth will be crossed, Stirling will fall; it will be impossible to remove the guns. They are running away from an enemy whom they had just defeated. Charles now knows that he has lost command of the army. "I take God to witness . . . that I wash my hands of the fatal consequences which I foresee but cannot help."<sup>23</sup> No prophet ever foresaw more clearly the results of a course on which military critics have alone a right to be heard. But if Maxwell's evidence is

correct,—if the chiefs desired to withdraw only on account of desertions which they very greatly overestimated, while an hour before their decision Lord George had been in high heart and ready to fight,—Charles proved himself what Macdonald of Morar calls him, “the best officer in his army.” The whole situation is bewildering. If the obedience of the men to their chiefs was so exemplary, why did the men desert? If they did desert, why was Charles left without information, while Lord George approved of, and improved upon, his plan for battle? If the men, in fact, had not deserted, what must be said of the chiefs who supposed that they had gone off to their mountains?

The retreat began on February 1, and was disorderly and mischievous. Cumberland’s men burned down Linlithgow, that ancient royal palace. Charles’s Highlanders managed in some way to blow up St Ninian’s Church. If we believe Maxwell, a Life Guardsman, the army was to be reviewed between Bannockburn and Stirling, and the Prince went to the place, hoping to find that the amount of desertion had been exaggerated. “There was hardly the appearance of an army.” The men, having heard of the designed retreat, thought the danger greater and nearer than it was, and hurried to the Fords of Frew; even the troops quartered in Stirling took the alarm, and rushed off before the hour determined. Guns were spiked and abandoned: it was a rout where no enemy pursued.<sup>24</sup> Lord George insists on the discreditable rout, and attributes it to Sullivan, who did not give the orders with which he was charged, but “sent very different ones.” Here Ker of Graden corroborates, probably on Lord George’s authority.

In short, Lord George says that “they” at Bannockburn—and “they” must include Charles—altered the order after he himself withdrew, and bade the army march by daybreak. “I shall say no more of this,—a particular account of it is wrote. I believe the like of it was never heard of.”<sup>25</sup> The “particular account,” in a privately printed work by the present Duke of Atholl, adds little to our information, but we have the version of Maxwell, which bears probability on its face. The news of the retreat was sure to spread among “the common men”: undisciplined as they were, they were apt to hurry away. The Prince, so tenacious of his artillery, and so reluctant to retreat, is not likely to have given orders for a stampede at dawn. Maxwell says that Lord George, who knew nothing of the early flight, might have been taken in his quarters

by a sally from the Castle. Can Lord George have fancied that the stampede was deliberately arranged on purpose that he might be taken, and so put out of the way? On the next day there was a council of war at Crieff. Lord George "complained much of the flight, and entreated we should know who advised it. The Prince did not incline to lay the blame on anybody, but said he took it on himself."<sup>26</sup> If this be true, and if Maxwell's tale be true, Charles behaved well, putting a stop in an urbane manner to a wrangle. If Charles meant that he, through Sullivan, ordered the flight, we are at a loss for his motive. In a letter of February 4 to Tullibardine, who was invalided, Lord George attributes the precipitancy of the flight to "some fatal mistake."<sup>27</sup>

The truth is that the leaders of the army were in the worst of tempers: we know from Captain Daniel's MS. that there was for long a coldness between Lord George and Lord Balmerino, who commanded part of the Prince's Guards, while Balmerino himself was at a loss to account for the irritation of Lord George. D'Eguilles writes that the Prince communicated to him his distrust of Lord George, which d'Eguilles owns that he shared. The suspicion grew, and possessed the minds of the few English adventurers, such as Captain Daniel of Balmerino's mounted Guards; yet there is not to be discovered a single fact which is not to the credit of Lord George's honour and loyalty. The dissensions all contributed to the end which Charles predicted when the chiefs insisted on retreat. Lord George, writing to Tullibardine (February 5), regrets that "we did not make a stand at Crieff, for I scarce think the enemy would have attempted anything this winter had we done so."<sup>28</sup> Now the Prince, when retreat was first proposed, asked, "Can we hope to defend ourselves at Perth, or keep our men together there better than we do here?" Too late Lord George seems to have seen the force of this reasoning, and regretted that they did not make a stand at Crieff. In fact, the Prince, with the clans, marched north by the Highland way, while Lord George, with Lord John Drummond, took the coast road, making first for Perth, with many of the mounted men. Spanish arms and stores had landed at Peterhead,—“a vast many of them,”—and were being brought south by the exertions of Lord Pitsligo.<sup>29</sup>

While Lord George was advancing on Aberdeen, the Prince moved to Blair Castle, in Atholl: Glenbucket took the fortalice of Ruthven, in Badenoch, defended by the Irish sergeant at the

beginning of the expedition, and, on February 16, Charles went to Moy, the seat of the Mackintosh chief, a Hanoverian with an energetically Jacobite wife. The Prince was in advance of his forces, and Lord Loudoun, who, with Macleod, was commanding at Inverness for King George, heard of Charles's arrival, and planned his capture by a night surprise. The dowager Lady Mackintosh, at Inverness, saw the preparations being made, and sent a boy, Lachlan Mackintosh, to go in advance of Loudoun's column and give warning at Moy. Cutting across country, the lad reached Moy at about five o'clock in the morning. Lady Mackintosh was roused, the Prince decamped to the side of the loch, and the hostile column never arrived at Moy. Lady Mackintosh had four or five scouts out, among them her blacksmith. They uttered cries to the Macdonalds to come up, as if the clans were present in force; and the blacksmith, Fraser, firing from cover, shot Macleod's hereditary piper, MacRimmon. On this the other Macleods, whose hearts were not in their work, fled back to Loudoun's main column, and so alarmed them that they hastily retreated to Inverness. This affair was called the Rout of Moy: following the Rout of Inverurie, and preceding the retreat of the Macleod chief, with Forbes of Culloden, to Skye, it did not add laurels to his chaplet.<sup>30</sup>

At the time of the rout Cumberland was ordering a Hessian force of some 5000 men to Perth and Stirling, and two regiments of horse to Bannockburn. He had to provide against the chance that the Prince would turn and slip past him to the south, which was the strategy recommended to Charles by d'Eguilles. It might have ended in a second Worcester; but anything was better than lingering in a country so destitute of supplies as the north. As for the Hessians, they were substitutes for the neutralised Dutch. They landed at Leith on February 8: the foolish retreat from Stirling had thus enabled Cumberland to add them to his forces. These Hessians had been in French service, were captured by the Austrians in April 1745, and were purchased by King George in July of the same year. Versatile as they were, they objected to serve in a war where prisoners were treated as they were by Cumberland, and where British officers captured by Charles broke their parole at Cumberland's command.<sup>31</sup>

After making these dispositions, Cumberland went to Perth. From Moy, when his troops had come up, Charles advanced to Inverness, where the castle surrendered on February 20.

Loudoun had decamped, and was later pursued into Sutherland. He had no chance of going south and joining hands with Cumberland, for Lord George had cantoned his main force between Aberdeen and the north coast towns, by dint of marches rendered arduous by tempests of snow. At Culloden House, on February 19, he met the Prince, who was under the roof of the fugitive President Forbes. Lord George wished to make requisition of 5000 bolls of meal in the northern Lowlands, and send it into the hills to support the army if they drew Cumberland into the mountains, but Charles preferred to have the supplies deposited at Inverness. By this time Cumberland was approaching Aberdeen, which he entered on February 27; while Lord George went into Ross-shire to disperse Loudoun's army,—a service in which he found Lord Cromarty inactive and destitute of intelligence. Lord George quartered the flower of the fighting clans within a day's march of Inverness and of Tain, and returned to Inverness.<sup>32</sup>

Charles had three things in view,—to disperse Loudoun, to retain hold of the coast between Inverness and Aberdeen, and to reduce Fort William and Fort Augustus on the west.<sup>33</sup> The last step was necessary, because only by the west coast had he a chance of obtaining money, which was now very scarce, and other aid from France. The money arrived, after Culloden, too late. Early in March his general, Stapleton, took Fort Augustus: the imbecile French engineer who failed at Stirling was discarded, and Mr Grant, in French service, directed the operations, in which the Highlanders showed great courage.<sup>34</sup> At this time the Prince was very ill at Elgin, and Murray was also invalided: he never saw the Prince again till many years after all hope was over. Hay took his place, and, on all hands, is accused of incompetent management of supplies, in which his worst enemies admit that Murray excelled.<sup>35</sup>

Fort William was not to be taken like Fort Augustus. It was much stronger, with a good wall, ditch, counterscarp, bastions, and ravelin, while Lochiel's men, who eagerly attempted the attack, had only 6-pounder guns. Nevertheless Grant might have succeeded, by aid of a hill to the south-east which commanded the place, but he was hurt by a cannon-ball, and the foolish Mirabel, sent from Inverness, failed as usual.<sup>36</sup> Succours from France were on their way, but only three troops of horse (FitzJames's) and a picket of Berwick's regiment succeeded in landing. Cumberland, mean-

while, tarried at Aberdeen, while Loudoun kept evading the Highlanders by crossing and recrossing the Dornoch Firth, as he had command of boats. At the same time, between Aberdeen and the north there were movements of Cumberland, who nearly surprised 500 of Charles's men at Strathbogie. However, Balmerino's mounted guards behaved well as a rear-guard, and checked Cumberland's horse at the crossing of the Deveron. The force retired on Keith and Fochabers, and a Major Glasgoe, by an ingenious stratagem, a feigned retreat and a night march, surprised a party of Campbell's and thirty of Kingston's horse at Keith. Scarce any escaped, after a brisk resistance, in which two of Cumberland's officers fell. The rest were taken prisoners.<sup>37</sup> Maxwell appears to have been present, and highly commends the conduct of the Highlanders when surprised at Strathbogie, and in the retreat and attack. They remained in good heart with the colours, when threatened by a vastly superior force—eight battalions, two regiments of dragoons, and four guns. The Highland leader was Colonel Roy Stewart, whose coolness gave courage to his men (March 17).

On the same day Lord George, with his Atholl troops and Cluny Macpherson, marched thirty miles south to surprise Argyll Highlanders guarding posts in Atholl. He had 700 men, and so well disposed them that he took thirty small posts, two parties of regulars, and secured the Pass of Killiecrankie against an advance of the Hessians. Macpherson of Strathmashie avers that in the spoils he found an order of Cumberland's forbidding quarter to be given. Cluny kept the original, and Strathmashie took a copy. The success was due in great part to Cluny's skill in stopping the passes through Badenoch, so that the Hanoverians in Atholl expected nothing less than an attack by Lord George.<sup>38</sup> The prisoners, 300, were mainly Argyll men and details of Loudoun's regiment. In daylight Lord George undertook "a work I was by no means fond of"—firing his family's castle of Blair with red-hot bullets. He found his cannon bad, and was more inclined to reduce his brother's castle by a blockade. In this fruitless effort he persevered for a fortnight, skirmishing with dragoons and hussars at Pitlochry, and attempting to negotiate a cartel for prisoners on both sides with the Prince of Hesse, from whom he received no reply. The Hessians now advanced to within two miles of Pitlochry.

Lord George desired to hold the Pass of Killiecrankie, but urgent despatches bade him return to Inverness; and on April 2 he began to retire to the Spey, while Cluny and his clan remained to hold the passes of Badenoch.<sup>39</sup> Lord George had thus been most actively engaged, having only "four hours' honest sleep in seventy," and it is almost inconceivable that he should have been suspected of disloyalty. But the rancours of Falkirk, and things which those who distrusted him always declined to commit to writing, were not forgotten. A beaten cause takes refuge in the cry, *Nous somme trahis!* and Lord George was made the scapegoat,—for example, Captain Daniel hints at unworthy suspicions, though himself an honest and good-humoured man. During Lord George's Atholl raid, Lord Loudoun's force—a constant source of danger and irritation—was driven out of the north at last. All the fishing-boats on the coast of Moray were brought to Findhorn, and the Laird of Stoneywood, who had been so energetic an aid of Lord Lewis Gordon, took a force in a dark night across the Moray Firth and, favoured by fog, arrived at Tain to join the Duke of Perth. His courtesy induced him to lose time in a parley with an officer of Loudoun's, and that leader, with Forbes of Culloden, Macleod, and most of their men, scattered before Perth came upon them, the chief men making their escape to Skye.<sup>40</sup>

At this point Maxwell not unjustly observes that the success of these operations, conducted by a force of 8000 men, on many different lines and over a vast extent of country, constitute "the finest part of the Prince's expedition, and best deserve the attention of judicious readers." At Fort Augustus, Fort William, at Blair, in the Strathbogie country, and in Ross-shire and Sutherland, the Prince's officers were operating, as a rule with success, while he, "as it were in the centre, thence directed all operations." How far the "direction" was that of Sullivan and d'Eguilles, how far of Lord George, it would be hard to say. But the inveterate good-nature of Charles, displayed again and again in his pardoning of dangerous spies like Weir, and of murderers of his stragglers, did him no service when he refused to burn down Blair Castle in his northern retreat. The castle had been the very heart of Montrose's campaign: perhaps Charles spared it in the interests of Tullibardine and Lord George. But both of these gentlemen were, as Tullibardine wrote (March 26), ready to sacrifice their ancestral home and the portraits of their forefathers "to the country's safety and

the Royal Cause.”<sup>41</sup> It appears that even Tullibardine had shared the dissatisfaction with Lord George: he says that as his brother “has been *lately behaving according to dutiful sentiments*, nobody is more satisfied than I am of your indefatigable activity for public service” (March 30, from Inverness).<sup>42</sup> There had been a difference between the brothers, probably arising from the coldness between Lord George and the Prince, after the retreat.

No courage and activity could stave off the day of ruin. The money of Charles was exhausted; the men were paid in oatmeal; and £12,000 in Spanish gold, conveyed in the *Hazard* sloop, were seized by Lord Reay’s Mackays, when the sloop was forced by four English cruisers to run ashore at Tongue (March 25).<sup>43</sup> Many men now went to their homes, where they could obtain food, though, as Maxwell says, they were bent on rejoining when their services were needed. Some were too late,—one of many causes which reduced the Prince’s army at Culloden. It was also unfortunate that Lord Cromarty, Lord Macleod, Barisdale, and other leaders, were sent north to recover the £12,000 from Lord Reay, and raise men and supplies in Caithness and Sutherland. Fifteen hundred good men went in this expedition, Cromarty was captured at Dunrobin House, and Barisdale, with many stout Macdonalds, did not return in time for the last battle.

There was now certain news that the French meant to send no reinforcements; but the Prince, says Maxwell, put a gay face on ruin, and gave several balls at Inverness, dancing himself, though he had not done so at Edinburgh. He still meant to march on Aberdeen and meet Cumberland, who, driving back the Duke of Perth and Lord John Drummond, crossed Spey unopposed on April 12, reached Nairn on the 14th, and rested his men there on his birthday, April 15. On April 14 Charles concentrated such forces as he had at Culloden, where Lord George “did not like the ground,”—a flat moor, unsuited to Highland tactics. He preferred the other side of the Nairn, as hilly and marshy, but the Prince did not wish to leave open Inverness, with the remainder of his poor supplies.<sup>44</sup> According to a narrative in ‘The Lyon in Mourning,’ the ranks were very thin, as was natural, for the retreat from Stirling had not brought in more men than Charles had at Falkirk, when they were thought to be too few. Now, says Ker of Graden, with other eye-witnesses, they had but a biscuit apiece.<sup>45</sup> In the afternoon a council determined to surprise Cumberland’s camp, though



the men were scattering in all directions to look for food. Of this there was plenty at Inverness, says Maxwell, but Hay mismanaged the commissariat. According to Maxwell, Lord George proposed the surprise : he certainly approved of it, as he says, but was less confident when he found the men so few in numbers.<sup>46</sup>

The Prince, however, was eager ; and they started, Lord George in the van. As to what occurred, accounts are contradictory and confused. Lord George says that after a six miles' march over a very bad road, he decided that they would be too late for an attack in the dark. By Hay's account, Charles rode up, while Lord George was deciding to retreat, and declared that he was betrayed. In 1759 Charles informed James that Clanranald was actually in touch with Cumberland's outposts, and thought the attack feasible.<sup>47</sup> But Clanranald must have been far in advance of the van, as the van was far in advance of the rear. In old age Charles, in answer to an inquiry from Home, said that he rode up "to the front," and was convinced by Lord George that retreat was necessary. But Lord George, writing to Hamilton of Bangour in May 1749, says that Charles was a mile behind, and could not join him and the officers in the van, so dark was the night, save by riding through the dense line in a narrow way. Lord George's evidence is three years after the event ; that of Charles was written in his old age.<sup>48</sup> Certain it is that Lord George and all the leaders present ordered the retreat without Charles's knowledge ; but Charles may have ridden "to the front" when the van marched back, and *then* been convinced, as he says he was, by Lord George's arguments. Charles may have spoken hastily in Hay's hearing, when Hay brought the first news of the retreat. But his sentiments must have been changed at once, for Ker of Graden sought out the Prince after the defeat of the following day, who "inquired anxiously for Lord George, and desired Colonel Ker to find him out and take particular care of him."<sup>49</sup>

Lord George was much and most unjustly blamed by the non-military Jacobites, but it is certain that he only did his duty in this affair. Yet Captain Daniel, who was in the rear with Charles in the dark, was by no means convinced of his good faith. He is more trustworthy when he says that he himself could have led the army by a much shorter way, and Maxwell speaks of the route taken as the result of "infatuation." Doubtless the purpose was to avoid some houses, whence a messenger might have been sent to Cum-

berland, but it would not have been difficult to seize the people in these cottages. The surprise had no effect except to exhaust the hungry men who made it. The leaders met, all equally sullen, says Maxwell, at Culloden House, where a little bread and whisky was served out to them. Ker of Graden scouted, and he, like a lieutenant of the Camerons who was left behind when the force returned, reported the advance of Cumberland. Sullivan arrayed the army on the moor, but Lochgarry reports that Lord George insisted in placing his Atholl regiment on the right, contrary to the request of Lochgarry, Scothouse, and Keppoch, who led the Macdonalds. Lord George says nothing about this perverse disposition of the line, for the claim of the Macdonalds was traditional, and, if the Atholl men had any claim, it must have been in virtue of the Stewart clan in the region. Maxwell, the most fair and clear-headed of all the contemporary writers who were present, corroborates Lochgarry.<sup>50</sup> Lochgarry says that he heard Charles say that he "resented it much," and indeed Lord George appears to have made here his one serious error, unless we reckon among errors the retreat from Falkirk. The hungry Macdonalds were angry Macdonalds, and we shall show reason to suppose that they did not advance with their usual *elan*, though we find no contemporary evidence for the surly refusal of which they were later accused. Lord George avers he told Sullivan that the position chosen was unsuitable, and that it was better to occupy the hilly ground reconnoitred by Ker of Graden on the previous day. But to do this left the road to Inverness open, and Cumberland could easily have contained the Highlanders, and sent cavalry to destroy the stores at Inverness. This is obvious, and Lord George himself saw that the ground was chosen to prevent the occupation of Inverness. The Prince, without supplies, could not march into the naked hills and wage a guerilla campaign.

As to the battlefield, it seems now hard to speak with certainty about details. A new road, not on the same line as the old, has been made through Drummoissie moor; new plantations have arisen on the Highland right, old enclosure walls have been destroyed, marshes have been drained. It is a point given by Lord George that the Highland right was within 300 paces of the water of Nairn,<sup>51</sup> while here they were flanked by an enclosure wall which the Campbell auxiliaries pulled down during the action. The Well of the Dead and marshy ground, under a slight but steep

elevation of the soil, traditionally mark the place, on Cumberland's left, where the fighting was fiercest. Cumberland himself, in his despatch to the Duke of Newcastle (Inverness, April 18), says that, after reconnoitring, he found the rebels "posted behind some old walls and huts *in a line with Culloden House.*"<sup>52</sup> He does not say whether the line was at right angles to or parallel to the front of the house; but if the Highland right were, as Lord George says, within 300 yards of the Nairn water, Cumberland must mean at right angles.<sup>53</sup>

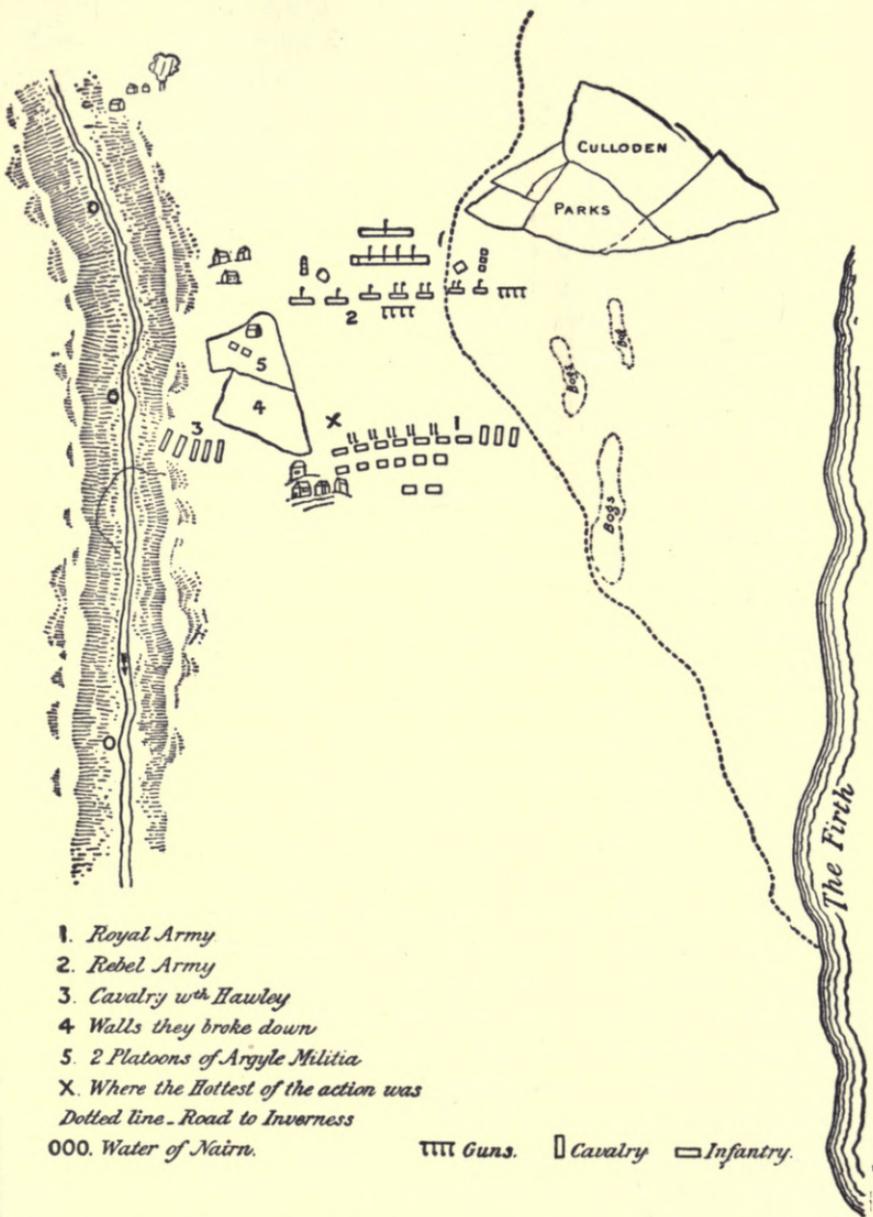
As to the fight itself, while a general effect can easily be sketched, many details remain obscure. Cumberland had 8811 men, of whom 6411 were regular infantry, with about 1000 Argyll Highlanders and Loudoun's regiment, and Bland's, Cobham's, and Lord Mark Ker's horse. He had also eighteen guns, which were well served. His men were well fed,—on the previous day they had enjoyed a feast; and they had been specially drilled in a method of giving the bayonet so as to deceive the parry of the Highland targe. General Bland had also trained his men in bayonet exercise against broadsword. (Major Hamilton, in General Simcoe's 'Observations on Home,' p. 22 (1802).) Their drill was perfect, and they had the strongest confidence in the commander, whom they affectionately styled "Billy." The Highlanders had not more than 5000 men engaged, according to their Muster-master, Patullo; and the men were starved and fatigued by the long night-march, while there was discontent and clan jealousy as to the position on the right wing. Here Lord George led his Atholl men, to the anger of the Macdonalds. Lord George, in one version, describes the fight in very few words, merely saying that the Highland left, led by himself, "broke in upon some regiments in the enemy's left"; that these broken regiments received instant support; that while their fire was reinforced by discharges of grape, his horse appeared to be wounded, so he dismounted, and brought up two regiments of his second line. These gave their fire, "but nothing could be done; all was lost."<sup>54</sup>

Maxwell gives the composition of the two lines: the first had the Atholl men on the right, the Camerons, Appin Stewarts, John Roy Stewart, Frasers (all of them had not arrived), Mackintoshes, Farquharsons, Macleans, Macleods, Chisholms, Clanranald, Keppoch, Glengarry's men, and the Duke of Perth.<sup>55</sup> In the second line were the few horse, Glenbucket, French Royal Scots (a few), Lord Lewis Gordon, French picquets, and FitzJames's few French horse.

Lord Ogilvy's men were a thin reserve. The Prince was in the centre.

Cumberland says that forty of Kingston's horse and the Argyll men found the Highland left "making a motion towards us on our left," when he formed his ranks. A body of his horse, with the Campbells, then moved under a hollow on the Highland left, and pulled down the walls during an interval of artillery preparation, in which the Prince's guns did little or no damage, while those of Cumberland caused much loss. By breaking the walls the horse could outflank the Highland right and threaten the second line and rear. Lord George, says Maxwell, perceiving the flanking movement, sent Avuchie's battalion to stop it too late. Lord George then sent the few Guards and FitzJames's horse to his own extreme right to oppose the dragoons, and both parties halted, separated by a deep hollow.<sup>56</sup>

The Campbells lost a few men at this time, and now the Prince bade Lord George advance. He delayed, for what reason Maxwell knew not,—an aide-de-camp was shot in carrying an order, it is said,—and then the Highlanders cried to be led on. "The order was no sooner given on the right than obeyed."<sup>57</sup> The Prince had expected Cumberland to attack, as a tempest of wind and of snow was blowing on the backs of his men and the faces of the clans, so Ker of Graden reports. The storm may have caused confusion, but Ker says that Lord George sent him to the Prince to ask leave to charge, and Ker's is the best possible evidence. The Prince despatched Ker with the order, which he communicated first to the Highland left, the Macdonalds, telling the Duke of Perth, who commanded there, to begin the attack. Ker did this because the Highland right was more advanced, nearer the enemy than the Macdonalds, and, to make the assault simultaneous, the left must begin. To protect his own right, Cumberland says that he sent Kingston's horse, a squadron of Cobham's, and Pulteney's regiment to support it. "The whole [Highland] first line came down to attack at once," and Cumberland, on his own right, saw the Highland left (the Macdonalds) come down "three several times within a hundred yards of our men, firing their pistols and brandishing their swords, but the Royals and Pulteney's hardly took their firelocks from their shoulders, so that after these faint attempts they moved off, and the little squadrons on our right were sent to pursue them."<sup>58</sup>



COLONEL YORKE'S SKETCH OF CULLODEN. Reduced by half.  
 Add. MSS., British Museum, 35,354, f. 222.

(Drawn April 18, 1746.)



Colonel Joseph Yorke, writing to Lord Hardwicke (April 18), gives the same account as Cumberland. The Highland charge "broke from the centre [the Mackintoshes] in three large bodies like wedges. . . . In the meantime that wedge which was designed to fall on our Right, after making three feints as if they were coming down on us, in order to draw our fire, seeing that our Right kept shouldered with the greatest coolness, and that three squadrons were moving towards their flank, followed the example of their right wing and fled for it."<sup>60</sup> Lord George Murray corroborates: "The left wing did not attack the enemy, at least they did not go in sword in hand, imagining they would be outflanked by a regiment of foot and some horse which the enemy brought up at that time."<sup>60</sup> No allowance is made for the fiery grape against the Highland left.

This account by Yorke and Cumberland, who were on the spot, and as between Jacobite clan and clan had no prejudice, decides the question as to the conduct of the Macdonalds. They attacked at once, but, being outflanked, and under a heavy fire of grape (see Appendix, "The Death of Keppoch"), they did not come to the shock. The narrative of Colonel Whitefoord (who stood alone by Cope's guns, and fired them at Prestonpans) corroborates the versions of Cumberland, Yorke, and Lord George Murray. "Their right column, and the left of our line, shocked at one corner of the park of Colwhineach. Nothing could be more desperate than their attack, or more properly received. Those in front were spitted with the bayonets; those in flank were torn in pieces by the musketry and grape shot: their left column made several attacks on our right, but as the battalions there never fired a shot, they [the Highland left] thought proper not to come too near, and in about a quarter of an hour . . . the whole first line gave way, and we followed slowly." \* Whitefoord's account of the heavy flank fire against the Highland right corroborates the recollections of Major Hamilton, who was "the right-hand man of Barrel's, next to De Jean's grenadiers." Hamilton, in answer to questions, avers that Wolfe's regiment, like Maitland's during the charge of the French Guard at Waterloo, moved up, *en potence*, on the flank of the Highland right, and enfiladed them. This movement occurred during the fierce hand-to-hand struggle between the Camerons and Stewarts, and Barrel's regiment. "I have never doubted that the battle of

\* The Whitefoord Papers, p. 78: 1898.

Culloden was terminated by Wolfe's regiment marching from the second line and pouring its fire on the enemy along the front of the first. . . . It marched, probably, by order of some general officer, who, *seeing the contest was becoming personal*, and unequal numbers, sent that relief to the front. . . .” \* The men under Lochiel, Lord George, and Macgillivray “bore their opponents from their ranks, intermixing with them everywhere.” Thus fought the brave clans, and the no less brave British; verily “the contest was become personal.” Stewarts and Camerons, “with the Lowland wind and rain” and smoke in their faces (as a Badenoch poet sings), rushed blindly into the smoke. The flank fire stopped the Atholl men, while Barrel's, Munro's, and Stewarts, Camerons, Macleans, and Mackintoshes “fought, without intermission, hand to hand, bayonet against broadsword,” the advancing Highlanders being “torn to pieces by musketry and grape,” says Whitefoord. Not before had the Prince's men endured artillery-fire: at Falkirk the British had no guns; at Prestonpans Whitefoord discharged only six shots. But, at Culloden, the Highlanders charged through volleys of grape. We may quote the rhyming bellman, Dougal Graham: many an historian is less impartial and less accurate. He says, of Cumberland—

“‘*Grape them! Grape them!*’ did he cry;  
When bags of balls men fired at once.  
Where they did spread, hard was the chance:  
It hewed them down, aye, score by score,  
As grass does fall before the mower.”

The Highland attack, says Hamilton, “was feeble and distant everywhere else,” except where the centre and right converged against the British left. Dougal Graham says, speaking of the Macdonalds—

“The dreadful guns on them did blatter.” †

The descriptive letter by Lochgarry to young Glengarry appears, by his silence, to corroborate Cumberland. The Macleans, says Lochgarry, were stationed near the Macdonald regiments, and he highly praises the desperate courage of the Maclean charge. Of 200 men, not more than fifty Macleans survived. Of the behaviour of the Macdonalds, posted so near in the line to the Macleans,

\* Observations on Mr Home's Account, pp. 20, 21.

† D. Graham, ‘An Impartial History,’ eighth edition, pp. 87, 88: Glasgow, 1808.



Lochgarry does not say a word.<sup>61</sup> It is conceivable that the centre of the Highlanders charged before they got the order, and that the left, with more ground to cover, saw their mishap, and took warning by it. Ker tells us that "he rode along the line [after giving the command to charge on the left] to the right, where Lord George was, who attacked at the head of the Atholl men with all the bravery imaginable, as did indeed the whole line."<sup>62</sup> But Cumberland and Yorke and Lord George make it clear that the Highland left did not attack in their wonted way, fearing a flank attack, and discouraged by the fall of Keppoch, his brother Donald, and Scothouse.

Scott (1830) is responsible for the story that "the gallant Keppoch in vain charged alone with a few of his near relations, while his clan . . . remained stationary." Exclaiming, "Have the children of my tribe forsaken me!" he fell under several shots, . . . leaving him only time to advise his favourite nephew to shift for himself." Eye-witnesses gave quite a different account: <sup>63</sup> Keppoch was not "forsaken." On this point see Appendix, "The Death of Keppoch."

Meanwhile, as has been said, the Stewarts of Appin, Mackintoshes, Camerons, Frasers, and Macleans fought as they ever fought. Plied with guns in front and in flank, and by a front and flanking fire of musketry, blinded by smoke and snow, they broke Barrel's regiment, they swept over the foremost guns, and then, enfiladed by Wolfe's, they died on the bayonets of the second line, which "behaved with great steadiness." Lord George's men, being nearest to the wall held by the Campbells, suffered much, and never came to the shock. A Mr Robert Nairn left them, when they halted, and joined Lochiel's Camerons in the attack on Barrel's. He told Home, four years later, that "he saw only two of Barrel's men standing." One of these poked his bayonet into Mr Nairn's eye, and he lay all night on the field.<sup>64</sup> "The rebels who came round the left of Barrel's in the pell-mell broke through the line," says Yorke.

In this onfall, says tradition, Macgillavray died near the Well of the Dead, a gun-shot beyond the guns. Here, says Cumberland, "they threw stones for at least a minute or two before their total rout began." They had probably thrown down their muskets, and the broadsword could not break the bayonets of the second line. Like Lord George, Maxwell says that the second Highland line came up "in good order" to sustain the first, but "the day was

irrecoverably lost,—nothing could stop the Highlanders after they began to run.”<sup>65</sup> The second line was exposed to the cavalry which had outflanked the right wing by way of the broken walls, but, according to Maxwell, “it saved abundance of men’s lives” by its resistance. Ogilvy’s, too, retired in order, facing the dragoons. But the rout was complete, the French, who stood longest, retreating to Inverness, where they surrendered, and most of the army breaking away across the Water of Nairn to the hills of the west. “Major Bland,” says Cumberland, “made great slaughter, and gave quarter to none” but the French “in the pursuit.”<sup>66</sup>

To the question of “No Quarter” we return; but while the battle raged, where was the Prince? During the first artillery-fire he was under it: he was at his post when he gave his order to Ker. It is stated on all hands that a groom was shot dead behind him, and that the fire, at this time, was mainly directed at the small body of horse. We may quote a spectator who was with the Prince, Sir Robert Strange, the famous engraver, who designed the plate for the paper-money of the army in its last days. He describes the battle thus: <sup>67</sup>—

“The enemy formed at a considerable distance, and marched on in order of battle, outlining us both on the right and on the left. About one o’clock the cannonading began, and the Duke’s artillery, being well served, could not fail of doing execution. One of the Prince’s grooms, who led a sumpter-horse, was killed upon the spot; some of the guards were wounded, as were several of the horse. One Austin, a very worthy, pleasant fellow, stood on my left; he rode a fine mare, which he was accustomed to call his lady. He perceived her give a sudden shrink, and, on looking around him, called out, ‘Alas! I have lost my lady!’ One of her hind legs was shot, and hanging by the skin. He that instant dismounted, and, endeavouring to push her out of the ranks, she came to the ground. He took his gun and pistols out of the holsters, stepped forward, joined the foot, but was never more heard of. The Prince, observing this disagreeable position, and without answering any end whatever, ordered us down to a covered way, which was a little towards our right, and where we were less annoyed with the Duke’s cannon: he himself, with his aides-de-camp, rode along the line towards the right, animating the soldiers. The guards had scarce been a minute or two in this position when the small arms began from the Duke’s army, and kept up a constant

fire: that instant, as it were, one of the aides-de-camp returned, and desired us to join the Prince. We met him in endeavouring to rally the soldiers, who, annoyed with the enemy's fire, were beginning to quit the field. The right of our army, commanded by Lord George Murray, had made a furious attack, cut their way through Barrel's and Monro's regiments, and had taken possession of two pieces of cannon; but a reinforcement of Wolfe's regiment, &c., coming up from the Duke's second line, our right wing was obliged to give way, being at the same time flanked with some pieces of artillery, which did great execution. Towards the left the attack had been less vigorous than on the right, and of course had made but little impression on the Duke's army; nor was it indeed general, for the centre, which had been much galled by the enemy's artillery, almost instantly quitted the field.

"The scene of confusion was now great; nor can the imagination figure it. The men in general were betaking themselves precipitately to flight; nor was there any possibility of their being rallied. Horror and dismay were painted in every countenance. It now became time to provide for the Prince's safety: his person had been abundantly exposed. He was got off the field, and very narrowly escaped falling in with a body of horse which, having been detached from the Duke's left, were advancing with an incredible rapidity, picking up the stragglers, and, as they gave no quarter, were leveling them with the ground. The greater numbers of the army were already out of danger, the flight having been so precipitate. We got upon a rising ground, where we turned round and made a general halt. The scene was, indeed, tremendous. Never was so total a rout—a more thorough discomfiture of an army. The adjacent country was in a manner covered with its ruins. The whole was over in about twenty-five minutes. The Duke's artillery kept still playing, though not a soul upon the field. His army was kept together, all but the horse. The great pursuit was upon the road towards Inverness. Of towards six thousand men, which the Prince's army at this period consisted of, about one thousand were asleep in Culloden parks, who knew nothing of the action till awaked by the noise of the cannon. These in general endeavoured to save themselves by taking the road towards Inverness; and most of them fell a sacrifice to the victors, for this road was in general strewed with dead bodies. The Prince at this moment had his cheeks bedewed with tears; what must not his feeling heart have suffered!"

It is certain that Charles did thus withdraw, with his guards, to shelter, for Captain Daniel, who was with him at the moment, mentions the fact. The captain was sent back, with a captured English flag which he carried, to the Prince's position, lest the departure of the flag might suggest retreat. On arriving at this position he soon found that all hope was lost. Strange vouches for the Prince's attempt to rally fugitives. Charles himself, in an autograph document, says that he was "led off the field by those about him," probably Sullivan, Sheridan, and others, and that he "changed his horse, his own having been wounded by a musket-ball in the shoulder."<sup>68</sup> Stewart, a servant of Charles, told Bishop Forbes that no such matter occurred. Home quotes a signed document by a cornet of Horse Guards, who avers that Charles resisted the entreaties of Sheridan and others, but that Sullivan "laid hold of the bridle of his horse and turned it about. To witness this I summon mine own eyes."<sup>69</sup> Yorke says that Charles made no effort to rally his men, but admits that he did not leave the field till "after being witness to the flight of the Lowlanders and French who composed his second line."

So far the Prince seems to have behaved like Montrose at Philiphaugh, like Claverhouse at Drumclog, like Cumberland on a number of occasions. A defeated general cannot restore victory by his own sword. Highland victories had not been gained by tenacity in resistance, but by energy in attack. When leaders like Lochiel and Keppoch were down, when the regimental officers were dead or wounded, when the rain of bullets was falling on the rear, when cavalry was menacing the flanks, neither Charles nor any man could make the shattered clans turn again. Thus it is not for yielding to superior force that the Prince is to be blamed, but for separating himself from the main body of his forces and from his general. Maxwell of Kirkconnell was a member of the Prince's Life Guards, who accompanied him, says Maxwell, to secure his retreat, "which was made without any danger, for the enemy advanced very leisurely over the ground." The little squadron rode "pointing towards Fort Augustus," and, after crossing the Nairn at the ford of Failie, Charles went aside with Sheridan, Sullivan, Hay, and a few others. In their consultation it seems probable that the Irishmen must have plied the Prince with the old doubts of Lord George, though a few minutes before he had expressed to Ker his anxiety for the welfare of his general.

They may have persuaded the Prince that he, with the great reward on his head, would, by one traitor or another, be made the scape-goat of the enterprise, and handed over to the English. In any case Charles sent the younger Sheridan back to his guards, who led them half a mile on the road to Ruthven (whither Lord George and such Lowlanders and others as held together were marching), and "let them know it was the Prince's pleasure they should shift for themselves." Maxwell remarks that "there was hardly anything else to be done," as, owing to a dearth in the Highlands, "it would have been impossible for a considerable body of men to subsist together." For this reason the Prince meant to make for France, where he thought that his personal presence would procure a favourable decision.<sup>70</sup>

Elcho, according to his own account, lingered when the guard had left, was told by Charles that he meant to return to France, gave the Prince his mind in the plainest terms, and "left him fully determined never to have anything more to do with him." By nine o'clock that night Charles was at Lovat's house of Gortaleg. At that hour his aide-de-camp, Alexander Macleod, wrote to Cluny that the Prince would next day review the Frasers, Camerons, Stewarts, Clanranald, and Keppoch's men at Fort Augustus. Thither Lord George was to lead his own force. Lord George replied to Cluny that this was "a state of politics I do not comprehend," and that people from Fort Augustus reported that Charles had gone thence into Clanranald's country.<sup>71</sup> No rendezvous had been fixed on in case of defeat. This is clear, for we have the General Orders written at Culloden in Lord George's own hand for April 14, 15. All are to remain with their corps, night and day, "untile the Batle and persute be finally over." Not a word is said as to what is to be done in case of disaster. In two copies which the Duke of Atholl possesses, the passage "*and to give no quarter to the Elector's troops on no account whatsoever*" does not occur. It was published after the action in the newspapers; it was unknown to Balmerino and Kilmarnock; but it was made the occasion, or excuse, for the cruelties of Cumberland, who, we know, had long before issued his "No Quarter" order, seen and copied by Macpherson of Strathmashie.<sup>72</sup>

There was thus no fixed rendezvous in case of defeat. But it is plain that Lord George Murray took Macleod's letter of the evening of Culloden to be a subterfuge. He left Charles no place

for returning. On the day after Culloden, at Ruthven in Badenoch, he wrote a scolding letter to Charles. "It was highly wrong to set up the Royal standard without having positive assurance from Louis XV. that he would assist you with all his force." In that case it was "highly wrong" of Lord George to burn the Atholl tenants out of house and home to fight for an enterprise that was "highly wrong." Lord George then denounced Sullivan, as we have seen, in the matter of the walls at Culloden, and generally. He attacked Hay's mismanagement of supplies, and sent in his resignation. He said nothing about the numbers, condition, or prospects of his force.<sup>73</sup> If Charles received this letter, he certainly could not return to Lord George. While Lord George's partisans say that it was Charles who insisted on fighting at Culloden, Charles, according to his companion in his wanderings, Neil MacEachain, father of Marshal Macdonald, declared that he used all his rhetoric and eloquence against fighting, "yet my Lord George out-reasoned him till at last he yielded, for fear to raise a dissension in the army."<sup>74</sup>

Captain Daniel, who was in the Guards at Culloden, gives the same account in his MS.

The clear result of these confusions was Charles's most unwarrantable flight in a boat from Borradale on April 26. From that moment began those perils and wanderings in which he won the affection of the Highlanders. Had he tarried on the mainland with Lochiel, Sheridan, Hay, Murray of Broughton, and others, he might have escaped with the French ships which landed some 40,000 louis at Borradale on May 3. In these ships did Elcho, Lord George Drummond, Sheridan, Hay, Captain Daniel, and others take their passage. There was an epidemic on board, and the brave and good Duke of Perth died at sea.<sup>75</sup>

Thanks to the devotion of Highlanders in every rank, and of many clans, Charles, after infinite perils, sailed for France on September 20, 1746. His adventures only increased the loyalty of Lochiel, Lochgarry, Cluny, and many others who had ruined themselves for him. No torture, inflicted by beating with belts, was more effectual than was the reward of £30,000 in extracting information from the poorest people who knew his movements.<sup>76</sup> While Flora Macdonald won an immortal fame by her self-sacrificing goodness, it may be said that of all whom the Prince trusted not one failed him in these straits. It is not, fortunately, our task to

trace the later unhappy fortunes of "a man undone," and the sorrows which his conduct heaped on the patient head of the good King James.<sup>77</sup>

In all wars the vanquished have tales to tell of the "atrocities" committed by the victors. The patient researches of Bishop Forbes, who was scrupulous about obtaining evidence at first hand, do prove beyond doubt the exercise of great cruelties,—slaughter of the wounded and of prisoners, and the starving of prisoners in noisome dungeons like "the bridge hole" at Inverness. On the day after the battle, Cumberland issued an order to a captain and fifty men to search the cottages for the wounded. "The officer and men will take notice that the publick orders of the rebels yesterday were to give us no quarter."<sup>78</sup> We have seen that there is no evidence for the "publick orders" of the rebels. If there had been, they would not excuse the shooting and burning of wounded men, who had given no orders, in cold blood. The Duke of Atholl possesses an order of Cumberland of February 20, 1746, bidding Campbell of Knockduie give no quarter to the enemy.<sup>79</sup> Cumberland thus undeniably earned the name of the Butcher, and we see the value of his pretext for his "No Quarter" orders. There was a reign of fantastic and fiendish brutality: one provost of the town was violently kicked for a mild remonstrance about the destruction of the Episcopalian meeting-house; another was condemned to clean out dirty stables. Men and women were whipped and tortured on slight suspicion, or to extract information. Cumberland frankly professed his contempt and hatred of the people among whom he found himself, but he savagely punished robberies committed by private soldiers for their own profit. "Mild measures will not do," he wrote to Newcastle, and, when leaving the North in July, said, "All the good we have done is but a little blood-letting, which has only weakened the madness but not at all cured it, and I tremble to fear that this vile spot may still be the ruin of this island, and of our family."<sup>80</sup>

The truth is that the spirit of the clans was not quenched by one defeat, or by fire and hunger. The hills were full of knots of men holding together in arms, though an attempt by the wounded Lochiel to collect the fighting clans in May was frustrated, the friends of Lochgarry and Barisdale respectively misdoubting the loyalty of these chieftains. There seems no reason to distrust Lochgarry, who held out in his fastnesses, and drew the last blood

of the campaign from armed parties sent to drive his cattle and destroy his lands.

To ruin and starve the Jacobite clans was the deliberate policy, executed with fire and sword by some 2500 Argyll Highlanders, and men of Sir Alexander Macdonald and of Macleod. Regulars were sent on the same duty, and it is said in a contemporary tract that in some regions the very shell-fish on the shores were ploughed up. Cumberland wished to extirpate the opponents at whose possible revenge he trembled, but the measures taken produced other results than he desired. In October and November two spies of Albemarle's, Highlanders, made a journey through the country of the Jacobite clans and sent in a report. They found the Macleans well armed, anxious to join a French invasion in spring, and both in Mull and Morven was great plenty of French gold and Spanish money. Some of this may have come from one cask stolen from those which were landed at Borradale. Cluny had the nominal custody of the other casks, and used part of the money to keep up the spirits of the clans, some of whose tacksmen later quarrelled, and in certain cases were demoralised over the division of the spoils.<sup>81</sup> On the coast the crews of ships of war and the Campbells burned fifteen "towns"—that is, little settlements round such houses as Ardtornish, Drimmin, and Killounden. In Moidart and Strontian many men had surrendered, and their cattle were spared; meal was scarce, but there was plenty of French brandy, which kept up a desire to rise again. In Appin the houses of Ardsheil and Ballachulish had been burned by the much-detested Captain Carolina Scott, but there were cattle and meal in abundance. Six "towns" were burned. The Glencoe people surrendered, and saved their cattle and houses. All Keppoch's lands were burned, and all of Lochiel's except the house of his staid brother, Fassifern. Lochiel's men were still ready to fight, as were Glengarry's. Lochgarry later reported to Charles that not a thousand men were lost in the Rising. The Jacobite leaders were at home, and kept their men in pay. In Skye the officers of the Government's Independent Companies, having been neglected, were ready to join in a rising. All the Grants of Glenmoriston, having had their cattle driven and their houses burned, were eager to fight, as were the Macphersons, for the same reasons. The Atholl men were peaceful, and abounded in complaints against Lord George Murray for "forcing them out."<sup>82</sup>



Thus Cumberland's policy had exasperated, not subdued, the fighting clans, who, in the event of the French invasion, for which they hoped, would have been as dangerous as ever, and less well-conducted. The executions in England, from Carlisle to London, did not appal them. It is superfluous to tell how Kilmarnock, Balmerino, Townley, Lovat, and many others died: on Lovat the guilt was fixed by Murray of Broughton, who determined to buy his life with eternal shame as soon as he was captured, and who, while he lived, was shunned as a leper, his own wife flying from him. It needed some ten years, the degeneration of the Prince, the treachery of some of his intimates,<sup>83</sup> and the long inaction of France, to pacify the clans. Alone and unaided they could not "do it again," and France was never able or willing to aid them. The death of the brave and good Lochiel, a man praised by Cumberland's successor, Albemarle, and by the common verdict of both parties, was also a sore discouragement. He prayed to be allowed to return from France "and perish with the people I have undone," but he was not heard, and death released him from his sorrows. In Lochiel we find the ideal of all the virtues of his race, without one known blemish; while Forbes of Culloden, the glory of the opposite faction, courageous, clement, honourable, unsparing of toil and of money, died unrewarded, nay, unpaid, accused by Cumberland of "the Highland madness."

The Rising led to three acts of legislation of minor importance. A disarming Act prevented those broils in which, as Homer says, "iron of himself draweth a man to him," but would have been ineffective in case of a French invasion. Men did not, as before, wear arms in civil life, but they knew where to find what they wanted if war arose. The Highland dress was proscribed under heavy penalties,—a cruelly severe law against people who had no other, though with time they came to find Lowland costume sufficiently convenient. But the great and effective measure—expected after 1715, but delayed—was the abolition of hereditary claims of feudal superiors to military service, and the substitution of "sheriff deputies" advocates for the old hereditary jurisdictions. As against the arguments of the Scottish Judges, Lord Hardwicke, in 1747, supported this change in a speech not easily to be answered. The alteration would have been equally desirable, he said, if there had been no rebellion.<sup>84</sup> Compensation was paid to the holders of hereditary jurisdictions. Argyll received £21,000;

the Duchess of Gordon £25. Buccleuch had but £3400 to Morton's £7240 and Eglintoun's £7800. J. & I. Smith, clerks of the Registrar of Aberbrothrock, end "an auld sang" to the tune of £13, 6s. 8d.! The whole sum was £152,237, 15s. 4d., while claims had been put in for £583,090, 16s. 8d. J. & I. Smith had asked for £300.

The scheme of forfeiture of estates was not on the system of selling them, as after 1715, but of giving them to the Crown, whose agents in some cases evicted Jacobite tenants and were encouraged to select Protestants. In course of time the descendants of the old owners were restored, and it is not to the Rising that such chiefs as became landless men owed their impoverishment. Within thirty years from 1745 the economic conditions of Highland estates altered, values were many times multiplied, and the old tribal relations of the patriarch and his children having ceased to exist, some clans migrated, happily for themselves, to America; others waited to be evicted and see their places filled by sheep, grouse, and deer.

It must be for another hand to tell the story of these processes, and of the very gradual harmonising of Scotland with England. We have pursued the history of the country to the point where, contrary to the will of the vast pacific majority, the last attempt is made "to break the Union," and restore Scotland to her old estate as an independent kingdom. For three centuries discerning men had seen that nature designed the inhabitants of the isle of Britain to be citizens of a single state,—a consummation long delayed, and for the last time opposed in arms by the clans under Prince Charles.

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#### NOTES TO CHAPTER XIX.

<sup>1</sup> Earls of Cromartie, ii. 388.

<sup>2</sup> Jacobite Correspondence of the Atholl Family, pp. 136-142.

<sup>3</sup> Maxwell, pp. 99, 100.

<sup>4</sup> Maxwell, p. 100.

<sup>5</sup> Jacobite Memoirs, p. 84.

<sup>6</sup> Home, p. 171.

<sup>7</sup> Home, p. 171.

<sup>8</sup> Maxwell, p. 102.

<sup>9</sup> Jacobite Memoirs, p. 85, and Maxwell.

- 10 Ewald.
- 11 Home, p. 174.
- 12 Home, p. 176, note.
- 13 Lockhart Papers, ii. 503.
- 14 Atholl, Jacobite Correspondence, p. 165.
- 15 Blaikie, p. 119.
- 16 Maxwell, vol. vii.
- 17 Maxwell, vol. iii.
- 18 Home, p. 352, ff.
- 19 Maxwell, p. 115.
- 20 Mahon, iii. 293.
- 21 Blaikie, pp. 73-75; MSS. of the Duke of Atholl.
- 22 Home, p. 355; Blaikie, pp. 76, 77.
- 23 Blaikie, p. 78.
- 24 Maxwell, p. 114.
- 25 Jacobite Memoirs, p. 100.
- 26 Jacobite Memoirs, p. 100.
- 27 Atholl, Jacobite Correspondence, p. 188.
- 28 Atholl, Jacobite Correspondence, p. 186.
- 29 Jacobite Memoirs, p. 100.
- 30 The Lyon in Mourning, ii. 134-137.
- 31 Blaikie, p. 88.
- 32 Jacobite Memoirs, pp. 104-106.
- 33 Maxwell, p. 118.
- 34 Maxwell, pp. 119, 120.
- 35 Lord George in 'The Lyon in Mourning,' i. 260.
- 36 Maxwell, p. 120.
- 37 Maxwell, pp. 125-127.
- 38 Macpherson of Strathmashie, 'The Lyon in Mourning,' ii. 91, 92.
- 39 Jacobite Memoirs, pp. 106-111.
- 40 Maxwell, p. 130.
- 41 Atholl, Jacobite Correspondence, p. 215.
- 42 Atholl, Jacobite Correspondence, p. 218.
- 43 Maxwell, p. 134.
- 44 Jacobite Memoirs, p. 121.
- 45 The Lyon in Mourning, i. 256, 360.
- 46 Maxwell, p. 144; Atholl, Jacobite Correspondence, p. 122.
- 47 Stuart MSS., Windsor Castle.
- 48 Home, pp. 366-372.
- 49 The Lyon in Mourning, i. 364.
- 50 Maxwell, p. 149.
- 51 Jacobite Memoirs, p. 123.
- 52 Historical Manuscripts Commission, Tenth Report, p. 442.
- 53 In 'The Inverness Courier,' 1904, Mr Murray Rose argued from old plans, and after a visit to the moor, that the battle took place on a site not accepted by Mr Alexander Fraser, President of the Inverness Scientific Society and Field Club. He said that the famous enclosure wall on the Highland right was placed by Mr Murray much nearer the river Nairn than anybody else conceived was possible. But Lord George says that the Nairn was only 300 yards away. Whitefoord's hasty sketch, which we give, corroborates Lord George; while a letter by Captain Duncan Campbell to Lord Glenorchy (April 26) asserts that the

high wall reached the water of Nairn, which is corroborated by Ker of Graden, who reconnoitred the position before the battle. It is impossible for a writer who has only once visited the scene, like myself, to argue against local historians, except in so far as Lord George and Captain Campbell appear to favour Mr Murray Rose's view. But Whitefoord's map is certainly, in some points, inaccurate, while Captain Campbell makes the extraordinary mistake of placing the field "about a mile south" of Inverness. In Mr Murray Rose's own map the extreme right of the Highlanders is as far from the water of Nairn as the full length of the lines of both parties, which seems impossible: surely the battle lines were over 300 yards in length. But Mr Murray Rose remarks that he has not preserved a scale of distances. In these circumstances, so vague and so discordant, minute accuracy cannot be attained. In the chart illustrative of Sir Alexander Tulloch's 'Culloden' (Inverness, 1902), the Nairn water is not indicated, while authorities are not cited for the various statements made.

Meanwhile the author is indebted to Mr Barron of Inverness for a lucid statement. Colonel Yorke's map is wrong in not extending the long wall on the same line as the Highland left down to the river Nairn. The houses marked within Yorke's enclosures (1) are the farmhouse of Culchunaig; (2) the more distant house is that of the farm of Baluraid. The bogs on the Highland right are still incompletely drained: they are those of the Feabuie, or Stable hollow. Traces of the old road to Inverness (not the present road), marked on Yorke's chart, are extant. The distance from the Well of the Dead (traditionally the scene of the fiercest fighting) to the river is 1230 yards: the graves are still farther from the river Nairn. Culchunaig was about 950 yards from the river, and nearer the river than any part of the Prince's army. According to tradition, the Prince retired to Baluraid before he left the field; and that he did retire to a sheltered spot is vouched for by Captain Daniel, as he was the mark of Cumberland's artillery.

<sup>54</sup> Jacobite Memoirs, p. 124.

<sup>55</sup> Maxwell, p. 148. Finlayson's map. Blaikie, p. 97.

<sup>56</sup> The question of Lord George's generalship is complicated by the problem of these walls. In an angry letter written to Charles from Ruthven on April 17, the day after the battle, Lord George says that Sullivan did not visit the ground where the army was drawn up, "and it was a fatal error yesterday to allow the enemy these walls upon their left, which made it impossible for us to break them; and they with their front fire, and flanking us when we went upon the attack, destroyed us without any possibility of our breaking them. . . ." (Blaikie, p. 79.)

On the other hand, the Rev. John Cameron, Presbyterian chaplain at Fort William, was with Lochiel at the battle. He "heard Lord George formerly say that 'the park' [*i.e.*, the enclosure walls of the park] would be of great service to prevent our being flanked." But, says Mr Cameron, when Lord George heard that the Atholl and Cameron officers "were afraid to be flanked, he sent *Colonel Sullivan*, John Roy Stewart, and Ker of Graden to view it [the wall] down to the water of Nairn. At their return, they said it was impossible for any horse to come by that way." The men and Perth, who came to examine the place, proposed to line the park wall. But Lord George, thinking it otherwise, ordered Lord Ogilvy's regiment to cover the flank, and told there was no danger. . . ." ('Lyon in Mourning,' i. 86, 87.)

Now Ker of Graden corroborates: "After having reconnoitred the inclosure, which ran down to the water of Nairn on the right, so that no body of men could pass without throwing down the wall; . . . to guard further against any attempts

that might be made on that side, there were two battalions placed facing outwards, which covered the right of the two lines. . . ." These two battalions did not fire one shot at the Campbells and dragoons who broke the walls. ('Lyon in Mourning,' i. 361-363.)

The evidence of Ker and the Rev. John Cameron makes it plain that, if leaving the walls intact was "a fatal error," it was the error of Lord George, not of Sullivan. Meanwhile Yorke's rough sketch of the field, as we saw, does not represent any wall as coming down to the water of Nairn. He gives on the front of the Highland left two walled enclosures of irregular form. As far as his chart shows, the cavalry could have ridden round them and fallen on the Highland flank. If he is right, Ker is wrong. By Yorke's showing, the walls were broken down by the Campbells, who fired from behind the wall of the second enclosure on the Highland left as they charged. (Yorke's letter to his father: Add. MSS. 35,354, f. 224.) This is confirmed by a letter (April 26) from Captain Duncan Campbell to Lord Glenorchy. He, indeed, makes the first "high wall" extend to the water of Nairn, corroborating Ker. They pull down a space admitting a squadron abreast, and then break their way into another enclosure and enfilade the Highland left from behind its wall. The Campbells beat the second Highland line before the first Highland line is broken. (Add. MSS. 35,451, f. 36.)

<sup>87</sup> Maxwell, pp. 151, 152.

<sup>88</sup> Historical Manuscripts Commission, x. 443.

<sup>89</sup> Add. MSS. 35,354, ff. 218 *et seqq.*

<sup>90</sup> Lockhart Papers, p. 531.

<sup>91</sup> Blaikie, p. 121.

<sup>92</sup> Ker, *ut supra*.

<sup>93</sup> See Appendix, "The Death of Keppoch."

<sup>94</sup> Home, Addendum to Appendix.

<sup>95</sup> Maxwell, p. 154.

<sup>96</sup> Historical Manuscripts Commission, *ut supra*.

<sup>97</sup> Dennistoun, Memoirs of Sir Robert Strange, i. 62, ff.

<sup>98</sup> Stuart Papers, MS.

<sup>99</sup> Home, p. 240, note 1.

<sup>70</sup> Maxwell, pp. 157-159.

<sup>71</sup> Atholl Correspondence, pp. 220, 221.

<sup>72</sup> Athenæum, March 11, 1899. Mr W. Roberts, who here quotes the two MS. orders by Lord George Murray, seems to aver that the "No Quarter" clause does not occur in a copy sold among the Hardwicke MSS. The Hardwicke MS. "is identical, saving a few differences of spelling, with those in the Duke's possession." The "No Quarter" clause, then, must be a malicious forgery.

<sup>73</sup> Blaikie, pp. 79, 80.

<sup>74</sup> Neil MacEachain, New Monthly Magazine, 1840; Blaikie, pp. 80 and 98-102.

<sup>75</sup> Murray of Broughton, p. 273.

<sup>76</sup> Albemarle Papers, i. 92, for the torture inflicted by orders of Lieut.-Col. John Campbell.

<sup>77</sup> Nothing would please me better than to be able to say that my identification of young Glengarry with Pickle the Spy (1752-1760) has been disproved. But no valid attempt at defence has to my knowledge been offered. The authors of 'Clan Donald' (ii. 482: 1900) argue that, while Pickle (Feb. 19, 1760) offered to Newcastle to raise a regiment, "such an offer by him [Glengarry] was extremely improbable," so bad was Glengarry's health. They overlook the fact that, in 1898, I published ('Companions of Pickle,' p. 252) the offer of Glengarry to raise

a regiment. Thus he did what it is "extremely improbable" that he should do. He made his offer in a letter to the Duke of Atholl on April 5, 1760 (cf. the Duke of Atholl's 'Chronicles of the Atholl and Tullibardine Families,' iii. 476, 477. Privately printed). On this occasion Glengarry wrote in his own name. When Pickle, on February 19, 1760, made *his* offer to Newcastle, he spoke of himself as "Pickle," but requested an answer to be directed to "Alexander Mackdonell of Glengarry." ('Pickle the Spy,' p. 314. Add. MSS., British Museum, 32,902.) Thus it seems that Pickle got no answer, or no satisfactory answer, from Newcastle addressed to Glengarry; so two months later Glengarry wrote to the Duke of Atholl, making the same proposal as Pickle had made to the Duke of Newcastle. Evidence of this sort may be ignored, but cannot be refuted.

<sup>78</sup> Life of Cumberland, by Campbell MacLachlan, p. 293; Colonel E. M. Lloyd, R.E., 'Dict. Nat. Biog.,' s.v. William Augustus.

<sup>79</sup> Atholl MSS., Historical Manuscripts Commission, Report XII.; Appendix VIII.; Lyon in Mourning, i. 316, 317.

<sup>80</sup> Coxe's Pelham.

<sup>81</sup> See details in the author's 'Companions of Pickle.'

<sup>82</sup> Albemarle Papers, i. 331-337.

<sup>83</sup> See the author's 'Pickle the Spy' and 'Life of Prince Charles Edward Stuart.'

<sup>84</sup> Parliamentary Debates, ii. 81, 133.

## APPENDIX.

## THE DEATH OF KEPPOCH.

IN the text I have given an account of the behaviour of the Highland left wing at Culloden, derived from the official despatches, letters, and narratives of eye-witnesses, Jacobite and Hanoverian. In these first-hand contemporary records we find no indignation expressed against the conduct of the Macdonalds, and in the many statements by companions of Prince Charles in his wanderings he is never said to reproach the clan for their behaviour in the field. The well-known story that the delay, or refusal, of Keppoch's regiment to charge caused Keppoch to cry, "My God, have the children of my tribe forsaken me!" does not appear in print, to my knowledge, before it is given in the last volume of Scott's 'Tales of a Grandfather,' in 1830. (Slight variations in the phrase occur: the words were spoken in Gaelic.)

Though I do not find earlier than 1830 the report of these melancholy words, Home gives an account of the Death of Keppoch in his 'History of the Rebellion' (1802). Home writes: <sup>1</sup> "When the Macdonalds' regiment *retreated* without having attempted to attack sword in hand, Macdonald of Keppoch advanced with his drawn sword in one hand and his pistol in the other: he had got but a little way from his regiment when he was wounded by a musket-shot, and fell. A friend, who had followed, conjuring him not to throw his life away, said that the wound was not mortal,—that he might easily rally his regiment, and retreat with them. Keppoch desired him to take care of himself, and, going on, received another musket-shot, and fell to rise no more."<sup>2</sup>

Here Home does not say that the Macdonalds *refused* to charge from a feeling of injured pride, though, in a note, he indicates that this was their motive. Lord George Murray, as we saw, says that his left wing did not go in, "at least not sword in hand"; and we have quoted Cumberland's and Colonel Yorke's evidence, with that of Ker of Graden. The whole line advanced, but the left tried to draw the English fire before attempting a final rush through the fire zone. At Prestonpans the British had "fired too soon," says Murray of Broughton, and the left of the Prince's army at Culloden tried to make them do so again. It is especially to be noted that Home (who is misinformed) does not describe Keppoch as making his charge while his clan was facing the foe, and might be fired by his example. Keppoch advanced "*when the Macdonalds' regiment retreated.*" Whether Home wrote this on the evidence of letters or written reminiscences, or of oral communications, he does not inform us. That Home's account had not been *published* before he gave it, appears from a remark of Dr Angus Macdonald, of the Keppoch family, whose 'Family Memoir' was

written at intervals between 1801 and 1820. Dr Macdonald had heard tales of the Rising from "the few aged Highlanders of his clan who survived in Edinburgh. . . . Keppoch's name was a guard against almost every depredation in their various marches and sojournings." Dr Macdonald, from the time when he could read, had heard of the high character of Keppoch, especially from Lady Francis Wemyss and Sir James Stewart of Coltness, "but till John Home wrote his History [published 1802], I do not remember that any account of that accomplished man's heroic death *was ever given to the public as he has related it.*"<sup>3</sup>

Home gives no authority, nor does Sir Walter Scott, who says that Lord George Murray failed to make the Macdonalds charge,—an obvious error, as Lord George was fighting on the extreme right. Scott must refer to the Duke of Perth, who commanded on the left: of him does Home tell the anecdote that he vainly prayed the Macdonalds to advance. Scott goes on: "It was equally in vain that the gallant Keppoch charged with a few of his near relations, while his clan, a thing before unheard of, *remained stationary.* The chief was near the front of the enemy, and was exclaiming, with feelings which cannot be appreciated, 'My God, have the children of my tribe forsaken me!' At this instant he received several shots, which closed his earthly account, leaving him only time to advise his favourite nephew to shift for himself."<sup>4</sup>

Here Keppoch is not said, as by Home, to fall a devoted victim of honour in a desperate advance "when the Macdonalds' regiment retreated," but to rush on with a few of his kin, while his clan, still facing the foe, "remained stationary." In fact he led, in the usual manner, according to Scott, a charge in which he was not followed. Finding himself almost alone, he utters the reproach against his clan which Home does not assign to him, falls under several shots, and bids "his favourite nephew" shift for himself. The two accounts thus vary essentially, and both are erroneous, especially where they imply that Keppoch was deserted by his regiment.

Lord Mahon follows Scott: "In vain did Keppoch rush forward to the charge with a few of his kinsmen; the clan . . . would not follow: calmly they beheld their chief brought to the ground by several shots from the enemy; calmly they heard the dying words which he faltered forth, 'My God, have the children of my tribe forsaken me!' Thus they stood while the right and centre of their army was put to the rout, and then falling back in good order they joined the remnant of the second line."<sup>5</sup>

Here Lord Mahon, more mistaken than his predecessors, makes Keppoch utter his reproach *after* he fell, and his version is highly injurious to the whole clan. Neither Home, Scott, nor Mahon quotes the contemporary English despatches extant even in the patchwork book called 'Young Juba' (1748), and in the contemporary Histories of the Rising. Ker of Graden and Maxwell of Kirkconnell, eyewitnesses, are both neglected: neither of them describes the behaviour of the Macdonalds as unworthy. Hill Burton, who does not mention Keppoch, throws doubt on "the accusation against the MacDonalds, of having stood inactive, in their wrath about the question of precedence."<sup>6</sup>

The Messrs Macdonald, in 'Clan Donald' (ii. 665: 1900), represent Keppoch as advancing with drawn sword, exclaiming, "My God, has it come to this, that the children of my clan have forsaken me!" He rushes forward, "followed by a handful of his Lochaber clansmen, among whom were his brother Donald, who was killed, Angus Ban his son, and *Donald Roy Macdonald of Baleshare.* He had not proceeded far when he was struck by a musket-ball and fell. His



kinsmen then rallied round him, and endeavoured in vain to persuade him to leave the field, for he was not yet mortally wounded. He advanced once more, received another shot, and fell to rise no more. At this point his kinsman, *Donald Roy Macdonald*, rushed forward to help him, when the gallant chief, looking at him, said, "O God, have mercy upon me; Donald, do the best you can for yourself, for I am gone." No authority is cited. ('Clan Donald,' ii. 663.)

As will presently appear, we have the account given to Bishop Forbes by Donald Roy Macdonald, and it is not in accordance with the narrative of the Messrs Macdonald.

We now turn to accounts given in 1747-1748: first, we have a compilation, by an uncertain hand, of narratives from persons in London in 1746-47, of whom only one, Malcolm Macleod of Brea, was at Culloden. "From the centre to the left, they [the clans, including "*part of the Macdonalds*"] never got up to give their fire." Keppoch was next to the extreme left, held by Glengarry; "Lochiel and Keppoch, being both soon wounded in the advancing, were carried off, which their men observing, immediately they fled, which so alarmed all the corps to the left that they gave way in confusion." From this account it seems, and it is true, that the Keppoch men charged with the centre and right, Keppoch at their head. He fell, like Lochiel, and, like Lochiel, says the narrative, was carried off the field.<sup>7</sup>

If Malcolm Macleod of Brea was the source of this information, it is important. The Macleods are represented in a map of Culloden moor, which appears to be a more carefully designed copy of Colonel Yorke's, as stationed between the Mackintoshes on their right and the Macleans on their left; the Clanranald regiment was next, on the Maclean left, and then came Keppoch's regiment.<sup>8</sup> It is certain that the Mackintoshes and the Macleans charged with desperate courage, losing heavily. The Macleans, writes Lochgarry, "would have been about 200. . . . I believe 50 of their number did not come off the field."<sup>9</sup>

Granting, then, that Macleod of Brea is the narrator, and that the Macleods were posted, as on the map, so that the Macleans and Clanranald were between them and Keppoch's men, we learn that "*part of the Macdonalds*" did, and part did not, "get up to give their fire," and that Keppoch, like Lochiel, "was soon wounded in the advancing," and was, like Lochiel, "carried off." Their men "immediately fled," and "alarmed all the corps to the left, so that they *gave way in confusion*." This is all unlike Scott's version, "The three regiments of the Macdonalds were by this time [after Keppoch's fall] aware of the retreat of their right wing, and *retired in good order* upon the second line." The narrative, which may be Macleod's, thus indicates that Keppoch fell wounded in the general charge, and was carried off, but in no way suggests that he had reason to complain of being deserted by his clan.

We now come to the evidence of Captain Donald Roy Macdonald, a brother of Hugh Macdonald of Balishair, in North Uist, and a cadet of the House of Macdonald of Sleat. Donald Roy was a great maker of Latin verses, was first in Keppoch's and later a captain in Clanranald's regiment. A month or two after the battle he composed a Latin poem, in which he says that he saw Keppoch fall, but gives no details. On January 12, 1748, he visited Bishop Forbes, and "gave me what follows," says the Bishop:<sup>10</sup> "At the battle of Culloden, *in the retreat*, Captain Roy Macdonald saw Keppoch fall twice to the ground, and *knows no more about him*, but that upon the second fall, looking at Donald Roy Macdonald, he spoke these words, 'O God, have mercy upon me. Donald, do the best for yourself, for I am gone.'"

We have here the earliest recorded version, at first-hand, of Scott's story about Keppoch's farewell to "his favourite nephew" (*sic*), whom he bade to "shift for himself"; and of Home's "friend who had followed. . . . Keppoch desired him to shift for himself, and, going on, received another musket-shot, and fell to rise no more." We have here also the fact that Keppoch "fell twice," and we have his adjuration, "O God!" but no word of his being deserted by the clansmen of his name. But in Donald Roy's account, as in Home's, Keppoch falls "when the Macdonalds' regiment retreated," "in the retreat,"—not, as in Scott and Mahon, while his regiment faces the foe. Keppoch falls twice, and utters his unselfish words—"do the best for yourself"—after the second fall. The Messrs Macdonald, in 'Clan Donald,' as we have seen, represent Donald Roy as rushing forward to aid Keppoch when he falls in the advance, which is not the version given by Donald himself to Bishop Forbes. Donald candidly avers that he took Keppoch at his word, and did not stay to assist in carrying him off the field.

Donald, "in walking off the field," was struck by a bullet from behind, which went in at the sole and out at the buckle of his shoe. As he pursued his flight, he passed another Macdonald, of Belfinlay, who had probably fallen early in the advance, and had both his legs shot through,<sup>11</sup> "and was betwixt the fire of the English and that of the few French troops that made some resistance after the Highlanders were routed." Belfinlay attests<sup>12</sup> that Donald Roy spoke to him with pity as he lay, but could not help him, being himself wounded. "The big bones of Belfinlay's legs" were shattered above the ankles, by grape-shot, as he said, and a piece of iron was extracted.<sup>13</sup> The evidence suggests that the Macdonalds advanced under a heavier fire than has been supposed, while the French tried to cover their retreat. Donald Roy was, later, in Skye, of great service to the Prince in the crisis of his distresses.<sup>14</sup>

I now examine the version of a compilation styled 'Young Juba, or the History of the Young Chevalier. . . . Translated from the original Italian published at Rome by Mr Michell, formerly Secretary to the Old Chevalier. London, 1748.' The early date, 1748, alone makes it desirable to notice this volume. Michel Vezazi was a servant of Prince Charles,—his *valet de chambre*, says Johnstone.<sup>15</sup> The patchwork text scarcely even pretends to be by Michel Vezazi. In describing Culloden, the author, following an English source, speaks of the Prince's army as "the Rebels," says "*we* gave our men a day's halt at Nairn," and "*our* advanced guard was composed of about 40 of Kingston's horse. . . ."<sup>16</sup> In the following page the author prints, with acknowledgment (p. 199), much of Cumberland's despatch of April 18, 1746! He describes the attack of the Highland left in Cumberland's very words: "They came down three several times within a hundred yards of our men: . . . after these faint attempts they made off. . . ."

The author represents old Glengarry as receiving the Prince, after the battle, "in the most handsome manner" (p. 233). We know that Invergarry House was empty, and that a salmon was caught for the breakfast of the fugitives by one of themselves.<sup>17</sup> Lochiel, three days later, "came to Glengarry, where he met his unhappy master" (p. 234). This is notoriously false: Charles had retired to Glenpean, and never met Lochiel again till August 30.<sup>18</sup> Finally, Mr Michell's account of Keppoch is that, "being wounded in the very heat and fury of the battle, two [of his clan] took hold of his legs, a third supported his head, while the rest posted themselves around him as an impenetrable bulwark, and in that manner carried him from the field, over the small river Nairne, to a place of safety" (p. 234). All this although, according to the author, the Highland left

wing took no part in "the heat and fury of the battle," but "made off" after three "faint attempts." Mr Michell represents Charles and Lochiel as hearing of Keppoch's fall at Glengarry, three days after the battle, where they held, on April 19, a meeting borrowed from the actual Muirlaggan meeting of May 8, at which Charles, of course, was not present.<sup>19</sup>

The book of 'Young Juba' is, in fact, incoherent, false, and self-contradictory, but the compiler has heard that Keppoch fell "in the heat and fury of the action," that he was not deserted, but surrounded by his whole regiment, and that he was carried to a place of safety across the Water of Nairn. If any or all of these statements in 'Young Juba' be correct, it is by accident. The impudent author makes the Prince stay with Lochiel for several weeks, apparently after his flight to the isles, and go to Keppoch House, where he and Lochiel meet the clan, "just returned from Keppoch's funeral"! (p. 246). Three days later the Prince "set out for the isles." He really set out on April 26, and never went near Keppoch House after Culloden.<sup>20</sup>

I now offer the reminiscences of an eyewitness, Angus Ban MacDonell, a son of Keppoch, who fought at Culloden. He was then twenty years of age, and his reminiscences were recorded in writing by his son John, grandson of Keppoch. I owe the passage, with other information, to Miss Josephine MacDonell of Keppoch, who has kindly given me much valuable aid. The passage is written in an answer to queries by an historical student, apparently Dr Gregory, author of the 'History of the Highlands.'

NOTES OF JOHN MACDONELL, SON OF ANGUS BAN, AND  
GRANDSON OF KEPPOCH.

"10. *Query*.—Keppoch was vexed that they hesitate, and called out, '*Mo Dhia, an do threig Clann mo chinnidh mi*' (My God, have the Clansmen of my name deserted me); he rushed in front of his own regiment, and before he had gone very far he received a musket-shot. *The rest of the Macdonalds were advancing too*, but it was not that shot that killed him, it was the second shot that was mortal.\*

"14. When they were carrying Keppoch off the field my father said there was a lad from the Braes to bring his own father away too, badly wounded, and when the man saw it was the chief, he made his son put him down, as he was gone anyway, and help to save the body of the chief. They brought him to a bothy at some distance away, thinking he would be safe from the dragoons, and that they could dress his wounds, but he was dead by the time they laid him down. There were a number of other wounded men in this bothy, and some were dead; and it was later set fire to by the orders of the brutal Cumberland. . . .

"15. The sword and the dirk have not been found; † my father took them from Keppoch's body before he left the bothy, and carried them all the time he was making his way to the Braes till he came just above Keppoch, and as he was closely pursued he plunged them one after the other into the moss as far as his arm could reach, while he kept going on, and he thought he knew the spot, but

\* "They hesitate" and "the rest of the Macdonalds" are understood to refer to the whole clan, not to Keppoch's command.

† The dirk-blade has since been found.

he could never find it again. They would likely sink deeper in the bog, unless a stone stopped them. A search has often been made since, but not a trace has appeared.

“The Keppoch clan were the last to lay down their arms.”

These notes are reminiscences of the conversation of Angus Ban, and must be understood in the light of sworn legal depositions, which I proceed to give. The evidence is of July 24, 1752, and is the basis of a judicial decret (1756) in favour of Ranald MacDonell, Keppoch's son, for the evidence was accepted as proving Keppoch's death *before* his forfeiture. Ranald was therefore reinstated in lands held under the Duke of Gordon.

*Register of  
Decrets  
(Mackenzie's  
office),  
vol. 482.*

EXCERPT FROM DECREET SUSTAINING THE CLAIM OF RONALD MACDONNELL  
TO THE PROPERTY OF THE LANDS OF AUCH-NA-COAHINE AND OTHERS.

10th January 1756.

*Record here.*

The Decreet narrates, *inter alia*, that James Macdonnell of Keilachomet, John Mackennier in Auchlorach, Angus Ferguson in Keppoch, and John Macdonell in Blairour were summoned as witnesses, and “compeared severally upon the twenty-fourth of the said month of July [1752], in presence of the Lord Justice-Clerk, Lord Ordinary on the oaths and witnesses, and the said James Macdonell being solemnly sworn, purged, and interrogate, He deponed that he was with Alexander Macdonell of Keppoch at the Battle of Culloden, and observing him wounded in the right arm, the Deponent took hold of him, and as they were retiring, Keppoch received a shot tharrow the Back, upon which Keppoch fell, and the Deponent then left him lying on the ground; but the Deponent upon reflection, after he had gone a few paces, returned back to see whether Keppoch was alive or dead, and found him dead, where he fell, and thereupon the Deponent left him. Deponed then, the Deponent told to many persons, immediately after the Battle, that Keppoch was killed, and that he left him dead in the field of Battle, and amongst others told it to John Macdonald in Blairour. Deponed that he has heard it rumoured in Neighbouring Countries that Keppoch was alive after the Battle of Culloden, and that he had been carried off the field by the Argyle Shire Militia, but he knew it to be false from what he had seen himself, and that none of Keppoch's friends gave credit to any such report. Deponed that Keppoch's Lady was brought to bed on Sunday before the Battle of Culloden, which happened on Wednesday the sixteenth of Aprile one thousand seven hundred and forty-six, And that the Deponent in his way returning home after the Battle told her of her husband's being killed, for which he was reproved by severall of Keppoch's friends, Considering the situation the Lady was then in *Causa scientie*.

The Deponent was a Captain in Keppoch's Regiment at the Battle of Culloden, and saw and did as above deponed on, and this was the Truth as he should answer to God. The said John Mackennier being solemnly sworn, purged, and interrogate in the Irish language by Lauchlan Grant, writter in Edinburgh, sworn Interpreter appointed by the said Lord Ordinary, in respect the witness could speak no English, Deponed that he, the Deponent, was a soldier in Keppoch's Regiment, and was in the Battle of Culloden in the Company commanded by Macdonell of Tulloch, and as the Deponent was retiring from the Battle he observed Keppoch lying upon his face on the field, and the Deponent raising Keppoch up a little

found he was dead, and perceived that his right arm was broke, and that he was wounded tharrow the Body, about the right pape, and observed some blood about his brows, but perceived no wound there, and thereupon the Deponent went off and left him. Deponed that the Deponent heard it rumoured in neighbouring Contries that Keppoch was alive after the battle, but that the Deponent knew it to be false, *Causa scientie patet*, and this was the Truth as he should answer to God, and deponed he could not write. The said Angus Ferguson being also solemnly sworn, purged, and interrogate in the Irish language by the said Lauchlan Grant, sworn Interpreter appointed as aforesaid in respect the witness could speak no English, Deponed that he, the Deponent, was servant to Keppoch at the Battle of Culloden, and acted as a Serjant in his Company, and in time of the action he observed Keppoch receive a wound in his right arm, and at the same time Keppoch, observing his Brother Donald, who commanded a Company that day in Keppoch's Regiment, advanceing with his Company beyond the line of Battle towards the King's Troops, Keppoch sent the Deponent with a message to his Brother Donald desiring him to keep in the line with his Company, and the Deponent returning in a few minutes found Keppoch lying Dead upon the field much about the place where he left him; and the Deponent, taking hold of Keppoch as he was lying with his face downward, observed that his right arm was broke, and that he was shot in the Body below the right pape. Deponed that he told no Body after he returned from the Battle for some time, that Keppoch was killed, and his reason for so doing was that he understood Keppoch's friends were angry with Mr Macdonell of Keilachomet, a former Deponent, for acquainting Lady Keppoch of her husband's death, because of the Lady's situation at the time, she being in child-bed. Deponed that he has heard it reported in Neighbouring Countries that Keppoch was alive after the Battle, but that the Deponent knew the report to be false and without any foundation, *Causa scientie patet*, and this was the Truth as he should answer to God, and Deponed he could not write. And the said John Macdonell in Blairour being also solemnly sworn, purged, and interrogate, Deponed that he, the Deponent, was an officer in Keppoch's Regiment, and was present and in the action at Culloden, That immediately after the Battle was over he was told by Mr Macdonell of Keilachomet that Keppoch was killed and left dead on the field, and Deponed that he saw Keppoch that Day advanceing upon the head of his Regiment in time of the action towards the Regular Troops, and that he himself never saw him since, nor ever saw any other person that seed him, and that Keppoch's Lady and his friends believe that he was actually killed on that Day. Deponed that the Deponent has heard it rumoured in neighbouring Countries that Keppoch was alive after the Battle of Culloden, but the Deponent believes the Report to be false, and has reason to believe so. Considering he lives near to Keppoch's house, and his connection with the family, that if Keppoch was alive it would not have been concealed from him; and further Deponed that severall others besides Mr Macdonell of Keillachomet told him that they saw Keppoch dead in the field, *Causa scientie patet*, and this was the Truth as he should answer to God. Which oaths of the said James Macdonell and John Macdonell are signed by them respectively and the said Lord Ordinary. And the oaths of the said John Mackennier and Angus Ferguson are signed by the said Lauchlan Grant and the said Lord Ordinary, as the said oaths extant in process bears." Claim to lands sustained.\*

\* The place-names are Keilachomet=Killachonate, or Kilachonat; Auchlorach=Achluachrach; Blairour=Blarour. Mackennier may be Macinnies.

From this unimpeachable testimony, candid as it obviously is, we see that, at the moment of his first wound, Keppoch was leading on his whole regiment. It follows that his famous words, "My God, have the clansmen of my name deserted me!" as quoted in the reminiscences of Angus Ban, given above, must have been spoken during a moment of hesitation, when orders to advance were first given. The words had their natural effect. The clan followed their chief into the fire zone, and one company, that of Keppoch's brother Donald, even needed to be checked, so as to preserve "the line of battle." At that moment Keppoch's right arm was shattered: he gave, however, the command to keep the line. But the effects of the heavy round musket-bullet, or grape-shot, half paralysed him, and Macdonell of Keilachomet was supporting him for a few steps towards the rear, when he fell, mortally wounded. As his son says, "it was the second shot that was mortal." He does not, as far as his words are reported, say that the second shot was received in a second attempt to advance.

Apparently the kinsmen of Keppoch perceived sparks of life in him, which the three witnesses of 1752 failed to discover. They bore him to a hut, but he was dead when they left him there. The clan bard thus sings:—

LAMENT COMPOSED TO KEPPOCH, KILLED AT CULLODEN, BY HIS OWN  
BARD, ALASTAIR CAMERON IN DOCHANASAI DH.

*Literal Translation.*

*1st Verse.* A fortnight before the first of May  
Misfortune [or loss] fell sorely upon us,  
As we were marshalled in rank  
Against an enemy on a height.  
We left the Chief of the Braes\*  
On the field of Battle without breath of life,  
And none of his relatives to staunch the blood of his wound.

*Last Verse.* Painful to me the scattering  
That overtook the army of the North,  
And not the least cause of my sorrow  
Among the losses we sustained  
MacRanald † of Keppoch  
(Who was no weakling in his harness of steel,  
A most intrepid leader of men):  
Cause of the shock of sorrow his being in the grave.‡

\* The Braes of Lochaber. † The patronymic of the chief. ‡ Grave is used figuratively.

The poem is translated by Miss Josephine MacDonell, who kindly communicates it. I need not give the copious contemporary evidence as to that general disbelief in Keppoch's death which is attested by the witnesses of 1752. The actual truth is now plain, and the Keppoch Macdonalds are entirely cleansed of the charge of deserting their chief in the action. It is evident that the clan charged with the chief, and that the company of his brother Donald (who also fell in fight) even outran the line. From Mackennier's evidence it is clear that,

as Keppoch's body was discovered by him "when retiring," the advance continued after the chief was down. To account for the casualties in the advance, as the infantry of the enemy did not fire, we must accept the evidence that grape-shot was galling the Highland left. Scothouse, with twenty of his following, also fell, as we learn from the Memoirs of one of the family. With Scothouse, Keppoch, and his brother down, the advance ceased. The discrepant evidence of Donald Roy Macdonald must be due to confusion of memory—though, as he testified four years before the witnesses of 1752, he had little excuse for inaccuracy—or to some other cause, about which we can only conjecture.

<sup>1</sup> Home, p. 239.

<sup>2</sup> Home, p. 239.

<sup>3</sup> A Family Memoir of the Macdonalds of Keppoch, by Angus Macdonald, M.D. : 1885.

<sup>4</sup> Tales of a Grandfather, Third Series, chap. xxiii.

<sup>5</sup> Mahon, iii. 437 : 1839.

<sup>6</sup> History of Scotland, viii. 490, 491.

<sup>7</sup> The Lyon in Mourning, i. 67, 68.

<sup>8</sup> King's Maps, British Museum, II. Tab. 48 (22).

<sup>9</sup> Blaikie, p. 121.

<sup>10</sup> The Lyon in Mourning, ii. 4-6.

<sup>11</sup> The Lyon in Mourning, ii. 4.

<sup>12</sup> The Lyon in Mourning, ii. 248.

<sup>13</sup> The Lyon in Mourning, ii. 230.

<sup>14</sup> The Lyon in Mourning, ii. 20.

<sup>15</sup> Johnstone, p. 2.

<sup>16</sup> Young Juba, p. 199.

<sup>17</sup> Blaikie, p. 46, note 3; The Lyon in Mourning, i. 191, 321

<sup>18</sup> Blaikie, pp. 46, 68.

<sup>19</sup> The Lyon in Mourning, i. 88; Home, p. 384

<sup>20</sup> Blaikie, pp. 46, 47.





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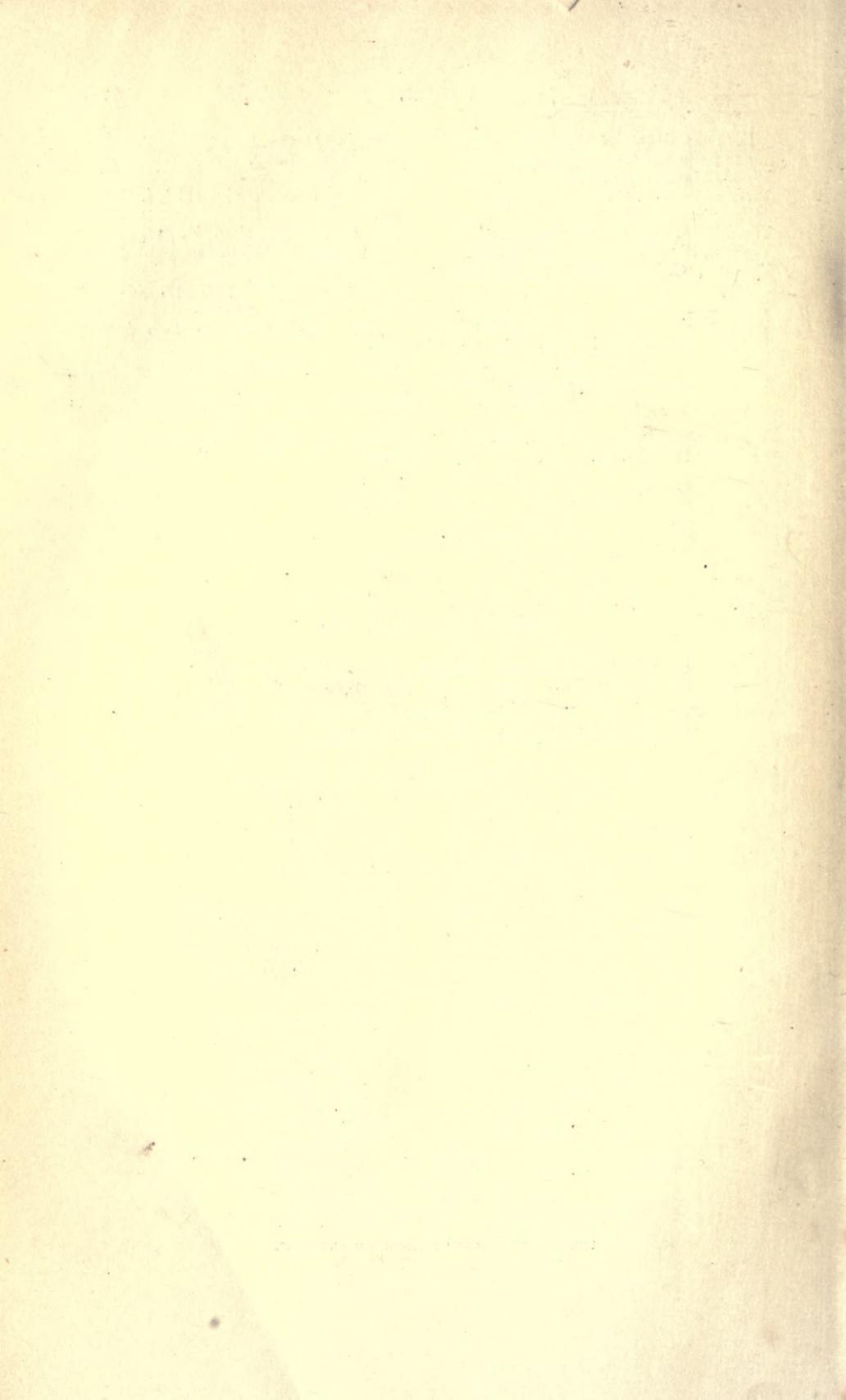
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- P. 129, l. 13. "Sibbald and Rollock . . . were treacherous and had deserted." This is an error as to Rollock, caused by a misreading of Wishart, p. 77. Rollock was thoroughly loyal, and (*cf. infra*, p. 161) sealed his faith with his blood on the scaffold.









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